

IN THE STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO: 2021-CP-10-

Jane Doe,

Plaintiff(s),

v.

Donald L. Goodemote II; Richard Brown;
Charleston Sports Pub, LLC; and
Charleston Sports Pub 4, LLC,

Defendant(s).

SUMMONS
(Jury Trial Demanded)

TO: THE DEFENDANT(S) ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to Answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Complaint upon the Plaintiff or her attorneys, Ryan C. Andrews and Hal E. Cobb, at their office, 222 W. Coleman Blvd, Building 2, Mt. Pleasant, SC 29464, within (30) days after the service hereof, exclusive of the day of such service and if you fail to Answer the Complaint within the time aforesaid, Plaintiff will apply to the court for the relief demanded in the Complaint.

Dated at Mt. Pleasant, South Carolina on the 21st day of September, 2021.

COBB DILL & HAMMETT, LLC

BY /s Ryan Andrews

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ATTORNEYS FOR THE PLAINTIFF

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**COMPLAINT
(Jury Trial Demanded)**

The Plaintiff, complaining of the Defendants, alleges and says as follows:

PARTIES, JURISDICTION, AND VENUE

1. That the Plaintiff, Jane Doe, (herein referred to as “Plaintiff”) is a fictitious name given to the victim of a careless and reckless tortious acts that are sensitive and of personal subject matter.
2. That upon information and belief, Defendant Donald L. Goodemote II (herein referred to as “Defendant Goodemote”) is a citizen and resident of Charleston County, State of South Carolina.
3. That upon information and belief, Defendant Richard Brown (herein referred to as “Defendant Brown”) is a citizen and resident of Charleston County, State of South Carolina.
4. That upon information and belief Defendants Charleston Sports Pub, LLC and Charleston Sports Pub 4, LLC (herein referred to as “Defendant Charleston Sports Pub”) are domestic limited liability companies organized and existing under the laws of the State of South Carolina, are registered to do business in South Carolina with the South Carolina Secretary of State, and conducted business as a bar named Charleston Sports Pub located at 792 Folly

Road, Charleston, SC 29412, in or about October of 2018.

5. That at all times relevant to this action, persons acting on behalf of Defendant Charleston Sports Pub were acting as individually and as agents, servants, and/or employees, and within their scope of their agency and/or employment with Defendant Charleston Sports Pub.
6. That at all times relevant to this action, Defendant Charleston Sports Pub is liable for the acts and/or omissions of its agents, servants, and or employees within the scope of their agency and/or employment with Defendant Charleston Sports Pub, under the doctrine of respondeat superior.
7. That Defendant Charleston Sports Pub and Defendants Goodemote and Brown (all Defendants herein collectively referred to as “Defendants”) are jointly and severally liable for the acts and/or omissions that were committed and alleged in this Complaint, and the damages sought, pursuant to S.C. Code Ann. § 15-38-15(F).
8. That the careless and reckless actions and subsequent injuries that are subject of this action occurred in Charleston County, State of South Carolina.
9. That this Court has jurisdiction over the parties.

FACTUAL BACKGROUND

10. That on or about October 6 and 7, 2018, Defendant Charleston Sports Pub was serving and selling alcoholic beverages to invitees, patrons, and employees, at its 792 Folly Road, Charleston, SC 29412 location.
11. That on or about October 6 and 7, 2018, Plaintiff and Defendant Goodemote were working as bartenders, and Defendant Brown was managing the Defendant Charleston Sports Pub, at its 792 Folly Road, Charleston, SC 29412 location.

12. That Defendants Brown and Charleston Sports Pub permitted and otherwise encouraged Defendant Goodemote to consume and purchase alcohol during and subsequent to his shift on the night of October 6, 2018 and until nearly 4:00 a.m. on October 7, 2018.
13. That the amount of alcohol Defendant Goodemote consumed while working and subsequent to his shift during the aforementioned times resulted in Defendant Goodemote becoming and remaining intoxicated.
14. That Defendants Charleston Sports Pub and Brown continued to serve and permit Defendant Goodemote to consume alcohol when they knew or should have known that Defendant Goodemote was intoxicated.
15. That upon information and belief, an unknown individual did place an unknown substance into Plaintiff's beverage, causing her to become drugged through no fault of her own.
16. That Defendant Brown assisted Plaintiff to her vehicle at Defendant Charleston Sports Pub's location in the early morning hours of October 7, 2018, and helped her into the passenger seat of her vehicle.
17. That upon information and belief, Defendant Brown permitted Defendant Goodemote to drive Plaintiff home.
18. That Defendant Brown and Defendant Charleston Sports Pub's agents, servants, and/or employees knew or should have known Defendant Goodemote was intoxicated and incapable of safely operating motor vehicle.
19. That in Plaintiff's vehicle at Defendant Charleston Sports Pub's location at 792 Folly Road, Charleston, SC 29412 and possibly in other locations, Plaintiff was the victim of a careless and reckless physical act at the hands of an intoxicated Defendant Goodemote.
20. That Defendant Goodemote was intoxicated due to the alcohol he was sold, served, and

consumed at Defendant Charleston Sports Pub.

21. That Plaintiff was shocked, scared, humiliated, and otherwise injured due to the careless and reckless conduct of the intoxicated Defendant Goodemote.
22. That as a direct and proximate result of Defendants' aforesaid acts and/or omissions, Plaintiff sustained personal injuries, mental anguish, pain and suffering, emotional discomposure, missed time from work and the normal activities of her daily living were disrupted.

CAUSE OF ACTION AGAINST ALL DEFENDANTS
(Negligence/Negligence *Per Se*/Gross Negligence)

23. Plaintiff restates and re-alleges every allegation set forth above as if stated herein verbatim.
24. That Defendants owe a duty to the public at large, and a heightened duty to the Plaintiff, to take reasonable precautions to avoid creating or encouraging any conditions which would put the public in unreasonable danger where the same could be reasonably avoided.
25. That Defendants were jointly and severally negligent, negligent *per se*, grossly negligent, careless, reckless, willful and wanton in one or more of the following particulars, to wit:

As to Defendants Charleston Sports Pub and Brown:

- a. In each and every instance, act, and/or omission heretofore alleged in this Complaint;
- b. In selling and serving alcohol to Defendant Goodemote to the point of his intoxication or while he was intoxicated, in violation of statutory law;
- c. In failing to appreciate Defendant Goodemote's intoxication while serving him alcohol and permitting him to consume the same;
- d. In choosing to sell or permit consumption of beer, wine, alcoholic liquor, or other alcoholic beverages to a person Defendant Charleston Sports Pub knew or should

have known was intoxicated, while on Defendant Charleston Sports Pub's premises, in violations of S.C. Code Ann. §§ 61-4-580 and 61-6-2220;

- e. In choosing to hire inadequately trained and unsafe personnel;
- f. In failing to adequately train personnel;
- g. In failing to adequately supervise personnel;
- h. In retaining unqualified, unsafe personnel;
- i. In failing to provide adequate security;
- j. In choosing not to develop adequate policies and procedures;
- k. In creating an atmosphere of encouraging the consumption of excessive amounts of alcohol by employees, patrons, and the public at large;
- l. In any other acts or omissions which constitute a violation of the statutes and/or regulations of this state or the United States; and
- m. In any other manner Plaintiff may discover during the course of this action.

As to Defendant Goodemote:

- a. In each and every instance, act, and/or omission heretofore alleged in this Complaint;
- b. In carelessly and recklessly creating a condition of danger;
- c. In carelessly and recklessly encouraging an atmosphere of overconsumption of alcohol and sexual deviancy;
- d. In carelessly and recklessly approaching the Plaintiff in violation of numerous state and federal laws;
- e. In any other acts or omissions which constitute a violation of the statutes and/or regulations of this state or the United States; and

- f. In any other manner Plaintiff may discover during the course of this action.
26. That as a direct and proximate result of the negligence, negligence *per se*, gross negligence, carelessness, recklessness, willfulness, wantonness, and acts and/or omissions of the Defendants, as is set forth more fully above, Plaintiff has suffered bodily injuries, has endured pain and suffering, has suffered mentally and emotionally, and has incurred, and will incur various medical expenses, and has otherwise been damaged and injured.
27. That because of the Defendants' acts and omission and the proximate harm resulting to Plaintiff, Plaintiff should be awarded punitive damages in an amount to be determined by the trier of fact, in order to punish and penalize the Defendants and to deter the Defendants and others from similar behavior.
28. That upon information and belief, Plaintiff is entitled to judgment against the Defendants for actual, compensatory and exemplary or punitive damages for her personal injuries set forth here in an amount that is fair, just and reasonable under the circumstances, plus whatever costs, interest and attorney fees to which he may be entitled to be determined by a jury.

WHEREFORE, the Plaintiff prays for judgment against the Defendants for an amount to be ascertained by the jury at the trial of this action for all damages, actual and punitive, for the cost and disbursements of this action, and both prejudgment and post judgment interest, and for such other and further relief, in law or in equity, as this court may deem just and proper.

[SIGNATURE ON FOLLOWING PAGE]

Respectfully submitted,

COBB DILL & HAMMETT, LLC

BY /s Ryan Andrews

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ATTORNEYS FOR THE PLAINTIFF

Mt. Pleasant, South Carolina

September 21, 2021