

STATE OF SOUTH CAROLINA)
COUNTY OF KERSHAW)

IN THE COURT OF COMMON PLEAS
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,)

**FIRST AMENDED SUMMONS
(JURY TRIAL DEMANDED)**

v.)

Zach Cameron, Trent Mathis, Circle K, Inc.)
d/b/a Circle K Stores, Inc. #2723242, 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 First Amended 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 Amended Complaint within the time prescribed above, judgment by default will be rendered against you for the relief demanded in the complaint.

This 7th day of March, 2024.

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)
COUNTY OF KERSHAW)

IN THE COURT OF COMMON PLEAS)
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,)

FIRST AMENDED COMPLAINT
(JURY TRIAL DEMANDED)

v.)

Zach Cameron, Trent Mathis, Circle K, Inc.)
d/b/a Circle K Stores, Inc. #2723242, 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 first amended 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 boat driven by Defendant Zach Cameron, who was traveling down the Wateree River. Meanwhile, Defendant Trent Mathis was also traveling down the same 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. Following this incident, it would come to light that the Defendants, specifically Defendant Cameron had been drinking on the date of the incident although Cameron was under

twenty-one years of age. Cameron never provided this information to law enforcement, and, in fact, he worked to obscure this information from coming to light in a number of ways.

4. 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

5. 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.

6. 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.

7. 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.

8. At all times relevant, 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.

9. At all times relevant, 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.

10. During the relevant timeframe, Defendant Circle K, Inc. d/b/a Circle K Stores, Inc. #2723242 (“Defendant Circle K”) has been a for-profit gas station and/or convenience store organized and existing pursuant to South Carolina law with a principal place of business on Broad Street in Camden, South Carolina and was licensed and authorized to sell alcohol pursuant to certain conditions. Upon information and belief, on the day of this accident, Defendant Circle K sold alcohol to a person under the age of twenty-one while Defendant Zach Cameron waited in the parking lot. After purchasing alcohol from Defendant, the minor under the age of twenty-one then transferred the alcohol to Zach Cameron in the premises parking lot.

11. 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.

12. 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.

13. 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.

14. 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

15. 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.

16. 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.

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

JOINT AND SEVERAL LIABILITY

18. 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

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

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

21. Prior to meeting his friends, C.N. and his family had attended his brother's medical school graduation ceremony.

¹ As used herein, these Defendants shall collectively be referred to as Defendants John Does 2-5.

22. Meanwhile, by the time C.N. arrived to the sandbar, around 4 P.M., Defendant Cameron had already been drinking.

23. At the time of this incident, Defendant Cameron was under twenty-one and therefore not legally authorized to purchase or drink alcohol.

24. Despite the fact that Defendant Cameron was not lawfully able to purchase or drink alcohol, he rarely had trouble getting access to alcohol.

25. On the date of the collision, Defendant Cameron called a close friend of his, who was nineteen years old at the time. Though he knew she was not yet twenty-one, Defendant Cameron nevertheless asked her to meet him at a local gas station to purchase alcohol.

26. Around noon on May 5, Defendant Cameron met his friend at Defendant Circle K's gas station located on Broad Street in Camden, South Carolina and gave his friend money to purchase alcohol.

27. Defendant Cameron waited in the parking lot of the gas station. He was alone in his truck and his boat was already hitched.

28. While Defendant Cameron waited in the parking lot, his nineteen-year old friend went into Defendant Circle K, purchased beer, and exited the store. She immediately walked over to Defendant Cameron and gave him the beer.

29. Defendant Cameron told his friend he was going to the river. She declined to join him.

30. Not only did Defendant Circle K sell alcohol to Defendant Cameron's nineteen year old friend on the date of this collision, but she transferred the alcohol to Defendant Cameron in the Circle K parking lot in full view of the store.

31. As such, Defendant Circle K knew or should have known that the alcohol, which had been purchased by a minor, had also been transferred to someone waiting in the parking lot. This action should have been highly conspicuous.

32. In addition to the Circle K, and upon information and belief, Defendant Cameron also obtained alcohol from the John Doe Entities 2 through 5 and/or from additional citizens and residents of Kershaw County.

33. Because Defendant Cameron was under twenty-one at the time of this collision, any sale of alcohol to him or any provision of alcohol to him was per se improper.

34. 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.

35. According to multiple witnesses, on the date of this collision, Defendant Cameron was drinking at the sandbar for hours before the collision where C.N. was killed.

36. In fact, by the time this collision occurred and as set forth herein, Defendant Cameron had been drinking for nearly 10 hours.

37. A passenger on Defendant Cameron's boat recalls Defendant Cameron drinking a beer as the boys made their way down the river.

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

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

40. 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.

41. 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.

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

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

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

45. 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.

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

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

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

49. 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. West later indicated he had been at another scene and heard the call on his radio.

50. 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.

51. 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.

52. 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.

53. Following the collision, witness Andrew Edwards received two coolers that were apparently in the woods near the collision site. After picking up the coolers, Edwards allegedly called Wyatt Hall, a passenger in Defendant Cameron's boat on the night of the incident.

54. Hall apparently retrieved the coolers from Edwards.

55. These missing coolers, which were connected with Defendant Cameron's boat, and which were retrieved by a passenger on Defendant Cameron's boat following this collision, were never identified to law enforcement.

56. In addition, if the coolers were not already in the woods at the time of the collision, they had to have been placed in the woods between the time of the collision and when the boats finally returned to Patriot's landing.

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

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

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

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

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

62. In addition, following the collision, Defendant Cameron's grandfather, the elected coroner for Kershaw County, had multiple conversations with people about how alcohol did not play a factor in the collision.

63. In one instance, Coroner West told a public official for the County that there was no alcohol involved but also said he should not be commenting because his grandson was driving the boat.

64. In this way, Coroner West helped to advance the narrative that this incident was merely an unavoidable accident and alcohol was not a factor.

65. 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 actions leading up to and including this collision.

66. To this day, no charges have been brought against Defendant Cameron or Defendant Mathis related to the death of a young boy.

67. 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 – RECKLESSNES AND/OR GROSS NEGLIGENCE)

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

69. 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.

70. 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.

71. 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.

72. 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.

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

74. 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.

75. 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 DEFENDANT CIRCLE K AND THE JOHN DOE ENTITY
DEFENDANTS- SURVIVAL – GROSS NEGLIGENCE AND/OR NEGLIGENCE
PER SE – VIOLATION OF S.C. CODE ANN. § 61-4-90)

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

77. At all times relevant to this complaint, Defendant Circle K was a gas station and convenience store operating and licensed to sell beer and wine in South Carolina, and was responsible for abiding by the statutes, regulations, policies, procedures, and rules governing the sale of alcohol.

78. At all times relevant to this complaint, John Does 2-5 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.

79. 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...”

80. 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.

81. On May 5, 2023, Defendant Circle K sold beer to a nineteen year old girl while Defendant Cameron waited in the parking lot in full view of the cashier.

82. Thereafter this beer was transferred in Defendant Circle K's parking lot, in plain view of Defendant Circle K, to Defendant Zach Cameron, who was also under the age of twenty-one.

83. Upon information and belief, Defendant Cameron selected this gas station for a reason, knowing that Defendant Circle K, at this location, was likely to sell alcohol to someone underage.

84. As stated previously, and upon information and belief, on or proximate to May 5, 2023, John Does 2-5 sold Defendant Cameron, or someone on Defendant Cameron's behalf, beer, wine, and/or intoxicating liquor, while knowing that Defendant Cameron was not yet twenty-one.

85. Defendants Circle K and John Doe's 2-5 had knowledge about Defendant Cameron's underage status, or were reasonably aware that whoever they were selling alcohol to was under the age of twenty-one.

86. Defendants Circle K and Defendant John Does 2-5 are strictly liable for the sale of alcohol to underaged persons.

87. Moreover, it was foreseeable that minors who purchased intoxicating alcohol would drink that alcohol and harm others including through the use of a boat or other moving vehicle.

88. 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. Watching an illicit exchange of alcohol in the parking lot upon the premises and failing to stop it or otherwise report it;
- c. Failing to have adequate policies and procedures regarding the sale of alcohol;

- d. In the event such policies or procedures existed, failing to enforce said policies and procedures;
- e. Failing to adequately train, supervise, or monitor employees charged with the sale of alcohol;
- f. Failing to adequately check or monitor identification prior to the sale of alcohol;
- g. Failing to follow generally accepted standards of care and for public safety related to the sale of alcohol;
- h. In failing to use the degree of care and caution necessary and which would have been reasonably prudent in similar circumstances, given the high risk of death and great bodily injury that result from selling alcohol to someone underage;
- i. Selling alcohol to a person who was underage and/or visibly intoxicated; and;
- j. Such additional acts as may be revealed through discovery in this matter.

89. Defendant Circle K's conduct and that of Defendants John Does 2-5 were so egregious as to constitute the complete absence of care.

90. As a direct and proximate result of Defendant Circle K's and Defendants John Does' 2-5 negligent, grossly negligent, reckless, willful and wanton actions, C.N. suffered grievous bodily harm, and ultimately died from his injuries.

91. Plaintiffs are therefore entitled to judgment against Defendant Circle K and Defendants John Does 2-5 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.*)

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

93. 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.

94. 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.

95. 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.

96. 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 7th day of March, 2024.

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

