

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

) IN THE COURT OF COMMON PLEAS
) FIFTEENTH JUDICIAL CIRCUIT

) CIVIL CASE NO: 2017-CP-26-____
)

Clarence Curtis Hendrix,

) Plaintiff,
)

) vs.
)

) Jeffrey A. Weeks, individually and
) d/b/a Bucksport Plantation Marina
) & RV Resort, and ED, LLC,
)

) Defendants
)

SUMMONS

TO: ABOVE-NAMED DEFENDANT

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 the said Complaint on the subscriber, or subscribers, at her or their office at **607 Main Street, Conway, South Carolina 29526**, within thirty (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, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint.

Dated this 1st day of September 2017, at Conway, South Carolina.

s/Melinda Knowles

Melinda Knowles

SC Bar No. 75286

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STATE OF SOUTH CAROLINA
COUNTY OF HORRY

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT

Clarence Curtis Hendrix,

Civil Case No.

Plaintiff,

2017-CP-26-_____

vs.

COMPLAINT

Jeffery A. Weeks, individually and d/b/a
Bucksport Plantation Marina & RV Resort,
and ED LLC

Jury Trial Demanded

Defendants.

Complaining of and against the above-named Defendants, Plaintiff alleges as follows:

JURISDICTION/VENUE

- (1) Upon information and belief Jeffery A. Weeks (hereinafter "Weeks") is a citizen and resident of Horry County South Carolina.
- (2) Weeks operates an unincorporated business in Horry County known as the Bucksport Plantation Marina & RV Resort (hereinafter "The Resort"), which is situated along the western bank of the Waccamaw River
- (3) Upon information and belief ED LLC, is a limited liability company organized and existing under the laws of the State of South Carolina.
- (4) The acts and omissions leading to the causes of action listed herein occurred in Horry County, South Carolina.

FACTUAL ALLEGATIONS

- (5) ED LLC maintains an exclusive leasehold interest in the real property that

houses the Resort and, upon information and belief, either employs Weeks as manager of the Resort or operates a partnership with Weeks in the operation of the Resort.

- (6) Over the 2017 Memorial Day weekend, a "Get Out of Town Music Festival" (hereinafter "The Festival") was being hosted on a nearby grounds which houses a restaurant and outdoor music venue by the restaurant operators. The grounds of the restaurant/music venue are adjacent to one-another and share a common entryway.
- (7) Plaintiff, who is African American, was hired as a staff member of the Festival by the restaurant operators to help ensure a smooth-running Festival.
- (8) Plaintiff's duties included operating a courtesy shuttle that transported Festival attendees to and from the music venue and designated parking area.
- (9) During the early morning hours of Sunday, May 28, 2017 Plaintiff and the other staff members were engaged in driving an intoxicated Festival attendee back to his campsite
- (10) Weeks, driving a large heavy-duty black truck, drove up behind the courtesy shuttle at a high rate of speed.
- (11) When it became clear that the truck was not decreasing in speed, Plaintiff's co-staff member attempted to evade the truck and avoid a collision by hugging the shoulder of the narrow dirt road.

- (12) Ultimately, the truck driven by Weeks forced the shuttle off the road with all three occupants onboard.
- (13) The shuttle struck a ditch and became lodged with two of its wheels suspended in the air.
- (14) The crash and the force of the impact threw Plaintiff off the shuttle.
- (15) Simultaneous with the shuttle's wreck, Weeks brought his heavy-duty truck to a rapid, skidding stop next to the disabled golf cart.
- (16) Weeks then exited his truck, snatched the key out of the disabled shuttle, and verbally accosted Plaintiff in the presence of the Festival attendee.
- (17) Weeks called the Plaintiff a "Fucking Nigger" and hurled other derogatory racial epithets at him.
- (18) Despite the fact Plaintiff was wearing his Festival staff shirt and escorting a Festival attendee, Weeks demanded to know what Plaintiff was doing in "his campground" and ordered him to leave the area.
- (19) As Jeffery Weeks finished his verbal tirade, he sped off in his truck in the direction Plaintiff's shuttle was headed before he forced it into the ditch.
- (20) Weeks kept the key to the shuttle in his possession.
- (21) On information and belief, Weeks defended his conduct to others by verbally accusing Plaintiff and his co-staff member of attempting to enter the area for the purpose of stealing.

- (22) When he woke up in pain, Plaintiff's wife took him to the hospital to allow medical professionals to evaluate his injuries.
- (23) On Sunday May 28th, 2017 Plaintiff sought medical care.
- (24) When Plaintiff was receiving care at the hospital, law enforcement officers responded to the hospital and took Plaintiff's statement.
- (25) Law enforcement arrested Weeks and charged him with Second Degree Assault on Plaintiff.
- (26) Plaintiff, who is primarily employed by a handyman service, was forced to miss work until he was medically cleared to return to his normal job.

FOR A FIRST CAUSE OF ACTION

Assault

- (27) Jeffery Weeks deliberately engaged in the conduct of driving his heavy-duty truck towards the properly illuminated shuttle at a high rate of speed.
- (28) Jeffery Weeks' conduct was willful, wanton or in reckless disregard Plaintiff's safety.
- (29) Jeffery Weeks' conduct forced the shuttle to attempt to evade the truck in order to avoid a collision. This conduct, placed Plaintiff in reasonable fear of bodily harm.
- (30) On information and belief, when he committed this action and others during his encounter with Plaintiff, Jeffery Weeks acted as an

unprovoked aggressor.

- (31) While engaged in this tortious – and presumably criminal – conduct, Jeffery Weeks committed a civil assault upon Plaintiff.

FOR A SECOND CAUSE OF ACTION
Negligence

- (32) Weeks owed a duty of care to operate his vehicle in a reasonably safe manner.
- (33) Weeks breached the duty of care he owed Plaintiff when – at a high rate of speed – he forced the Plaintiffs golf cart off the road.
- (34) Jeffery Weeks' grossly negligent and reckless conduct forced the shuttle to take evasive action to avoid collision. The resulting accident was foreseeable as the golf cart's wreck was the natural and probable consequence of Jeffery Weeks' negligence.
- (35) The injuries sustained by Plaintiff were actually and proximately caused by the breach of the duty owed to Plaintiff by Jeffery Weeks.

FOR A THIRD CAUSE OF ACTION
Intentional Infliction of Emotional Distress / Outrage

- (36) Jeffery Weeks' act of intentionally, recklessly or grossly negligently driving his heavy-duty truck towards Plaintiff's golf cart, caused Plaintiff to fear great bodily injury or death.
- (37) Further, Jeffery Weeks' verbal berating of Plaintiff with racial slurs and epithets caused Plaintiff emotional distress.
- (38) This conduct is sufficiently extreme and outrageous as to exceed the

bounds of human decency. Jeffery Weeks' actions towards Plaintiff are intolerable in civilized society.

- (39) Jeffery Weeks' outrageous actions and words caused Plaintiff mental anguish.
- (40) Plaintiff should not be expected to endure an assault that launched him from a moving golf cart. During the assault Plaintiff feared great bodily injury and even death and ultimately suffered actual physical injury as a result of the assaulted inflicted upon him.
- (41) Plaintiff should not be expected to endure being called a "Fucking Nigger," among other racial slurs and epithets, during a verbal tirade delivered by Jeffery Weeks, a person with authority over him.
- (42) In addition to the other outrageous acts committed against Plaintiff, Jeffery Weeks showed no regard for Plaintiff's then-present emotional and physical state when he snatched the keys to the golf cart and left Plaintiff stranded on the side of the road with no recourse but to wait for help to arrive or hobble back to the site of Festival for assistance.

FOR A FOURTH CAUSE OF ACTION

Defamation/Defamation per se

- (43) Weeks accused Plaintiff of the crime of theft in the presence of witnesses. In so doing, Jeffery Weeks impeached Plaintiff's honesty and integrity and accused him of having committed a crime.
- (44) Weeks acted with actual or implied malice when he verbally slandered Plaintiff with this accusation.

- (45) As a result of the false accusations brought by Jeffery Weeks, Plaintiff was embarrassed, humiliated and forced to endure mental anguish due to the damage Jeffery Weeks inflicted on Plaintiff's character and reputation.

FOR A FIFTH CAUSE OF ACTION
Negligent Hiring / Supervision/Vicarious liability

- (46) Upon information and belief Ed LLC either employees Weeks as a manager of the Resort or is engaged in a partnership with Weeks in the operation of the Resort. As such ED LLC is liable, together with Weeks, for the acts of it's agents while acting in their official capacity.
- (47) Ed LLC was on actual or constructive notice that Weeks temperament and personality was highly combative to the extent it posed a risk to the public. As such ED LLC is vicariously and jointly and severally liable for the negligent hiring and/or supervision of Weeks in his position with the Marina.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor and award him the following relief:

- (A) All costs for medical care and treatment that Plaintiff incurred as a result of the injuries caused him by Jeffery Weeks;
- (B) All wages and any other economic benefits lost to Plaintiff as a result of the conduct of Jeffery Weeks;
- (C) Compensatory damages to which Plaintiff is entitled;

- (D) All attorney fees and costs incurred as a result of litigating this action;
- (E) Punitive damages for acts committed by Jeffery Weeks in reckless disregard for the rights of Plaintiff, and
- (F) Any and all other legal and/or equitable relief that Plaintiff is entitled to receive under the laws of the State of South Carolina.

s/ Melinda Knowles
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