

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF KERSHAW) FOR THE 5th JUDICIAL CIRCUIT
) C/A No.
Melissa Branham, and Shane Newman,)
Individually, and in their fiduciary)
capacities on behalf of the estate of C.N.,)
)
Plaintiffs,) **SUMMONS**
) **(JURY TRIAL DEMANDED)**
)
v.)
)
Zach Cameron, Trent Mathis, John Doe)
Entity 1, John Doe Entity 2, John Doe)
Entity 3, John Doe Entity 4, John Doe)
Entity 5,)
)
Defendants.)
)

TO: THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to Answer the Complaint in the above-captioned matter, a copy of which is served upon you, and to serve a copy of your Answer upon undersigned counsel for the Plaintiffs at the STROM LAW FIRM, LLC, at 6923 N. Trenholm Road, Suite 200, Columbia, South Carolina 29206, within thirty (30) days of service, exclusive of the date of service. If you fail to respond to this Complaint within the time prescribed above, judgment by default will be rendered against you for the relief demanded in the complaint.

This 26TH day of June, 2023.

STROM LAW FIRM, LLC

s/ Jessica L. Fickling

J. Preston Strom, Jr. (S.C. Bar No. 5400)
Jessica L. Fickling (S.C. Bar No. 100161)
6923 N. Trenholm Road
Columbia, SC 29206
TEL: (803) 252-4800
FAC: (803) 252-4801
petestrom@stromlaw.com
jfickling@stromlaw.com

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF KERSHAW)	FOR THE 5 th JUDICIAL CIRCUIT
)	C/A No.
Melissa Branham, and Shane Newman,)	
Individually, and in their fiduciary)	
capacities on behalf of the estate of C.N.,)	
)	
Plaintiffs,)	COMPLAINT
)	(JURY TRIAL DEMANDED)
v.)	
)	
Zach Cameron, Trent Mathis, John Doe)	
Entity 1, John Doe Entity 2, John Doe)	
Entity 3, John Doe Entity 4, John Doe)	
Entity 5,)	
)	
Defendants.)	
)	

PLAINTIFFS, Melissa Branham and Shane Newman, individually and as the personal representatives of the Estate of C.N., hereby bring the following complaint and would allege unto this court as follows:

NATURE OF THE CASE

1. This action arises out of the death of fifteen-year-old C.N., who died on May 5, 2023 when he sustained blunt force trauma to the head during a night-time boating collision on the Wateree River.
2. At the time of the collision, C.N. was a passenger on a John boat driven by Defendant Zach Cameron, who was traveling in the middle of the river channel. Meanwhile, Defendant Trent Mathis was also traveling in the middle of the river heading directly toward Defendant Cameron's boat. During a last-minute attempt to evade a collision, Defendant Mathis' boat came into direct contact with C.N., striking him in the head and neck. The resultant injuries were catastrophic.

3. Plaintiffs Melissa Branham and Shane Newman, the surviving parents and guardians of C.N., now bring this action to hold those accountable who caused and contributed to the premature death of their son.

PARTIES

4. At all times relevant to this complaint, decedent C.N. (“C.N.” “decedent”) was fifteen-years old and a citizen and resident of Kershaw County, South Carolina.

5. At all times relevant to this complaint, Plaintiff Melissa Branham (“Plaintiff Branham”) was the mother and guardian of C.N., and the duly appointed co-personal representative of his estate, having been duly appointed by the Kershaw County Probate Court in order number 2023-ES-28-00304. Plaintiff Branham is and was a citizen and resident of Kershaw County, South Carolina.

6. At all times relevant to this complaint, Plaintiff Shane Newman (“Plaintiff Newman”) was the father and guardian of C.N., and the duly appointed co-personal representative of his estate, having been duly appointed by the Kershaw County Probate Court in order number 2023-ES-28-00304. Plaintiff Newman is and was a citizen and resident of Kershaw County, South Carolina.

7. At all times relevant to this complaint, Defendant Zach Cameron (“Defendant Cameron”) was the owner and operator of the boat in which C.N. was a passenger at the time of this collision, and a citizen and resident of Kershaw County, South Carolina. As the operator of a watercraft on South Carolina waterways, at all times relevant to this complaint, Defendant Cameron was obligated to use due and reasonable care while operating his watercraft, including refraining from the unlawful consumption of alcohol and operating the watercraft while intoxicated.

8. At all times relevant to this complaint, Defendant Trent Mathis (“Defendant Mathis”) was the owner and operator of the boat involved in the fatal collision with Defendant Cameron’s boat, and a citizen and resident of Kershaw County, South Carolina. As the operator of a watercraft on South Carolina waterways, at all times relevant to this complaint, Defendant Mathis was obligated to use due and reasonable care while operating his watercraft including refraining from running in the middle of the river, or so close to other watercraft, and using due regard for speed and lighting so as to avoid a catastrophic collision.

9. At all times relevant to this complaint, Defendant John Doe 1 entity was a for-profit gas station and/or convenience store organized and existing pursuant to South Carolina law with a principal place of business in Kershaw County, South Carolina and was licensed and authorized to sell alcohol pursuant to certain conditions. Upon information and belief, on the day of or proximately connected to this accident, Defendant John Doe 1 entity sold alcohol to Defendant Zach Cameron, knowing or with reasonable notice that Defendant Cameron was not twenty-one years old and was likely to consume alcohol after Defendant John Doe 1 authorized Defendant Cameron’s underage purchase.

10. At all times relevant to this complaint, Defendant John Doe 2 entity was a for-profit gas station and/or convenience store organized and existing pursuant to South Carolina law with a principal place of business in Kershaw County, South Carolina and was licensed and authorized to sell alcohol pursuant to certain conditions. Upon information and belief, on the day of or proximately connected to this accident, Defendant John Doe 2 entity sold alcohol to Defendant Zach Cameron, knowing or with reasonable notice that Defendant Cameron was not twenty-one years old and was likely to consume alcohol after Defendant John Doe 2 authorized Defendant Cameron’s underage purchase.

11. At all times relevant to this complaint, Defendant John Doe 3 entity was a for-profit gas station and/or convenience store organized and existing pursuant to South Carolina law with a principal place of business in Kershaw County, South Carolina and was licensed and authorized to sell alcohol pursuant to certain conditions. Upon information and belief, on the day of or proximately connected to this accident, Defendant John Doe 3 entity sold alcohol to Defendant Zach Cameron, knowing or with reasonable notice that Defendant Cameron was not twenty-one years old and was likely to consume alcohol after Defendant John Doe 3 authorized Defendant Cameron's underage purchase.

12. At all times relevant to this complaint, Defendant John Doe 4 entity was a for-profit gas station and/or convenience store organized and existing pursuant to South Carolina law with a principal place of business in Kershaw County, South Carolina and was licensed and authorized to sell alcohol pursuant to certain conditions. Upon information and belief, on the day of or proximately connected to this accident, Defendant John Doe 4 entity sold alcohol to Defendant Zach Cameron, knowing or with reasonable notice that Defendant Cameron was not twenty-one years old and was likely to consume alcohol after Defendant John Doe 4 authorized Defendant Cameron's underage purchase.

13. At all times relevant to this complaint, Defendant John Doe 5 entity was a for-profit gas station and/or convenience store organized and existing pursuant to South Carolina law with a principal place of business in Kershaw County, South Carolina and was licensed and authorized to sell alcohol pursuant to certain conditions. Upon information and belief, on the day of or proximately connected to this accident, Defendant John Doe 5 entity sold alcohol to Defendant Zach Cameron, knowing or with reasonable notice that Defendant Cameron was not twenty-one

years old and was likely to consume alcohol after Defendant John Doe 5¹ authorized Defendant Cameron's underage purchase.

JURISDICTION AND VENUE

14. This case arises out of conduct, acts, inactions, and/or omissions that occurred in Kershaw County, South Carolina, and will involve the interpretation of South Carolina law.

15. The majority of the parties, including substantially all of the Defendants are citizens and residents of Kershaw County, South Carolina, or are businesses organized and existing pursuant to South Carolina law with principal places of business in Kershaw County.

16. Jurisdiction and venue are therefore proper before this court. S.C. Code Ann. § 15-7-30(C)(2), (E)(2).

JOINT AND SEVERAL LIABILITY

17. The above-named Defendants are jointly and severally liable for the damages identified herein and/or directly and proximately caused the damages identified herein by Defendants' various failures, acts, omissions, which collectively and individually amount to grossly negligent, reckless, willful and wanton conduct.

FACTUAL ALLEGATIONS

18. Plaintiffs reallege the preceding paragraphs as though repeated verbatim herein.

19. On May 5, 2023, C.N. joined his friends after school at a local sandbar on the Wateree River.

20. By the time C.N. arrived to the sandbar, by at least 4 P.M., and upon information and belief, Defendant Cameron was already on site and drinking.

¹ As used herein, these Defendants shall collectively be referred to as Defendants John Does 1-5.

21. At all times relevant to this complaint, Defendant Cameron has been under the age of twenty-one and therefore not been legally authorized to purchase alcohol.

22. Yet, upon information and belief, Defendant Cameron had little trouble purchasing alcohol, including from Defendants John Does 1-5, based upon his political connections in Kershaw County.

23. At all times relevant to this complaint, Defendant Cameron was widely known and recognized as the grandson of Kershaw County's elected coroner, David West, and the nephew of elite members of the Kershaw County Sheriff's Office.

24. By virtue of his reputation as the coroner's grandson, and upon information and belief, Defendant Cameron avoided the consequences of his actions, including his reputation for underage drinking, disorderly conduct, and reckless boating.

25. Upon information and belief, on or proximate to May 5, 2023, Defendants John Does 1-5 sold Defendant Cameron alcohol despite the fact that Defendant Cameron was not yet twenty-one, was widely recognizable in Kershaw County, and did not have identification reflecting that he was of-age.

26. Because, upon information and belief, Defendant Cameron had no identification at the time of this incident reflecting that he was twenty-one years of age, Defendants John Does 1-5 sold him alcohol without scanning any identification, knowing, or with reasonable suspicion that Defendant Cameron was not twenty-one years of age.

27. Upon information and belief, and according to multiple witnesses, on the date of this collision, Defendant Cameron was drinking at the sandbar for multiple hours before the collision, including while on the boat leasing up to this collision, and was intoxicated.

28. Sometime around 10 P.M., Defendant Cameron, decedent C.N., and two other boys, all under the age of twenty-one got into Defendant Cameron's boat, a 2015 Havoc Duckboat with an outboard motor, and proceeded down the Wateree River to pull fish lines the boys had set earlier in the day.

29. At the same time, Defendant Mathis was also night fishing on the river with two passengers, heading straight for Defendant Cameron.

30. At the time of the collision, and upon information and belief, both Defendants Cameron and Mathis were traveling in the middle of the river, headed toward a blind curve, and both were running full speed with light bars despite knowing that doing so would cause impaired visibility, and that driving in the middle of the channel at high speeds would exponentially increase the risk of an unavoidable collision.

31. At some point as the boats approached each other head on, they realized a collision was imminent and swerved to miss each other; however, this realization came too late, and the front of Defendant Mathis' boat collided with the back of Defendant Cameron's boat where decedent C.N. was sitting.

32. Following the collision, it became immediately apparent that something was wrong. Decedent C.N. was bleeding profusely, and became unresponsive within minutes.

33. Emergency Medical Services ("EMS") received the initial call reporting the accident at 10:16 P.M.

34. According to the CAD report from EMS, the initial caller indicated that Defendant Cameron's boat was involved in a head-on collision.

35. About three minutes into the call, the caller states that defendant Cameron's vehicle ran out of gas and that they were transporting C.N. to another boat headed to Patriot's landing. Yet,

just two minutes later, the caller indicates they had sufficient gas in the boat and they were headed to the landing.

36. The boats, including the boat carrying C.N., arrived at Patriot's landing at around 10:28 P.M.

37. According to the CAD report, one of the first people on scene was David West, the elected coroner and Defendant Cameron's grandfather.

38. In and of itself, West's immediate presence at the accident was irregular, as there was no indication of a fatality at the time of the initial call.

39. According to information obtained from witnesses, and upon information and belief, as additional law enforcement began to arrive at the scene, Coroner West actively engaged with these officials and inserted himself into the investigation, telling law enforcement that he, the coroner, had checked the kids including his grandson for alcohol, and that alcohol was not a factor.

40. Meanwhile, witnesses have stated law enforcement along with West, told Defendants Cameron and Mathis and the other kids at the scene to dispose of any residual trash in the boats, which would include any indicia of alcohol.

41. As an additional irregularity, reports from several of the responding agencies indicate they notified Coroner West of the incident after C.N. was pronounced dead. However, it is clear that Coroner West was at the scene the entire time.

42. It is unclear why other responding agencies, including Kershaw County Sheriff's Office, and the Department of Natural Resources, did not press further to determine whether alcohol was a factor in the collision, or why and to what extent either department allowed Coroner West to participate in the investigation on the night of the collision.

43. In the weeks before the collision, and upon information and belief, Defendant Cameron had purportedly been either arrested or charged with drunk and disorderly conduct at Carolina Cup, as well as ticketed for reckless boating.

44. In both instances, and upon information and belief, the charges were inexplicably dropped.

45. C.N. was pronounced dead on the scene that evening.

46. In the weeks following this collision, Defendant Cameron has supposedly discussed how drunk he was on the night C.N. lost his life.

47. Defendant Cameron has expressed no real remorse and taken no accountability for what happened that evening.

48. Beginning with the illegal sale of alcohol to a minor and ending with the failed evasive maneuvers on the river on the night of May 5, 2023, Defendants directly and proximately caused the death of C.N.

FOR A FIRST CAUSE OF ACTION
**(AS TO DEFENDANTS CAMERON AND MATHIS –
SURVIVAL – RECKLESSNESS AND/OR GROSS NEGLIGENCE)**

49. Plaintiffs reallege the preceding paragraphs as though repeated verbatim herein.

50. At the time of this collision, Defendants Cameron and Mathis owned operated and controlled the watercraft in use on the Wateree River that were involved in a head-on collision at approximately 10:15 P.M. on May 5, 2023.

51. As operators of watercraft on a waterway in South Carolina, Defendants Cameron and Mathis had a responsibility to use due and reasonable care in their operation of these watercraft, including without limitation:

- a. The duty not to operate at excessive speeds;

- b. The duty to keep a proper lookout;
- c. The duty to travel on the river with due regard for other watercraft such that an operator could meaningfully respond to the threat of a head-on collision;
- d. The duty not to operate a watercraft while intoxicated;
- e. The duty to abide by the South Carolina Boating and Safety Act of 1999, S.C. Code Ann. § 50-21-5, *et seq*;
- f. Such other duties as may be revealed as discovery in this matter commences.

52. On May 5, 2023, Defendants failed to abide by their responsibilities to use due and reasonable care to operate watercraft in one or more of the following particulars:

- a. Operating a watercraft while intoxicated;
- b. Operating a watercraft at excessive speeds given the time of day and the location;
- c. Failing to keep a proper lookout;
- d. Operating a watercraft continuously with a lightbar, which constitutes a reckless or unreasonable operation in that it clearly and obviously impaired visibility, depth perception, and recognizing hazards;
- e. Failing to avoid a near head-on collision;
- f. Such other particulars as may be revealed during discovery or a trial of this case.

53. The failures listed above, in addition to constituting gross negligence, and willful, wanton and reckless behavior, also constitute violations of the South Carolina Boating Safety Act of 1999, S.C. Code Ann. § 50-21-111(B), 112(A)(1), and thus constitute negligence per se.

54. The failures listed above resulted in a catastrophic head on collision on the Wateree River on May 5, 2023.

55. As a direct and proximate result of Defendants' negligent, grossly negligent, reckless, willful and wanton conduct, described more fully above, C.N. suffered grievous bodily harm, and ultimately died from his injuries.

56. Plaintiffs are therefore entitled to judgment against Defendants and for such actual, consequential and punitive damages as a jury determines just and proper in this action.

FOR A SECOND CAUSE OF ACTION
**(AS TO JOHN DOE ENTITY DEFENDANTS- SURVIVAL –
GROSS NEGLIGENCE AND/OR NEGLIGENCE PER SE –
VIOLATION OF S.C. CODE ANN. § 61-4-90)**

57. Plaintiffs reallege the preceding paragraphs as though repeated verbatim herein,

58. At all times relevant to this complaint, John Does 1-5 were licensed to sell beer and wine in South Carolina, and were responsible for abiding by the statutes, regulations, policies, procedures, and rules governing the sale of alcohol.

59. Pursuant to S.C. Code Ann. § 61-4-90, “[i]t is unlawful for a person to transfer or give [beer, wine, or intoxicating liquor] to a person under the age of twenty-one years for the purposes of consumption of beer or wine in the State...”

60. This statute was created not only for the protection of minors under the age of twenty-one, but also for those reasonably foreseeable individuals who might be injured by a minor intoxicated following the unlawful sale of alcohol.

61. As stated previously, and upon information and belief, on or proximate to May 5, 2023, John Does 105 sold Defendant Cameron beer, wine, and/or intoxicating liquor, while knowing that Defendant Cameron was not yet twenty-one.

62. Defendants John Does' 1-5 knowledge about Defendant Cameron's underage status was reasonably informed by his reputation in the community where Defendants sold alcohol.

63. Moreover, and upon information and belief, notwithstanding that Defendant entities are strictly liable for the sale of alcohol to an underage person, at the time of the above-described sale(s), Defendant Cameron had no alternate scannable identification, and did not enlist the help of someone over the age of twenty-one to effectuate the purchase.

64. In other words, Defendants John Does 1-5 sold Defendant Cameron alcohol without verifying or even attempting to verify Defendant Cameron's age.

65. Defendants' acts that directly and proximately led to the death of C.N. include, without limitation:

- a. Selling alcohol to a minor under the age of twenty-one;
- b. Failing to have adequate policies and procedures regarding the sale of alcohol;
- c. In the event such policies or procedures existed, failing to enforce said policies and procedures;
- d. Failing to adequately train, supervise, or monitor employees charged with the sale of alcohol;
- e. Failing to adequately check or monitor identification prior to the sale of alcohol;
- f. Selling alcohol to a person who was underage and/or visibly intoxicated; and;
- g. Such additional acts as may be revealed through discovery in this matter.

66. It was reasonably foreseeable that if Defendants John Does 1-5 sold alcohol to a minor under the age of twenty-one, the minor would consume it, and that the minor, who purchased the alcohol unlawfully, and consumed the alcohol unlawfully, might injure others.

67. As a direct and proximate result of Defendants' John Does 1-5 negligent, grossly negligent, reckless, willful and wanton actions, C.N. suffered grievous bodily harm, and ultimately died from his injuries.

68. Plaintiffs are therefore entitled to judgment against Defendants John Does 1-5 and for such actual, consequential and punitive damages as a jury determines just and proper in this action.

FOR A THIRD CAUSE OF ACTION
(AS TO ALL DEFENDANTS – WRONGFUL DEATH
PURSUANT TO S.C. CODE ANN. § 15-51-10, *et seq.*)

69. Plaintiffs reallege the preceding paragraphs as though repeated verbatim herein.

70. Plaintiffs bring this action for the wrongful death of their child, fifteen-year old C.N., pursuant to S.C. Code Ann. § 15-51-10, *et. seq.* on behalf of C.N.'s statutory beneficiaries, and following C.N.'s death on May 5, 2023.

71. As set forth herein, C.N.'s death was the direct and proximate result of the negligent, grossly negligent, reckless, intentional, willful, and wanton conduct of the Defendants as set forth more fully above.

72. As a direct and proximate result of the negligent, grossly negligent, reckless, intentional, willful, and wanton conduct of Defendants, C.N.'s loved ones, statutory heirs, and family, have been severely damaged and suffered as follows:

- a. Loss of financial, economic support, and contribution;
- b. Extreme mental shock and suffering;

- c. Tremendous grief, anguish, anger, and sorrow;
- d. Loss of the parental relationship;
- e. Loss of friendship and companionship; and
- f. Deprivation of the use and comfort of C.N.'s society, knowledge, judgment, and experience.

73. As a direct and proximate result of Defendants' negligent, grossly negligent, reckless, intentional, willful and wanton conduct as described more fully above, Plaintiff is also entitled to consequential and punitive damages in an amount to be determined by a jury in accordance with the law and evidence in this case.

WHEREFORE, Plaintiffs individually, and in their fiduciary capacities as the personal representatives of the Estate of C.N., pray for judgment against Defendants, jointly and severally, for actual, consequential and punitive damages, for costs associated with this action, and for such other relief in law or equity as this court deems just and proper.

This 26TH day of June, 2023.

STROM LAW FIRM, LLC

s/Jessica L. Fickling
J. Preston Strom, Jr. (S.C. Bar No. 5400)
Jessica L. Fickling (S.C. Bar No. 100161)
6923 N. Trenholm Road
Columbia, SC 29206
TEL: (803) 252-4800
FAC: (803) 252-4801
petestrom@stromlaw.com
jfickling@stromlaw.com