

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON) IN THE COURT OF COMMON PLEAS
)
Jasmine Y. Butler,)
)
Plaintiff,) SUMMONS
) (CLASS ACTION)
vs.)
)
Charleston County and Charleston County)
Council,)
)
Defendants.) CA No. _____

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is attached herewith served upon you, and to serve a copy of your answer to said Complaint on the subscribers at their office at Post Office Box 2765, 229 Magnolia Street, Spartanburg, South Carolina, 29304, within thirty (30) days after such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in this Complaint.

HODGE & LANGLEY LAW FIRM, P.C.

s/T. Ryan Langley

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DATED: October 19, 2021

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON)

Jasmine Y. Butler,)
)
 Plaintiff,) COMPLAINT
) (CLASS ACTION)
vs.)
) CA No: _____
Charleston County and Charleston County)
Council,)
)
 Defendants.)

Plaintiff, Jasmine Y. Butler, individually and on behalf of all others similarly situated hereby files this Complaint against Defendants and alleges the following based upon information, belief, and the investigation of counsel:

INTRODUCTION

1. This class action is brought by Plaintiffs (hereinafter "Class Representative") individually and on behalf of all residents of Charleston County who have been improperly charged an invalid road maintenance fee by Defendants.
2. Section 56-3-110 of the South Carolina Code (2018) requires every motor vehicle in the State to be registered and licensed, and subsection 56-3-195(A) of the South Carolina Code (2018) assigns the registration process to each county for vehicles owned by residents of the county.
3. Upon information and belief, Charleston County has enacted an ordinance which requires the owner of every vehicle registered in Charleston County to pay \$40.00 fee each year to the Charleston County Tax Collector for the purported purpose of road maintenance. (hereinafter referred to as the "Road Fee").
4. This Road fee is invalid under South Carolina law because it violates South Carolina Code Section 6-1-300(6)'s requirement that the "government service or program . . . benefits the payer in some manner different from the members of the general public." See Burns, et al.

v. Greenville County Council, et al. --- S.E.2d ----2021 WL 2673196 (June 30, 2021).

5. Based on the foregoing, Plaintiff and all others similarly situated are entitled to a refund of any and all Road Fees charged by Charleston County.
6. The improper Road Fee constitutes conversion of Plaintiff's and putative class members property and has caused them substantial damages.

JURISDICTION AND VENUE

7. This Court has jurisdiction over this matter and venue is proper in this because the claims arise in this County.

PARTIES

8. Class Representative Jasmine Y. Butler is a citizen, resident, and taxpayer in the County of Charleston, State of South Carolina. She is sufficiently familiar with the facts of the issues in this litigation to fairly and adequately represent the interests of the class in this litigation.
9. The Defendant Charleston County Council hereinafter referred to as "Council" is a body politic and incorporated and governing body of Charleston County.
10. The Defendant Charleston County hereinafter referred to as "County" is a political subdivision of the State of South Carolina and the governing authority for the geographic region of Charleston County, State of South Carolina.

CLASS ACTION ALLEGATIONS

11. This action is properly maintained as a class action pursuant to South Carolina Rule of Civil Procedure 23.
12. The class is defined as: "All taxpayers in the County of Charleston that have been charged in excess of One Hundred Dollars (\$100.00) in Road Fees by Defendants."
13. The class is sufficiently numerous. The County of Charleston has approximately 411,406 citizens, and upon information and belief it is estimated that at least tens of thousands of

taxpaying citizens have been improperly charged Road Fees by Defendants. Therefore, the class as a whole is sufficiently large such that joinder of all putative class members is impracticable. The disposition of the claims asserted herein through this class action will be more efficient and will benefit the parties and the Court.

14. The questions of law and fact raised by the Class Representative are common to and typical of those of the putative class members. The Class Representative and each putative class member is subject to Defendants' action concerning improper Road Fees in violation of South Carolina law. The facts of the case at bar present a textbook example of the commonality element: a uniform, repetitive, across-the-board fee, in the exact same amount, at the exact same time, in violation of South Carolina law.
15. Class Representative and all putative class members share a united interest in the fair, just, and consistent determination of the questions of law and fact necessary to the adjudication of Defendants' liability, which predominate over questions affecting only individual members.
16. The legal violations against the Class Representative are typical of those against each member of the putative class. The harms suffered by the Class Representative are typical of the harms suffered by all in the putative class.
17. The Class Representative will fairly and adequately represent and protect the interest of the members of the putative class. The Class Representative adequately and truly represent the interests of the absent class members. Class Representative and all members of the class they seek to represent have been damaged by reason of the Defendants' conduct. The interests of Class Representative are coextensive with the interests of the proposed class members, with common rights of recovery based on the same essential improper Road Fee levied by Defendants. Class Representative has retained counsel, who are competent in complex class

action litigation. Class Representative has no interest adverse to those of any putative class members, with respect to the key common issues.

18. In this case, the prosecution of separate actions by or against individual members of the class would create the risk of:

- A inconsistent or varying adjudications with respect to individual members of the class, which would establish incompatible standards of conduct for the party opposing the class; and/or
- B adjudications with respect to individual members of the class which would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests.

19. A class action is superior to other available methods for fairly and efficiently adjudicating the controversy. Class action treatment is a superior method for the fair and efficient adjudication of this controversy, in that, among other things, there is no interest by members of the class in individually controlling the prosecution of separate actions and the expense of prosecuting individual claims is prohibitive. It is desirable to concentrate the litigation of the claims made herein in a single proceeding, in order to provide claimants with a forum in which to seek redress. Whatever difficulties may exist in the management of the class action will be greatly outweighed by the class action procedure, including but not limited to, providing claimants with a method for the redress of claims that may not otherwise warrant individual litigation. The questions of law or fact common to the members of the proposed class predominate over any questions affecting only individual proposed class members.

FOR A FIRST CAUSE OF ACTION
CONVERSION

20. Each and every allegation of the Complaint is incorporated as if fully set forth herein.

21. The invalid Road Fee charged by Defendants violates South Carolina law and constitutes an improper conversion of Plaintiff and class members property. More specifically, Defendants unauthorized assumption in the exercise of the right of ownership over funds belonging to Plaintiff and class members is in violation of South Carolina law.
22. Defendants' actions in violation of South Carolina law have caused Class Representatives and putative class members significant damages.

FOR A SECOND CAUSE OF ACTION
QUANTUM MERUIT/UNJUST ENRICHMENT

23. Each and every allegation of the Complaint is incorporated as if fully set forth herein.
24. Quantum meruit as an equitable doctrine to allow recovery for unjust enrichment such as has taken place in the case at bar.
25. In this action Plaintiff and class members have conferred a benefit upon the Defendants in the form of the Road Fee. Defendants have realized that benefit by improperly charging and forcing payment of the Road Fee. Defendants, despite being on notice of the invalidity of this Road Fee, have to date failed to refund Plaintiff and the class members the money improperly taken for the Road Fee. Defendants' retention of the Road Fees is inequitable and accordingly Defendants are obligated to pay damages.

PRAYER FOR RELIEF

WHEREFORE, the putative class member children respectfully request that this Court:

- a. Assert jurisdiction over this action;
- b. Order that Class Representatives and putative class members may maintain this action as a class action pursuant to Rule 23 of the South Carolina Rules Civil Procedure;
- c. Award Class Representatives and putative class members damages in the amount of Road Fees improperly charged to putative class members as well as prospective relief;
- d. Award Class Representatives and putative class members damages in the amount of interest on the Road Fees improperly and invalidly charged;

- c. Award Class Representatives and putative class members their reasonable attorneys fees and costs; AND
- d. Grant such other and further equitable relief as the Court deems just, necessary and proper to protect the Plaintiff and putative class members.

Respectfully Submitted by HODGE & LANGLEY LAW FIRM, P.C.

s/T. Ryan Langley

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