

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF CHARLESTON)	CASE NO: 2023-CP-10-
)	
GARRISON KEPLEY,)	
)	
Plaintiffs,)	<u>SUMMONS</u>
)	
-VS-)	
)	
ELLA BAINE MARCEY, JULIE)	
WHEELER COYNE, REX COYNE, DANA))	
BRUNSON, ROBERT BRUNSON,)	
KATHLEEN BRUNSON, TIMOTHY)	
SHANE MAHONEY, TIM MAHONEY)	
KATIE MAHONEY, LUCAS SNEED,)	
MATTHEW BROWN, JOHN DOES AND)	
JANES DOES, PARENTS OF ANY OF)	
THE ABOVE-NAMED INDIVIDUALS,)	
)	
Defendants.)	
)	
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TO: THE ABOVE-NAMED DEFENDANTS		

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 this Complaint upon the Plaintiff's Counsel at 520 Folly Road, Suite 25 PMB 334, Charleston, South Carolina 29412 within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Respectfully submitted,

s/Victoria N. Smith
Victoria N. Smith, Esq.
(SC BAR 101864)

March 20, 2023
Charleston, South Carolina

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STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF CHARLESTON)	CASE NO: 2023-CP-10-
)	
GARRISON KEPLEY,)	
)	
Plaintiffs,)	<u>COMPLAINT</u>
)	(JURY TRIAL DEMANDED)
-VS-)	
)	
ELLA BAINE MARCEY, JULIE)	
WHEELER COYNE, REX COYNE, DANA))	
BRUNSON, ROBERT BRUNSON,)	
KATHLEEN BRUNSON, TIMOTHY)	
SHANE MAHONEY, TIM MAHONEY)	
KATIE MAHONEY, LUCAS SNEED,)	
MATTHEW BROWN, JOHN DOES AND)	
JANES DOES, PARENTS OF ANY OF)	
THE ABOVE-NAMED INDIVIDUALS,)	
)	
Defendants.)	
_____)	

The Plaintiff Garrison Kepley, (hereinafter referred to as “Plaintiff”), complaining of the Defendants (hereinafter referred to collectively as “the Defendants”), alleges and says as follows:

PARTIES AND JURISDICTION

1. That the Plaintiff is a citizen and resident of the County of Dorchester, State of South Carolina.
2. That all events giving rise to this action occurred in the County of Charleston, State of South Carolina.
3. That upon information and belief, all named Defendants in this action are currently eighteen (18) years of age or older.

4. That upon information and belief, Defendant Ella Baine Marcey is a citizen and resident of the County of Charleston, State of South Carolina.
5. That upon information and belief, Defendants Julie Wheeler Coyne and Rex Coyne are the parents of Defendant Ella Baine Marcey and are both citizens and residents of the County of Charleston, State of South Carolina. That upon information and belief, Defendant Ella Baine Marcey was residing at the household of Defendants Julie Wheeler Coyne and Rex Coyne and was permitted to operate motor vehicles owned by and registered to Defendants Julie Wheeler Coyne and Rex Coyne during the events giving rise to this action.
6. That upon information and belief, Defendant Dana Brunson attends school in the State of Virginia currently but maintains domicile in the County of Charleston, State of South Carolina.
7. That upon information and belief, Defendants Robert Brunson and Kathleen Brunson are both citizens and residents of the County of Charleston, State of South Carolina. That upon information and belief, Defendant Dana Brunson was residing at the household of Defendants Robert Brunson and Kathleen Brunson and was permitted to operate motor vehicles owned by and registered to Defendants Robert Brunson and Kathleen Brunson during the events giving rise to this action.
8. That upon information and belief, Defendant Timothy Shane Mahoney is a citizen and resident of the County of Charleston, State of South Carolina.
9. That upon information and belief, Defendants Tim Mahoney and Katie Mahoney are both citizens and residents of the County of Charleston, State of South Carolina. That upon

information and belief, Defendant Timothy Shane Mahoney was residing at the household of Defendants Tim Mahoney and Katie Mahoney during the events giving rise to this action.

10. That upon information and belief, Defendant Matthew Brown is a citizen and resident of the County of Charleston, State of South Carolina.
11. That upon information and belief, Defendant Lucas Sneed is a citizen and resident of the County of Charleston, State of South Carolina.
12. That this Court has jurisdiction over the parties and the subject matter of this litigation.

STATEMENT OF FACTS

13. That on or about March 20, 2021, Defendant Ella Baine Marcey engaged in consensual sexual relations with the Plaintiff despite Defendant Ella Baine Marcey being involved in a romantic relationship with Defendant Dana Brunson at that time.
14. That upon information and belief, Defendant Dana Brunson expected his romantic relationship with the Defendant Ella Baine Marcey to be exclusive and monogamous and Defendant Ella Baine Marcey was aware of Defendant Dana Brunson's expectations.
15. That on or about March 21, 2021, Defendant Ella Baine Marcey felt remorse and/or guilt for violating Defendant Dana Brunson's expectations by her disloyal and promiscuous conduct on March 20, 2021.
16. That after engaging in consensual sexual relations with the Plaintiff, Defendant Ella Bain Marcey made false, untrue and defamatory statements about the Plaintiff to Defendant Dana Brunson.

17. That as a result of the aforesaid false, untrue and defamatory statements, Defendants Ella Baine Marcey and Dana Brunson then conspired, concocted and devised an evil plan to lure Plaintiff to a parking lot located at 3075 Proprietors Lane in Mt. Pleasant, South Carolina with the intent of having Plaintiff violently assaulted in said parking lot by Defendant Dana Brunson and his band of recruited henchmen on or about March 21, 2021.

18. That the henchmen gang recruited by Defendant Ella Baine Marcey and/or Defendant Dana Brunson included the following individuals: Defendants Matthew Brown, Timothy Shane Mahoney and Lucas Sneed.

19. That Defendants Robert Brunson, Kathleen Brunson, Tim Mahoney, Katie Mahoney, Julie Wheeler Coyne, Rex Coyne, John Doe and Jane Doe failed to supervise and negligently entrusted one of more of their vehicles to Defendants Ella Baine Marcey, Dana Brunson, Matthew Brown, Timothy Shane Mahoney and Lucas Sneed and also provided mobile telephones to their teenagers which were both used as tools to carry out their criminal activity.

20. That as a result of the aforesaid negligent entrustment of vehicles, one or more of those vehicles was used to carry-out the planned attack upon the Plaintiff and to lure Plaintiff into one of their vehicles as a passenger.

21. That the attack by Defendants Dana Brunson, Matthew Brown, Timothy Shane Mahoney and Lucas Sneed was premeditated, unjustified and unprovoked.

22. That the attack was organized and orchestrated against Plaintiff with malice by Defendants Ella Baine Marcey, Dana Brunson, Timothy Shane Mahoney, Matthew Brown and Lucas Sneed.

23. That the Plaintiff was ambushed and greatly outnumbered by Defendants Dana Brunson, Matthew Brown, Timothy Shane Mahoney, and Lucas Sneed.
24. That the Plaintiff was assaulted and battered multiple times in succession by Defendants Dana Brunson, Matthew Brown, Timothy Shane Mahoney and Lucas Sneed.
25. That the Plaintiff suffered serious injuries as a result of the attack by the aforesaid Defendants.
26. That the Plaintiff was required to undergo medical treatment as a result of injuries that Plaintiff sustained in the aforementioned attack.
27. That upon information and belief, an unidentified third-party witness recognized that the Plaintiff was in great peril and placed a 911 phone call to send assistance for the Plaintiff.
28. That upon information and belief, law enforcement officers employed by the Mt. Pleasant Police Department responded to the 911 phone call and took all of the parties in for questioning based on allegations being made against the Plaintiff by Defendants Ella Baine Marcey and Dana Brunson.
29. That upon information and belief, law enforcement officers and investigators determined shortly thereafter that Defendant Ella Baine Marcey lacked credibility and that she made false, untrue and defamatory allegations against Plaintiff which ultimately incited the violent attack against Plaintiff by Defendants Dana Brunson, Timothy Shane Mahoney, Matthew Brown and Lucas Sneed.
30. That the Plaintiff was harmed and has suffered from the Defendants' tortious conduct in the following particulars: loss of enjoyment, potential career placement, mental anguish, emotional distress, physical bodily injury, and other harms and losses.

31. Plaintiff was also required to relocate with his family as a result of this formulated and unwarranted violent gang attack.

As a First Cause of Action

(Defamation as to Defendants Ella Baine Marcey, Dana Brunson and Kathleen Brunson)

32. Plaintiff restates and reincorporates all preceding paragraphs as if restated herein verbatim.

33. That Defendants Ella Baine Marcey, Dana Brunson and Kathleen Brunson made false, untrue, and defamatory statements against the Plaintiff to multiple third-parties, including law enforcement officers and Defendant Dana Brunson's band of henchmen.

34. That Defendants Ella Baine Marcey, Dana Brunson and Kathleen Brunson knew or should have known that the defamatory statements were false at the time they published the statements to multiple third-parties and that they were negligent, careless, reckless, willful, and wanton in making the statements against Plaintiff.

35. That Plaintiff suffered irreparable damage to his reputation and character and severe mental anguish as a direct and proximate result of the defamatory statements made by Defendants Ella Baine Marcey, Dana Brunson and Kathleen Brunson.

36. That Defendants Ella Baine Marcey, Dana Brunson and Kathleen Brunson knew or should have known that the defamatory statements would be injurious to Plaintiff and that Defendants Ella Bain Marcey, Dana Brunson, and Kathleen Brunson intended to inflict severe injury to the Plaintiff and Plaintiff's reputation.

37. That Defendants Ella Baine Marcey, Dana Brunson and Kathleen Brunson intended for third-parties to rely upon the false statements that they were making about the Plaintiff and intended to cause harm to the Plaintiff and were successful in both of those endeavors.

As a Second Cause of Action

(Negligence, Negligence *per se*, Negligent Entrustment of Motor Vehicles, Negligent Supervision as to Defendants Julie Wheeler Coyne, Rex Coyne, Robert Brunson, Kathleen Brunson, Tim Mahoney, Katie Mahoney, John Does and Jane Does Parents of Matthew Brown and Lucas Sneed)

38. Plaintiff restates and reincorporates all preceding paragraphs as if restated herein verbatim.

39. That Defendants Julie Wheeler Coyne, Rex Coyne, Tim Mahoney, Katie Mahoney, Robert Brunson, Kathleen Brunson, and Parents John Does and Jane Does of Matthew Brown and Lucas Sneed were negligent, grossly negligent, negligent *per se*, willful, wanton, and/or reckless and breached duties owed to the Plaintiff in one or more of the following ways:

- (a) In failing to supervise their then-teenage children;
- (b) In negligently supervising their then-teenage children;
- (c) In providing all of the tools used to ultimately inflict harm upon Plaintiff to their then-teenage children (including, but not limited to, mobile devices and motor vehicles);
- (d) In knowingly, wrongly, in a manner that lacked due care, and/or negligently subjecting and exposing Plaintiff to harm;
- (e) In creating and/or overseeing a condition of danger in which it was reasonably foreseeable that the Plaintiff would likely be injured;

(f) In failing to take appropriate measures, actions, and place restrictions on their then-teenage children to oversee and monitor their activities and prevent them from committing torts and criminal wrong-doings;

(g) In failing to use the degree of care, caution and supervision that a reasonably prudent parent of teenagers and homeowner/vehicle owner would have used under the same or similar circumstances.

40. That the aforementioned acts and/or omissions of Defendants were the direct and/or proximate cause of significant harm to the Plaintiff. That but for the aforementioned Defendants' acts and omissions, Defendants Ella Baine Marcey, Dana Brunson, Timothy Shane Mahoney, Matthew Brown and Lucas Sneed would not have been able to lure Plaintiff to a parking lot under false premises and violently assault the Plaintiff.

41. That the aforementioned Defendants owed a duty of care to Plaintiff and to the general public and that the Defendants breached that duty of care.

Third Cause of Action

(Conspiracy as to Defendants Ella Baine Marcey, Dana Brunson, Timothy Shane Mahoney, Matthew Brown and Lucas Sneed)

42. Plaintiff restates and reincorporates all preceding paragraphs as if restated herein verbatim.

43. That Defendants Ella Baine Marcey, Dana Brunson, Timothy Shane Mahoney, Matthew Brown and Lucas Sneed conspired to lure Plaintiff to a parking lot with the intent of inflicting bodily injury and harm upon Plaintiff once he arrived.

44. That the aforementioned Defendants intended to assault and batter the Plaintiff.

45. That the aforementioned Defendants knew or should have known that their plan was to engage in criminal and violent gang activity.

46. That the criminal and violent gang activity was organized by, at the behest of, or alternatively carried out for the benefits of Defendants Ella Baine Marcey and Dana Brunson.

47. That the aforementioned Defendants voluntarily engaged in a premeditated attack upon the Plaintiff and intentionally inflicted severe harm upon the Plaintiff.

48. That the aforementioned Defendants had a mutually understood and agreed upon plan amongst themselves, which they entered into knowingly and willfully, with the purpose and intent of jointly committing crimes against the Plaintiff.

As a Fourth Cause of Action

(Assault and Battery as to Defendants Ella Baine Marcey, Dana Brunson, Timothy Shane Mahoney, Matthew Brown, and Lucas Sneed)

49. Plaintiff restates and reincorporates all preceding paragraphs as if restated herein verbatim.

50. Defendants Dana Brunson, Timothy Shane Mahoney, Matthew Brown and Lucas Sneed, at the direction of and behest of Defendant Ella Baine Marcey, unlawfully and violently attacked Plaintiff's person.

51. That Defendants Dana Brunson, Timothy Shane Mahoney, Matthew Brown and Lucas Sneed violently and forcefully drug Plaintiff from a vehicle and removed his shoes and struck the Plaintiff with multiple blows.

52. That Defendants Dana Brunson, Timothy Shane Mahoney, Matthew Brown and Lucas Sneed were all assaulting and battering the Plaintiff at the same time.

53. That the violent attack upon Plaintiff was unwarranted and unprovoked. That Plaintiff did not consent to the physical contact. That Plaintiff knew, recognized and appreciated that he was in imminent danger and that he was going to be assault once the henchmen began pulling him from the vehicle that he was in.

54. That Defendants Ella Baine Marcey and Dana Brunson recruited Defendants Timothy Shane Mahoney, Matthew Brown, and Lucas Sneed to assist in the attack against the Plaintiff with the express intent of inflicting maximum damage to the Plaintiff and that Defendants Timothy Shane Mahoney, Matthew Brown and Lucas Sneed voluntarily agreed to participate in the gang attack upon Plaintiff.

55. That the Plaintiff suffered injury as a result of the violent and criminal gang attack on March 21, 2021.

56. That the Defendants are responsible for the harm that they knowingly, willfully, intentionally and purposely inflicted upon the Plaintiff.

As a Fifth Cause of Action

(Outage as to All Named Defendants)

57. Plaintiff restates and reincorporates all preceding paragraphs as if restated herein verbatim.

58. That all of the Defendants' conduct has been and continues to be, so extreme and outrageous as to exceed all possible bounds of decency and must be regarded as atrocious, and utterly intolerable in a civilized community.

59. That the Defendants' conduct caused the Plaintiff severe emotional distress, mental anguish, loss of enjoyment, and bodily injury.

60. The damages suffered by Plaintiff have been so harmful and severe that no reasonable person could be expected to endure the same.

61. The Defendants' conduct was the direct and proximate cause of Plaintiff's suffering. As a result of Defendants' actions, Plaintiff has suffered severe mental anguish, emotional distress, humiliation, harm to his character and reputation, embarrassment, and other harms and losses.

As a Sixth Cause of Action

(Intentional Infliction of Emotional Distress as to Defendants Ella Baine Marcey, Dana

Brunson, Timothy Shane Mahoney, Matthew Brown and Lucas Sneed)

62. Plaintiff restates and reincorporates all preceding paragraphs as if restated herein verbatim.

63. All of the aforementioned conduct of Defendants Ella Baine Marcey, Dana Brunson, Timothy Shane Mahoney, Matthew Brown and Lucas Sneed was extreme and outrageous.

64. That Defendants Ella Baine Marcey, Dana Brunson, Timothy Shane Mahoney, Matthew Brown and Lucas Sneed acted intentionally and recklessly.

65. That Plaintiff suffered severe emotional distress and mental anguish.

66. That the aforementioned conduct of Defendants Ella Baine Marcey, Dana Brunson, Timothy Shane Mahoney, Matthew Brown and Lucas Sneed was the direct and proximate cause of Plaintiff's severe emotional distress and mental anguish.

As a direct and proximate result of the aforesaid tortious acts and/or omissions of the named Defendants, Plaintiff has suffered harm and injury, all of which has and will, upon information and belief, cause Plaintiff to undergo additional suffering and anguish in the future.

WHEREFORE, the Plaintiff prays for judgment against the Defendants on Plaintiff's claims of negligence, gross negligence, negligent entrustment, carelessness, recklessness, negligence *per se*, and willfulness and wantonness, in such sum of actual, consequential, special, and punitive damages that a trier of fact may determine together with such other relief this Court may deem just and proper.

Respectfully submitted,

s/Victoria N. Smith
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