

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Anthony Schultz, Individually, and in his
capacity as Personal Representative of the
Estate of Sandra M. Schultz Peters,
Plaintiff,

vs.

Horry County Police Department,
Defendant.

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO.:

SUMMONS

TO: THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on THE DERRICK LAW FIRM, at its office at Post Office Box 28, Conway, South Carolina, 29528, 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 will apply to the Court for the relief demanded in the Complaint and judgment by default will be rendered against you for the relief demanded in the Complaint.

DATED this June 28, 2024

THE DERRICK LAW FIRM, P.C.

/s/ W. Coleman Lawrimore

W. Coleman Lawrimore, S.C Bar # 100668

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ATTORNEYS FOR PLAINTIFF

STATE OF SOUTH CAROLINA

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COMPLAINT

(Jury Trial Requested)

Plaintiff, Anthony Schultz, individually, and in his capacity as Personal Representative of the Estate of Sandra M. Schultz Peters (“Plaintiff”), by and through the undersigned counsel, complaining of the above-named Defendant, Horry County Police Department (“Defendant”), would respectfully show unto this Honorable Court the following:

PARTIES, JURISDICTION, AND VENUE

- 1) Plaintiff is a citizen and resident of the State of Michigan.
- 2) The decedent, Sandra M. Schultz Peters, was a citizen and resident of the City of Myrtle Beach, in Horry County, South Carolina at all times relevant to this Complaint.
- 3) Defendant Horry County Police Department (“HCPD”) is a political subdivision that is subject to this Court’s jurisdiction and civil liability.
- 4) This court possesses jurisdiction over the parties to this action and the subject matter thereof.
- 5) As the multiple occurrences giving rise to this action occurred within the confines of Horry County, South Carolina, the Court of Common Pleas for Horry County is an appropriate venue to entertain this action pursuant to S.C. Code Ann. § 15-78-100(b) (1976, as amended).

STATEMENT OF FACTS

6) At all times relevant to this Complaint, Defendant operated the Horry County Police Department Beach Patrol.

7) Upon information and belief, the safety and wellbeing of beachgoers should be the Horry County Police Department Beach Patrol's top priority.

8) At all times relevant to this action, when Horry County Police Department Beach Patrol operates full-sized motor vehicles on Horry County Public Beaches, it should know that nothing is more important than making sure the path of its full-sized motor vehicles is free from objects and beachgoers.

9) At all times relevant to this action, Horry County Police Department Beach Patrol should know that nothing is more important when operating a full-sized motor vehicle on Horry County Public Beaches than eliminating any risk that such vehicles run over beachgoers.

10) The Horry County Police Department Beach Patrol's tolerance for its officers running over beachgoers with full-sized motor vehicles should be exactly 0.00%.

11) The Horry County Police Department should not create a risk greater than 0.00% that its officers will run over a beachgoer with a full-sized motor vehicle.

12) Horry County Police Department should completely foreclose and prevent the possibility that beachgoers will experience a risk greater than 0.00% of an officer running over them on a Horry County Beach.

13) At all times relevant to this Complaint, an infinite of array of solutions existed that would completely eliminate the possibility than a Horry County beachgoer would experience a greater than 0.00% chance of a Beach Patrol officer running over them with a full-sized motor vehicle.

14) Before June 13, 2024, Horry County Police Department Beach Patrol officers had run over beachgoers with full-sized motor vehicles.

15) Before June 13, 2024, Horry County Police Department Beach Patrol officers seriously injured beachgoers by running over them with full-sized motor vehicles.

16) At all times relevant to this Complaint, Julian “Duke” Brown was the Horry County Police Department Beach Patrol “Beach Safety Director.”

17) As Beach Safety Director, Officer Brown should have been the most knowledgeable person within the Horry County Police Department as to best practices for safety on Horry County beaches.

18) Before June 13, 2024, Officer Brown had previously run over beachgoer’s personal items, including beach chairs, with a full-sized motor vehicle while in the course and scope of his duties as the Beach Safety Director.

19) Upon information and belief, before June 13, 2024, Horry County Police Department was or should have been aware that Officer Brown had previously run over beachgoer’s property, including beach chairs, with a full-sized motor vehicle while in the course and scope of his duties as the Beach Safety Director.

20) On June 13, 2024, Officer Brown was an active employee of the Horry County Police Department.

21) Around 1:00 p.m. on June 13, 2024, within the course and scope of his duties as an employee of the Horry County Police Department as its Director of Beach Safety, Officer Brown was responsible for patrolling the section of public beach near the Nash Street Public Beach Access.

22) At that time, Officer Brown was patrolling the beach in the ordinary course and scope of his duties, under color of state law, in a 2020 Ford Ranger.

23) The primary purpose of Officer Brown's patrol should have been ensuring the safety and wellbeing of beachgoers.

24) Officer Brown pulled onto the beach near the Nash Street Public Beach Access in his full-sized 2020 Ford Ranger around 1:00 p.m. on June 13, 2024.

25) Then and there:

- a. Weather conditions were clear;
- b. Officer Brown was not responding to an emergency; and
- c. Officer Brown's vision was not obstructed.

26) The picture below, around 1:00 p.m. on June 13, 2024, is a true and accurate representation of the beach conditions just past the Nash Street Public Beach Access after Officer Brown drove his 2020 Ford Ranger onto the beach.



27) Officer Brown had every opportunity to see the beachgoer circled above in red.

28) The beachgoer circled above in red had every right to be seated on the beach where depicted above.

29) The beachgoer circled above in red was not doing anything unreasonable by sitting on the beach in a beach chair.

30) Officer Brown put his vehicle in gear, released the brake, depressed the accelerator, and manipulated the steering wheel to drive in a northbound direction on the beach.

31) As he did so, Officer Brown was distracted and chose to drive his full-sized motor vehicle on a public beach without first ensuring that the path of travel he chose to drive his full-sized motor vehicle was clear of objects and beachgoers.

32) At the time he was operating his full-sized motor vehicle on a public beach, Officer Brown, the Director of Beach Safety, knew or should have known that nothing was more important than making sure his chosen path of travel was clear of objects and beachgoers.

33) Having chosen to consciously and deliberately operate a motor vehicle on a beach without a full view of his surroundings, Officer Brown drove his full-sized vehicle over the beachgoer, circled above in red, while she was sitting upright in her beach chair. The beachgoer's name was Sandra M. Schultz Peters.

34) As a result of Officer Brown driving his full-sized vehicle over Ms. Schultz Peters, she became trapped under the wheel of his full-sized vehicle.

35) Upon being run over by Officer Brown's full-sized motor vehicle, as confirmed by several credible eyewitnesses, Ms. Schultz Peters let out what has been described as "the most powerful scream."

36) For several minutes, Ms. Schultz Peters lay trapped under the wheel of Officer Brown's full-sized vehicle.

37) Concerned onlookers lifted Officer Brown's full-sized vehicle off Ms. Schultz' Peters trapped body. Ms. Schultz Peters assisted the concerned onlookers in unlocking her phone in order to make a call.

38) Ms. Schultz Peters departed this life around 3:09 p.m. on June 13, 2023.

39) From the time Officer Brown ran her over with his full-sized vehicle until her death, Ms. Schultz Peters experienced conscious pain, suffering, and fear to an extent and degree that no human being should ever bear.

FOR A FIRST CAUSE OF ACTION

(Negligence and/or Gross Negligence)

40) Plaintiffs reallege and reiterate all previous paragraphs as fully as if set forth in this paragraph and in their entirety.

41) While operating a full-sized vehicle in the course and scope of his employment as Defendant's Beach Safety Director, Officer Brown owed a duty to exercise reasonable care to avoid running over and killing beachgoers.

42) In the course and scope of his employment as Defendant's Beach Safety Director, Officer Brown breached that duty and was negligent, reckless, willful, and wanton in the following particulars:

- d. In failing to keep a vehicle under proper control;
- e. In failing to use due care;
- f. In operating a vehicle without using due care and without regard for the safety and rights of Plaintiff;
- g. In failing to maintain control of a vehicle;

- h. In driving a full-sized motor vehicle on a public beach without ensuring the path of travel is clear of beachgoers;
- i. In driving while distracted;
- j. In driving without a clear view of his surroundings;
- k. In driving with a knowingly obstructed view;
- l. In any other acts that represent a breach of the statutory or common laws of the State of South Carolina;
- m. In failing to use that degree of care and caution necessary in the conditions that then and there existed; and
- n. In any other such manner that Plaintiff may become aware of through discovery and/or at trial.

43) The Defendant's actions constitute also gross negligence and negligence *per se*.

44) As a result of the acts described above and/or omissions of the Defendant, by and through its Beach Safety Director, Officer Brown, Ms. Schultz Peters sustained damages including:

- a. Conscious pain and suffering;
- b. Fear of impending death;
- c. Traumatic injuries to her body resulting in death;
- d. Loss of income;
- e. Loss of enjoyment of life¹; and
- f. Any other losses which may be unearthed throughout the litigation of this matter.

¹ No part of this action seeks compensation for medical expenses or bills.

FOR A SECOND CAUSE OF ACTION

(WRONGFUL DEATH)

45) Plaintiffs reallege and reiterates all previous paragraphs as fully as if set forth in this paragraph in its entirety.

46) As a direct and proximate result of the negligence, carelessness, gross negligence, recklessness and departure from the standards of care by the Officer Brown in the course and scope of his employments as Defendant's Beach Safety Director, Ms. Schultz Peters suffered from severe debilitating injuries which resulted in her death, as a result of which Ms. Schultz Peters' statutory beneficiaries and family have lost the aid, comfort, support, society, and companionship of Ms. Schultz Peters, and have suffered severe and extreme emotional distress, anxiety, grief and sorrow, the likes of which no person should endure, for which the Plaintiff is entitled to recover on behalf of statutory beneficiaries, actual and punitive damages pursuant to S.C. Code Ann. § 5-51-10, et seq. (1976, as amended) in an amount to be determined by a jury at the trial of this action.

FOR A THIRD CAUSE OF ACTION

(SURVIVAL)

47) Plaintiffs reallege and reiterate all previous paragraphs as fully as if set forth in this paragraph in its entirety.

48) Plaintiff's Estate has incurred expenses in the form of funeral and burial expenses as a direct and proximate result of the negligence, carelessness, gross negligence, and recklessness of, Officer Brown, during the course and scope of his employment as Defendant's Beach Safety Director.

49) Plaintiffs are further informed and believes that as a direct and proximate result of the negligence, carelessness, gross negligence, and recklessness of Officer Brown in the course

and scope of his employment as Defendant's Beach Safety Director, as stated, the late Sandra M. Schultz Peters suffered fear, physical pain, and suffering, and mental and emotional distress and anguish in the time before her death, for which Plaintiff's Estate is entitled to an award of actual damages pursuant to S.C. Code Ann. § 15-5-90 (1976, as amended) in an amount to be determined by a jury at the trial of this action.

FOR A FOURTH CAUSE OF ACTION

(Respondeat Superior Liability)

50) Plaintiffs incorporate the statements of fact above as fully as if set forth verbatim herein.

51) At all times relevant to this Complaint, Officer Brown was acting in the course and scope of his employment as Defendant's Beach Safety Director.

52) By operation of the doctrine of *respondeat superior* Defendant is jointly and severally liable for all damages Officer Brown caused by virtue of his negligent, reckless, willful, and/or wanton acts or omissions while acting as their, agent, and/or employee within the course and scope of his employment as Defendant's Beach Safety Director.

53) At all times relevant to this Complaint, while operating his full-sized 2020 Ford Ranger on a public beach, Officer Brown owed a duty to exercise reasonable care to avoid running over beachgoers.

54) All injuries sustained by Plaintiffs, as next of kin and Personal Representative of Ms. Schultz Peter's Estate, are the direct and proximate result of Officer Brown's negligent, reckless, willful, and/or wanton acts or omissions while acting as Defendant's, agent, and/or employee within the course and scope of his employment as Defendant's Beach Safety Director.

FOR A FORTH CAUSE OF ACTION AND AS A SECOND OCCURRENCE

(Negligent Supervision, Training, and Retention)

55) Plaintiffs reallege and reiterate all previous paragraphs as fully as if set forth in this paragraph in its entirety.

56) Defendant owed a separate and distinct common law duty to Plaintiffs to train, supervise, and retain only appropriate personnel to act as Beach Patrol Officers who have authority to operate full-sized motor vehicles on Horry County Public Beaches where beachgoers are present.

57) By and through the actions and inactions of multiple employees, Defendant breached those separate and distinct common law duties on separate and distinct occasions by continually training, supervising, and retaining personnel, including Officer Brown, in a negligent and/or grossly negligent fashion.

58) Defendant had knowledge that the persons trained, supervised, and retained in this negligent and/or grossly negligent fashion, including Officer Brown, previously committed other negligent and/or grossly negligent acts, including running over beachgoers and beachgoers' property (including beach chairs), but failed to remedy the situation.

59) The multiple, negligent and/or grossly negligent actions and inactions involved in this process, which constituted separate and distinct acts and occurrences of negligence and/or gross negligence, committed by multiple, distinct employees above and beyond those described above, were all in violation of the common law duties Defendant owed to the Plaintiffs, and were the direct and proximate cause of the Plaintiffs' harms and losses as set forth more fully above.

WHEREFORE, Plaintiff prays for an Order of this Court awarding it the following relief:

A. An award of actual damages in an amount which greatly exceeds \$100,000.00 against Defendant as a direct and proximate result of the multiple, separate and distinct acts and

occurrences of negligence and/or gross negligence committed by multiple employees of Defendant in the ordinary course and scope of such employment in the form of:

1. Conscious pain and suffering;
 2. Fear of impending death;
 3. Traumatic injuries to her body resulting in death;
 4. Loss of income;
 5. Loss of enjoyment of life; and
 6. Any other losses which may be unearthed throughout the litigation of this matter
- B. The costs of this action;
- C. Post-judgment interest; and
- D. Such other and further relief as this Honorable Court deems just, in an amount to be determined by the enlightened conscience of a fair and impartial jury.

THE DERRICK LAW FIRM, P.C.

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