

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 RONALD SHAYNE PHILLIPS,)
 INDIVIDUALLY, SABRIA PHILLIPS,)
 INDIVIDUALLY, AND AS PERSONAL)
 REPRESENTATIVE OF THE ESTATE OF)
 JADEN PHILLIPS,)
)
 Plaintiffs,)
)
 vs.)
)
 COUNTY OF RICHLAND, RICHLAND)
 COUNTY SHERIFF’S OFFICE,)
 RICHLAND COUNTY SHERIFF’S)
 DEPUTY DANIEL BRIGMAN,)
 INDIVIDUALLY and IN HIS CAPACITY)
 AS A RICHLAND COUNTY SHERIFF’S)
 DEPUTY, RICHLAND COUNTY)
 EMERGENCY SERVICES, TERRA)
 RANDALL, INDIVIDUALLY and IN HER)
 CAPACITY AS RICHLAND COUNTY)
 EMT and/or PARAMEDIC, BLAKELY)
 MEADORS, INDIVIDUALLY and IN HER)
 CAPACITY AS RICHLAND COUNTY)
 EMT and/or PARAMEDIC, RICHLAND)
 COUNTY COMMUNICATIONS/911)
 CENTER, SOUTH CAROLINA)
 DEPARTMENT OF NATURAL)
 RESOURCES, IRVIN ECKROTE, and)
 JOHN DOES,)
)
 Defendants.)
)

IN THE COURT OF COMMON PLEAS
 FOR THE FIFTH JUDICIAL CIRCUIT
 C/A No.: 2022-CP-40-_____

**SUMMONS
 Wrongful Death**

(Jury Trial Demanded)

TO THE DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your answer upon the subscriber at 1418 Park Street, Columbia, South Carolina, within thirty (30) days, thirty-five (35) days if service is by certified mail, exclusive of the day of said service, and if you fail to answer,

appear, or defend this action within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the complaint.

STANLEY LAW GROUP

s/Breon C. M. Walker

Breon C. M. Walker

S.C. Bar No.: 72030

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-AND-

THE RUTHERFORD LAW FIRM, LLC

s/James Todd Rutherford

James Todd Rutherford

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Columbia, South Carolina

Dated: May 13, 2022

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
RONALD SHAYNE PHILLIPS,)
INDIVIDUALLY, SABRIA PHILLIPS,)
INDIVIDUALLY, AND AS PERSONAL)
REPRESENTATIVE OF THE ESTATE OF)
JADEN PHILLIPS)

Plaintiffs,)

vs.)

COUNTY OF RICHLAND, RICHLAND)
COUNTY SHERIFF’S OFFICE,)
RICHLAND COUNTY SHERIFF’S)
DEPUTY DANIEL BRIGMAN,)
INDIVIDUALLY and IN HIS CAPACITY)
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DEPARTMENT OF NATURAL)
RESOURCES, IRVIN ECKROTE, and)
JOHN DOES,)

Defendants.)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

C/A No.: 2022-CP-40-_____

**COMPLAINT
Wrongful Death**

(Jury Trial Demanded)

The Plaintiffs, above named, complaining of the defendants herein would respectfully show:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Ronald Shayne Phillips is and was a citizen of Kershaw County, South Carolina.

2. Plaintiff Sabria Phillips is and was a citizen of Kershaw County, South Carolina. Plaintiff Sabria Phillips is the mother of Jaden Phillips and as the Personal Representative of The Estate of Jaden Phillips, brings claims both individually and on behalf of her son, Jaden Phillips.

3. Whenever the term “Plaintiffs” is utilized in this Complaint, such term collectively refers to and includes all named Plaintiffs in this lawsuit, unless specifically restricted within a cause of action or as further defined below.

4. Defendant County of Richland (“County”) is a governmental entity and political subdivision organized under the laws of the State of South Carolina.

5. Upon information and belief, Defendant Richland County Sheriff’s Office (“RCSO”) is a political subdivision and law enforcement agency that is created and operated by the County and is headquartered in Richland County, South Carolina. Defendant RCSO also establishes, operates, oversees, maintains, manages, and/or controls the County’s law enforcement operations, including but not limited to the supervision, hiring, assignment, screening, training, and/or retention of its Sheriff, deputies, and other persons who were employees, agents, officers, directors, supervisors, and/or servants acting under color of state law and the course and scope of their employment.

6. Upon information and belief, Defendant Deputy Daniel Brigman (“Deputy Brigman”) is a sheriff’s deputy with RCSO. In that capacity, Deputy Brigman is responsible for performing general police duties to ensure the strict enforcement of state and local laws and County ordinances related to public safety and welfare, and to perform related law enforcement work as required.

7. Upon information and belief, Defendant Richland County Emergency Services is a political subdivision that is created and operated by the County and is headquartered in Richland

County, South Carolina. Richland County Emergency Services provides pre-hospital medical care and EMS services to the citizens of Richland County, including a fleet of ambulances and other rescue vehicles and/or forms of transportation, and full-time and part-time staff. At all material times, Richland County Emergency Services consisted of persons who were employees, agents, officers, directors, supervisors, and/or servants acting under color of state law and the course and scope of their employment.

8. Upon information and belief, Defendant Terra Randall (“Defendant Randall”) is an EMT or Paramedic with Richland County Emergency Services. In that capacity, Defendant Randall is responsible for responding to emergency calls and providing medical assistance to the sick and injured at the EMT or Paramedic level, and to perform related work as required.

9. Upon information and belief, Defendant Blakely Meadors (“Defendant Meadors”) is an EMT or Paramedic with Richland County Emergency Services. In that capacity, Defendant Meadors is responsible for responding to emergency calls and providing medical assistance to the sick and injured at the EMT or Paramedic level, and to perform related work as required.

10. Upon information and belief, Richland County Communications/911 Center (“911 Center”) is a political subdivision that is created and operated by the County and is headquartered in Richland County, South Carolina. 911 Center provides 24/7/365, 9-1-1 Emergency Dispatch and Public Service response to citizens and user agencies for Richland County. At all material times, 911 Center consisted of persons who were employees, agents, officers, directors, supervisors, and/or servants acting under the color of state law and the course and scope of their employment.

11. Defendant South Carolina Department of Natural Resources (“SCDNR”) is a governmental entity and political subdivision organized under the laws of the State of South Carolina.

12. Upon information and belief, Defendant Irvin Eckrote (“Defendant Eckrote”) is a citizen of Lexington County, South Carolina.

13. Plaintiffs intend to name as defendants any other person or entity that, either directly or by joining or in concert with others were negligent and breached their duty of reasonable care or the applicable standard of care in assessing, diagnosing, caring for, and treating Jaden Phillips and were responsible for the actions or inactions that caused Jaden Phillips’ death. Defendants John Does are unknown or unidentified persons or entities within the network of individuals and businesses which participated in these acts and omissions.

14. Whenever the term “Defendants” is utilized within this Complaint, such term collectively refers to and includes all named Defendants in this lawsuit unless specifically restricting within a cause of action nor as further defined below.

15. Whenever the term “Government Defendants” is utilized within this Complaint, such term collectively refers to and includes Defendants County of Richland, Richland County Sheriff’s Office, Richland County Sheriff’s Deputy Daniel Brigman, Individually and In His Capacity as a Richland County Sheriff’s Deputy, Richland County Emergency Services, Terra Randall, Individually and In Her Capacity as Richland County EMT and/or Paramedic, Blakely Meadors, Individually and In Her Capacity as Richland County EMT and/or Paramedic, Richland County Communications/911 Center and South Carolina Department of Natural Resources.

GENERAL FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS

County of Richland, Richland County Emergency Services and Richland County Communications/911 Center

16. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 15 as if fully set forth verbatim.

17. At all relevant times, Defendants represented to the public, including Plaintiffs, that they were and are capable of providing on-demand, high quality pre-hospital medical care to the County. Defendants also represented that calls for emergency medical services would be and are answered 24 hours a day by adequate and properly trained telecommunicators or 911 dispatchers. Defendants further represented that they operated and operates a fleet of ambulances and rescue vehicles to provide the best care possible using a staff of dedicated and certified full-time and part-time employees, including adequate and available emergency ambulances.

18. Citizens expect and rely upon Defendant County of Richland to implement the E-911 Addressing & Road Naming system to provide comprehensive and uniform system of permanent road addresses for all residences and businesses throughout the county in order to facilitate provision of adequate public safety and emergency response services.

19. Within the County, Defendant Richland County Emergency Services responds to more than 74,000 calls per year and touts itself as being the busiest EMS unit in the State of South Carolina.

20. Citizens expect and rely upon Defendants to provide on-demand emergency medical services, including the utilization of adequate, sufficient, and trained certified staff, personnel, employees, agents and/or servants.

21. Pursuant to the Emergency Medical Services Act of South Carolina, S.C. Code Ann. § 44-61-10 *et seq.*, South Carolina's Department of Health and Environmental Control

(“DHEC”) develops standards and promulgates regulations applicable to EMS services, including but not limited to: regulation, licensing and permitting of Richland EMS; training and certification of EMS personnel; development, adoption, and implementation of EMS standards; development and coordination of EMS communications systems; and the establishment of other patient care requirements.

22. Under S.C. Code Ann. § 44-61-40, “[a] person [,] county, district, municipality, or metropolitan government or agency...may not furnish, operate, conduct, maintain, advertise, or otherwise engage in or profess to engage in the business or service of providing emergency medical response or ambulance service, or both, without obtaining a license and ambulance permit issued by” DHEC.

23. S.C. Code Ann. § 44-61-50 provides that Defendants’ ambulances must not be operated unless licensed and ambulances must meet all requirements as to vehicle design, construction, staffing, and medical and communication equipment and supplies as set forth by DHEC. *Id.*

24. S.C. Code Ann. § 44-61-80 also provides that Defendants’ emergency medical technicians (EMTs) must obtain a valid emergency technician certificate, must pass the National Registry of EMTs examination, and must meet other background requirements.

May 16, 2020: Jaden Phillips

25. On May 16, 2020, Jaden Phillips went on a camping trip on the Congaree River in celebration of his 19th birthday.

26. While on the trip, Jaden Phillips was on the “Sandbar” with Defendant Eckrote, a friend of the Plaintiffs, for several hours during which time, Defendant Eckrote consumed alcohol.

27. At some point shortly thereafter, Jaden Phillips and Defendant Eckrote were involved in a single boat crash where they were, allegedly, the only two (2) occupants of Defendant Eckrote's boat.

28. During the boat crash, Jaden Phillips sustained blunt force trauma to his head that ultimately resulted in his death four (4) days later on May 20, 2020.

29. At no point subsequent to the boat crash did Defendant Eckrote call 911 or notify SCDNR as required by state law, specifically, S.C. Code Ann. § 50-21-130.

30. Instead, Defendant Eckrote returned to the Bates Bridge Landing with Jaden Phillips unconscious and bleeding profusely from the back of his head, snoring and "gurgling" for air with the floor of Defendant Eckrote's boat littered with empty beer cans, blood, vomit and what appeared to be urine.

31. Upon Defendant Eckrote and Jaden Phillips arriving at Bates Bridge Landing, a bystander—who happened to be an off-duty EMT—observed Jaden Phillips' dire condition and immediately began attempting to administer emergency medical treatment until first responders could arrive.

32. Additional bystanders began making 911 calls for help. These calls were volleyed between jurisdictions including Calhoun County, Orangeburg County, Lexington County, Richland County and SCDNR dispatch, each resulting in an unreasonable delay and each constituting a separate occurrence of gross negligence.

33. Additionally, there were at least three (3) calls that were either received or forwarded by SCDNR to other agencies; at no time did SCDNR dispatch or respond to the scene as required by law, each resulting in an unreasonable delay and each constituting a separate occurrence of gross negligence.

34. County 911 operators were confused as to where the Bates Bridge Landing was located, and which jurisdiction controlled the Bates Bridge Landing due to improper and/or lack of proper property addressing and in violation of the County's E-911 Addressing & Road Naming System.

35. After an extended period, Deputy Brigman with RCSO eventually responded to a call involving a head injury and an intoxicated subject.

36. Upon his arrival, Deputy Brigman failed to assess Jaden Phillips, secure the scene, administer any sort of sobriety tests to Defendant Eckrote or notify SCDNR as required by law even though Deputy Brigman's report issued nine (9) days later stated, "offender suspected of using alcohol" and "alcohol reported present on the boat"; each of the aforementioned failures constitutes a separate occurrence of gross negligence.

37. Additionally, after an extended period, Defendant Randall and Defendant Meadors, both with Richland County Emergency Services, finally arrived after getting lost and being unable to locate Bates Bridge Landing, resulting in an unreasonable delay constituting a separate occurrence of gross negligence.

38. Defendants Randall and Meadors arrived ill-equipped and understaffed to attend to Jaden Phillips' injuries and even required assistance of bystanders to administer emergency medical treatment to Jaden Phillips resulting in an unreasonable delay constituting a separate occurrence of gross negligence.

39. Defendants Randall and Meadors were so ill-equipped that they asked Deputy Brigman to drive the ambulance to the hospital so they could continue to both treat Jaden Phillips, but Deputy Brigman was untrained and/or refused to operate the ambulance, thus causing further delay in Jaden Phillips' treatment and constituting a separate occurrence of gross negligence.

40. Jaden Phillips was eventually transported to Prisma Health Richland where he ultimately succumbed to his injuries and died on May 20, 2020.

41. As a result of the Defendants' aforementioned negligence, gross negligence, intentional, malicious, willful, wanton, and reckless conduct, Plaintiffs suffered severe injuries and harm, including but not limited to the injuries and ultimate death of Jaden Phillips.

FIRST CAUSE OF ACTION
(Negligence/Gross Negligence/Recklessness as to Government Defendants)

42. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 41 as if fully repeated verbatim.

43. This cause of action asserts claims of ordinary negligence. The acts or omissions complained of herein may be assessed by the trier of fact on the basis of common, everyday experiences and the common knowledge of a lay person. The acts or omissions complained of here do not implicate questions of professional judgment or medical competence, nor do they involve matters of medical science or art requiring specialized knowledge, training, or skills not possessed by lay persons. Moreover, the acts or omissions complained of herein involve administrative or custodial neglect perpetrated by persons who were not medical professionals and/or the acts and omissions complained of herein resulted from the dangerous operational, administrative, and managerial policies, systems, directives, and/or practices engaged in by Defendants.

44. Defendants, individually and collectively, and by virtue of their own independent actions and while acting as agents, servants and/or employees of one another, and while acting through the healthcare providers and other personnel or staff employed or utilized by them, failed to exercise ordinary and reasonable care in provision of services for Jaden Phillips. Defendants' intentional, malicious, reckless, and grossly negligent conduct included, but was not limited to:

- a) Failure to provide proper care and services in accordance with Jaden Phillips' rights and needs;
- b) Failure to provide necessary and basic services to Jaden Phillips in order to prevent the worsening of his traumatic injuries, including blunt force trauma;
- c) Failure to establish, implement, enforce and/or follow appropriate operational, safety, training, staffing, administrative and fundamental policies, procedures, practices, and protocols in keeping with standard industry practices for 911 dispatch and EMS workers to prevent harm to the public, including Jaden Phillips, and avoid the known consequences of his inadequate care;
- d) Failure to have systems in place to ensure proper and complete communication between emergency services staff, including 911 Dispatch and Richland County Emergency Services, regarding critical care information that affected Jaden Phillips' health and safety;
- e) Failure to provide sufficient numbers of staff to meet Jaden Phillips' fundamental needs for care and services;
- f) Failure to hire, adequately screen, and train adequate and appropriate personnel to monitor, communicate, supervise, serve, care for and/or treat Jaden Phillips;
- g) Retention and assignment of unfit, unqualified and incompetent personnel or staff to monitor, communicate with, supervise, serve, care for, and/or treat Jaden Phillips;
- h) Failure to have systems in place to ensure that the staff or personnel functioned within the scope of their professional practice, education, training in keeping with standard industry practices for 911 dispatch and EMS workers to meet the needs of patients including Jaden Phillips;
- i) Failure of Defendants to relay vital medical data required to treat Jaden Phillips;
- j) The development, implementation, or acquiescence of improper customs, practices, policies, procedures, or protocols;
- k) Failure to establish consistent policies and procedures, effective training, and meaningful supervision to appropriately guide and monitor the actions of Defendants engaged in County related activities;

- 1) All of these failure and affirmative acts and omission of the Defendants were committed at the expense of the rights of Plaintiffs, public safety and County citizens.

45. The conduct of all Defendants not only breached their duty of ordinary or reasonable care but were reckless, willful, wanton, and demonstrated a conscious failure to exercise due care and conscious indifference to and/or reckless disregard to the rights and safety, health, and welfare of Jaden Phillips.

46. In addition to being malicious, negligent, grossly negligent, reckless, and breaching the duty of ordinary care or reasonable care and basic standards and industry practices, the conduct of Defendants violated provisions of applicable state and local laws, statutes, regulations, ordinances including but not to: provisions of the Emergency Medical Services Act of South Carolina (S.C. Code Ann. § 44-61-10 *et seq.*); provisions of the South Carolina Criminal Justice Academy's Regulations (S.C. Code Reg. 37-001, *et seq.*), constituting negligence *per se*.

47. As a direct and proximate result of the intentional and grossly negligent acts, omissions and violation of reasonable care by Defendants as described above, Plaintiffs suffered severe injuries and damages, including but not limited to: additional and prolonged hospitalization; physical and mental pain and suffering; mental anguish and emotional distress; discomfort and decline as a result of Jaden Phillips' injuries; loss of enjoyment of life; insults to his human dignity; death; and other economic and non-economic damages.

48. Defendants are liable to Plaintiffs for medical expenses, physical and mental pain and suffering, and other damages.

FOR A SECOND CAUSE OF ACTION
(Negligence/Gross Negligence/Recklessness as to Defendant Eckrote)

49. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 48 as if fully repeated verbatim.

50. That as a direct and proximate result of Defendant Eckrote's actions, Mr. Jaden Phillips suffered massive injuries that resulted in his death.

51. That Defendant Eckrote, by and through his acts and omissions, was negligent, grossly negligent, careless, reckless, willful and wanton in one or more of the following particulars to wit:

- a) In violating S.C. Code Ann. § 50-21-5 *et seq.* also referred to as the South Carolina Boating and Safety Act of 1999.
- b) In operating his moving motorized water device while under the influence of drugs and/or alcohol;
- c) In operating his moving motorized water device while under the influence of drugs and/or alcohol resulting in property damage, great bodily injury and death;
- d) In failing to keep his moving motorized water device under proper control
- e) In failing to keep a proper lookout;
- f) In operating his moving motorized water device at a fast and excessive rate of speed;
- g) In operating his moving motorized water device in a reckless and careless manner; and
- h) In failing to render assistance as may be practical or necessary to Jaden Phillips;
- i) In failing to report and file a full description of the accident with SCDNR; and
- j) In failing to use the degree of care and caution that a reasonable and prudent person would have used under the circumstances then and there prevailing.

52. As a direct and proximate result of the intentional and grossly negligent acts, omissions and violation of reasonable care by Defendant Eckrote as described above, Plaintiffs suffered severe injuries and damages, including but not limited to: additional and prolonged hospitalization; physical and mental pain and suffering; mental anguish and emotional distress;

discomfort and decline as a result of Jaden Phillips' injuries; loss of enjoyment of life; insults to his human dignity; death; and other economic and non-economic damages.

53. Defendant Eckrote is liable to Plaintiffs for medical expenses, physical and mental pain and suffering, and other damages.

FOR A THIRD CAUSE OF ACTION
(Survival Action Claim as to Government Defendants)

54. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 53 as if fully repeated verbatim.

55. That as a direct and proximate result of Defendants' actions, Jaden Phillips suffered massive injuries that resulted in his death.

56. That the Defendants, by their acts and/or omissions, were negligent, grossly negligent, careless, reckless, willful and wanton in one or more of the following particulars, to wit:

- a) Failure to provide proper care and services in accordance with Jaden Phillips' rights and needs;
- b) Failure to provide necessary and basic services to Jaden Phillips in order to prevent the worsening of his traumatic injuries, including blunt force trauma;
- c) Failure to establish, implement, enforce and/or follow appropriate operational, safety, training, staffing, administrative and fundamental policies, procedures, practices, and protocols in keeping with standard industry practices for 911 dispatch and EMS workers to prevent harm to the public, including Jaden Phillips, and avoid the known consequences of his inadequate care;
- d) Failure to have systems in place to ensure proper and complete communication between emergency services staff, including 911 Dispatch and Richland County Emergency Services, regarding critical care information that affected Jaden Phillips' health and safety;
- e) Failure to provide sufficient numbers of staff to meet Jaden Phillips' fundamental needs for care and services;

- f) Failure to hire, adequately screen, and train adequate and appropriate personnel to monitor, communicate, supervise, serve, care for and/or treat Jaden Phillips;
- g) Retention and assignment of unfit, unqualified and incompetent personnel or staff to monitor, communicate with, supervise, serve, care for, and/or treat Jaden Phillips;
- h) Failure to have systems in place to ensure that the staff or personnel functioned within the scope of their professional practice, education, training in keeping with standard industry practices for 911 dispatch and EMS workers to meet the needs of patients including Jaden Phillips;
- i) Failure of Defendants to relay vital medical data required to treat Jaden Phillips;
- j) The development, implementation, or acquiescence of improper customs, practices, policies, procedures, or protocols;
- k) Failure to establish consistent policies and procedures, effective training, and meaningful supervision to appropriately guide and monitor the actions of Defendants engaged in County related activities;
- l) All of these failure and affirmative acts and omission of the Defendants were committed at the expense of the rights of Plaintiffs, public safety and County citizens.

All or one of which was the direct and proximate cause of the injuries and damages sustained by Plaintiffs, said acts being in violation of the statute laws of the State of South Carolina.

57. That based on the foregoing and by reason of the severe personal injuries and great pain of body suffered by Jaden Phillips prior to his death, Plaintiffs are informed and believe that Jaden Phillips' estate and heirs at law are entitled to judgment against the Defendants for actual damages and for punitive damages in amounts to be determined by the trier of fact.

FOR A FOURTH CAUSE OF ACTION
(Survival Action Claim as to Defendant Eckrote)

58. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 57 as if fully set forth verbatim.

59. That Defendant Eckrote, by and through his acts and omissions, was negligent, grossly negligent, careless, reckless, willful and wanton in one or more of the following particulars to wit:

- a) In violating S.C. Code Ann. § 50-21-5 *et seq.* also referred to as the South Carolina Boating and Safety Act of 1999.
- b) In operating his moving motorized water device while under the influence of drugs and/or alcohol;
- c) In operating his moving motorized water device while under the influence of drugs and/or alcohol resulting in property damage, great bodily injury and death;
- d) In failing to keep his moving motorized water device under proper control
- e) In failing to keep a proper lookout;
- f) In operating his moving motorized water device at a fast and excessive rate of speed;
- g) In operating his moving motorized water device in a reckless and careless manner;
- h) In failing to render assistance as may be practical or necessary to Jaden Phillips;
- i) In failing to report and file a full description of the accident with SCDNR; and
- j) In failing to use the degree of care and caution that a reasonable and prudent person would have used under the circumstances then and there prevailing.

All or one of which was the direct and proximate cause of the injuries and damages sustained by plaintiff's decedent, said acts being in violation of the statute laws of the State of South Carolina.

60. That based on the foregoing and by reason of the severe personal injuries and great pain of body suffered by Jaden Phillips prior to his death, Plaintiffs are informed and believe that Jaden Phillips' estate and heirs at law are entitled to judgment against Defendant Eckrote for actual damages and for punitive damages in amounts to be determined by the trier of fact.

FOR A FIFTH CAUSE OF ACTION
(Wrongful Death Claim as to All Defendants)

61. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 60 as if fully set forth verbatim.

62. That Plaintiffs are bringing this action for the benefit of the decedent's statutory beneficiaries and in accordance with Section 15-51-10 of the South Carolina Code of Laws, 1976, as amended, and other statutes for such cases so made and provided.

63. That as a direct and proximate result of Defendants' negligence, Plaintiffs' decedent suffered massive injuries that resulted in his death.

64. That one or more of the specifications of negligence set forth in the causes of action herein was the direct and proximate cause of the death of Plaintiffs' decedent, said acts being in violation of the statute laws of the State of South Carolina.

65. That as a result of Plaintiffs' decedent's death, his statutory beneficiaries have lost the companionship and have suffered the deprivation of the use and comfort of Plaintiffs' decedent's society, and because of losing these things, the said beneficiaries have endured and continue to endure great mental anguish, anxiety and suffering and have suffered indescribable grief, shock, and sorrow and have suffered greatly wounded feelings.

66. That Plaintiffs are informed and believe that because of the great mental shock and suffering, wounded feelings, grief and sorrow, and deprivation of the comfort of decedent, the statutory beneficiaries have been injured and damaged.

67. That Plaintiffs are informed and believe that they are entitled to judgment against the Defendants for actual damages for the wrongful death of Plaintiffs' decedent and for punitive damages, both amounts to be determined by the trier of fact.

FOR A SIXTH CAUSE OF ACTION
(Intentional Infliction of Emotional Distress as to County Defendants)

68. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 67 as if fully set forth verbatim.

69. That the Defendants, by their acts and/or omissions, were negligent, grossly negligent, careless, reckless, willful and wanton in one or more of the following particulars, to wit:

- a) Failure to provide proper care and services in accordance with Jaden Phillips' rights and needs;
- b) Failure to provide necessary and basic services to Jaden Phillips in order to prevent the worsening of his traumatic injuries, including blunt force trauma;
- c) Failure to establish, implement, enforce and/or follow appropriate operational, safety, training, staffing, administrative and fundamental policies, procedures, practices, and protocols in keeping with standard industry practices for 911 dispatch and EMS workers to prevent harm to the public, including Jaden Phillips, and avoid the known consequences of his inadequate care;
- d) Failure to have systems in place to ensure proper and complete communication between emergency services staff, including 911 Dispatch and Richland Emergency Services, regarding critical care information that affected Jaden Phillips' health and safety;
- e) Failure to provide sufficient numbers of staff to meet Jaden Phillips' fundamental needs for care and services;
- f) Failure to hire, adequately screen, and train adequate and appropriate personnel to monitor, communicate, supervise, serve, care for and/or treat Jaden Phillips;

- g) Retention and assignment of unfit, unqualified and incompetent personnel or staff to monitor, communicate with, supervise, serve, care for, and/or treat Jaden Phillips;
- h) Failure to have systems in place to ensure that the staff or personnel functioned within the scope of their professional practice, education, training in keeping with standard industry practices for 911 dispatch and EMS workers to meet the needs of patients including Jaden Phillips;
- i) Failure of Defendants to relay vital medical data required to treat Jaden Phillips;
- j) The development, implementation, or acquiescence of improper customs, practices, policies, procedures, or protocols;
- k) Failure to establish consistent policies and procedures, effective training, and meaningful supervision to appropriately guide and monitor the actions of Defendants engaged in County related activities;
- l) All of these failure and affirmative acts and omission of the Defendants were committed at the expense of the rights of Plaintiffs, public safety and County citizens.

All or one of which was the direct and proximate cause of the injuries and damages sustained by Plaintiffs, said acts being in violation of the statute laws of the State of South Carolina.

70. The acts and omissions of Defendants described herein were extreme and outrageous as to exceed all possible bounds of decency. Defendants' acts and omissions also were atrocious and utterly intolerable.

71. Defendants knew or should have known that their conduct would have resulted in severe emotional distress.

72. As a direct and proximate result, Plaintiffs suffered extreme emotional distress and that emotional distress was so severe that no reasonable person could expect to endure it.

FOR A SEVENTH CAUSE OF ACTION
(Intentional Infliction of Emotional Distress as to Defendant Eckrote)

73. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 72 as if fully set forth verbatim.

74. That Defendant Eckrote, by and through his acts and omissions, was negligent, grossly negligent, careless, reckless, willful and wanton in one or more of the following particulars to wit:

- a) In violating S.C. Code Ann. § 50-21-5 *et seq.* also referred to as the South Carolina Boating and Safety Act of 1999.
- b) In operating his moving motorized water device while under the influence of drugs and/or alcohol;
- c) In operating his moving motorized water device while under the influence of drugs and/or alcohol resulting in property damage, great bodily injury and death;
- d) In failing to keep his moving motorized water device under proper control
- e) In failing to keep a proper lookout;
- f) In operating his moving motorized water device at a fast and excessive rate of speed;
- g) In operating his moving motorized water device in a reckless and careless manner;
- h) In failing to render assistance as may be practical or necessary to Jaden Phillips;
- i) In failing to report and file a full description of the accident with SCDNR; and
- j) In failing to use the degree of care and caution that a reasonable and prudent person would have used under the circumstances then and there prevailing.

All or one of which was the direct and proximate cause of the injuries and damages

sustained by Plaintiffs, said acts being in violation of the statute laws of the State of South Carolina.

75. The acts and omissions of Defendant Eckrote described herein were extreme and outrageous as to exceed all possible bounds of decency. Defendant Eckrote's acts and omissions also were atrocious and utterly intolerable.

76. Defendant Eckrote knew or should have known that his conduct would have resulted in severe emotional distress.

77. As a direct and proximate result, Plaintiffs suffered extreme emotional distress and that emotional distress was so severe that no reasonable person could expect to endure it.

FOR AN EIGHTH CAUSE OF ACTION
(Negligent Hiring, Supervision, Retention, Training, State Created Danger and Failure to Intervene as to County Defendants)

78. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 77 as if fully set forth verbatim.

79. That the Defendants, by their acts and/or omissions, were negligent, grossly negligent, careless, reckless, willful and wanton in one or more of the following particulars, to wit:

- a) Failure to provide proper care and services in accordance with Jaden Phillips' rights and needs;
- b) Failure to provide necessary and basic services to Jaden Phillips in order to prevent the worsening of his traumatic injuries, including blunt force trauma;
- c) Failure to establish, implement, enforce and/or follow appropriate operational, safety, training, staffing, administrative and fundamental policies, procedures, practices, and protocols in keeping with standard industry practices for 911 dispatch and EMS workers to prevent harm to the public, including Jaden Phillips, and avoid the known consequences of his inadequate care;
- d) Failure to have systems in place to ensure proper and complete communication between emergency services staff, including 911 Dispatch and Richland Emergency Services, regarding critical care information that affected Jaden Phillips' health and safety;

- e) Failure to provide sufficient numbers of staff to meet Jaden Phillips' fundamental needs for care and services;
- f) Failure to hire, adequately screen, and train adequate and appropriate personnel to monitor, communicate, supervise, serve, care for and/or treat Jaden Phillips;
- g) Retention and assignment of unfit, unqualified and incompetent personnel or staff to monitor, communicate with, supervise, serve, care for, and/or treat Jaden Phillips;
- h) Failure to have systems in place to ensure that the staff or personnel functioned within the scope of their professional practice, education, training in keeping with standard industry practices for 911 dispatch and EMS workers to meet the needs of patients including Jaden Phillips;
- i) Failure of Defendants to relay vital medical data required to treat Jaden Phillips;
- j) The development, implementation, or acquiescence of improper customs, practices, policies, procedures, or protocols;
- k) Failure to establish consistent policies and procedures, effective training, and meaningful supervision to appropriately guide and monitor the actions of Defendants engaged in County related activities;
- l) All of these failure and affirmative acts and omission of the Defendants were committed at the expense of the rights of Plaintiffs, public safety and County citizens.

All or one of which was the direct and proximate cause of the injuries and damages sustained by Plaintiffs, said acts being in violation of the statute laws of the State of South Carolina.

WHEREFORE, Plaintiffs pray for judgment on all causes of action against Defendants for actual damages and punitive damages in amounts to be determined by the trier of fact, for the cost of this action and for such other and further relief as this court may deem just and proper.

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Dated: May 13, 2022