

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF LEXINGTON	)	ELEVENTH JUDICIAL CIRCUIT
	)	
Wayne H. LaBounty,	)	CIVIL ACTION No.: 2025-CP-32-____
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
Alcovy Maintenance, LLC, Jerrod D. Ricks,	)	<b>SUMMONS</b>
Lexington County Sheriff's Department,	)	<b>(Jury Trial Demanded)</b>
Samantha J. Mitchell,	)	
	)	
Defendants.	)	

YOU ARE HEREBY SUMMONED and required to file an Answer to the Complaint in the Clerk of Court of the Common Pleas where this action is pending, and to serve a copy of your Answer to the said Complaint to Goings Law Firm, LLC, 1510 Calhoun Street, Columbia, South Carolina, 29201, 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, judgment by default will be rendered against you for the relief demanded in the Complaint. A copy of the Complaint is herewith served upon you.

Respectfully submitted,

By: /s/ Robert F. Goings  
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November 14, 2025  
 Columbia, South Carolina



This action seeks full and fair compensation for the devastating harm inflicted upon Plaintiff—harm that has changed the course of his life and career—and to hold all responsible parties accountable for their gross disregard for public safety.

### **PARTIES AND JURISDICTION**

1. Plaintiff Wayne H. LaBounty (“LaBounty”) is a citizen and resident of Lexington County, South Carolina.

2. Defendant Alcovy Maintenance, LLC (“Alcovy Maintenance”) is a limited liability company organized and existing in the State of Georgia and performs business in the State of South Carolina.

3. Defendant Jerrod Ricks (“Ricks”) is a citizen and resident of the State of Alabama. Ricks was in South Carolina performing work on behalf of Alcovy Maintenance at the time of this incident.

4. Defendant Lexington County Sheriff’s Department (“Sheriff’s Department”) is the law enforcement agency for the County of Lexington and governmental entity of the State of South Carolina. The Sheriff’s Department is named under the South Carolina Tort Claims Act due to the acts and omissions of its employee, Deputy Dave Witter.

5. Defendant Samantha J. Mitchell (“Mitchell”) is a citizen and resident of Lexington County, South Carolina.

6. Jurisdiction and venue are proper in this Court because the acts or omissions that give rise to this action occurred in Lexington County, South Carolina.

### **FACTUAL ALLEGATIONS**

7. This action arises from a motor vehicle collision that occurred on September 9, 2025, on Highway 1 (Augusta Highway) in Lexington County, South Carolina, that resulted in LaBounty being violently struck at a high rate of speed by a red Ford F-150 truck driven by Ricks.

8. Ricks was working in Lexington County for Alcovy Maintenance performing maintenance and repairs at day care centers operated by Big Blue Marble Academy.

9. Ricks is an agent and servant of Alcovy Maintenance.

10. LaBounty is employed by the South Carolina Department of Public Safety as a Master Trooper and was assigned to patrol Lexington County at the time of this incident alleged herein.

11. At around 7:00 am, on September 9, 2025, LaBounty was working a traffic stop on Augusta Highway, a four-lane road with an open center median.

12. LaBounty was lawfully parked in the median and standing outside the driver's door of a black Ford F-250 truck, driven by Edgardo Marchena, performing the traffic stop.

13. While LaBounty was interacting with Edgardo Marchena in the median, a Sheriff's Department vehicle, driven by Deputy Dave Witter, approached in the westbound lane closest to the median.

14. The Sheriff's Department vehicle abruptly stopped in the active lane of travel without activating emergency lights or hazards, which caused the vehicle driven by Mitchell to attempt to abruptly stop.

15. Deputy Dave Witter failed to follow safety protocols and training by stopping in an active lane of travel.

16. Ricks – while operating at a high rate of speed – was unable to properly stop or avoid the Sheriff's Department vehicle and the Mitchell's vehicle, causing him to take an evasive maneuver and lose control over his vehicle, striking LaBounty's body in the median.

17. LaBounty was left in serious condition and was airlifted from the scene.

18. As a result of the collision, LaBounty suffered painful and traumatic injuries resulting in extensive hospitalization, surgeries, and rehabilitation.

19. LaBounty has incurred, and will continue to incur in the future, medical expenses, and has suffered, and will continue to suffer damages, such as physical and mental pain and suffering, emotional anguish, lost wages, and a loss of enjoyment of life, along with considerable medical bills and inconvenience, all of which he is entitled to be compensated for as a direct and proximate result of defendants' conduct.

**CAUSE OF ACTION**  
**NEGLIGENCE / GROSS NEGLIGENCE / RECKLESS CONDUCT**  
***-Against All Defendants-***

20. Defendants Ricks and Mitchell owed LaBounty a legal duty to operate a motor vehicle with due care, to act as a reasonable and prudent driver, and to obey all state and federal laws related to the operation of a motor vehicle.

21. Defendants Alcovy Maintenance and Sheriff's Department owed LaBounty a legal duty that their agents and servants would operate a motor vehicle with due care, to act as a reasonable and prudent driver, and to obey all state and federal laws related to the operation of a motor vehicle.

22. Defendants Alcovy Maintenance, Ricks, Sheriff's Department, and Mitchell breached the duties owed to LaBounty; and, therefore, was negligent, negligent *per se*, careless, reckless, and grossly negligent in one or more of the following particulars:

- a. In driving too fast for conditions;
- b. In driving in excess of posted speed limits;
- c. In operating a vehicle in a distracted manner;
- d. In stopping in an active lane of travel;
- e. In failing to turn on emergency or warning lights;

- f. In failing to keep a proper outlook;
- a. In failing to properly stop for vehicles ahead on the roadway;
- b. In failing to maintain proper control over the vehicle;
- c. In failing to properly brake the vehicle to avoid the collision;
- d. In failing to obey the statutory and common laws of the State of South Carolina;
- e. In failing to use the degree of caution and care that a reasonable driver would have used under the same or similar circumstances then and there prevailing;
- f. In operating the said motor vehicle in whole or in part in a careless, reckless, willful, and wanton disregard for others; and
- g. In otherwise being negligent or reckless as a matter of law as further discovery may reveal

All of which were the direct and proximate cause of the injuries and damages sustained by LaBounty.

23. LaBounty is entitled to an award of actual damages against Defendants Alcovy Maintenance, Ricks, Sheriff's Department, and Mitchell for actual, consequential, and incidental damages for the injuries and harm sustained.

24. LaBounty is entitled to an award of punitive damages against Defendants Alcovy Maintenance and Ricks for their grossly negligent and reckless conduct.

25. LaBounty demands a jury trial.

WHEREFORE, LaBounty prays this Honorable Court for judgment against Defendants, jointly and severally, for: (a) actual and consequential damages; (b) punitive damages; (c) costs and attorney's fees in instituting this action; and (d) for such other and further legal and equitable relief as this Honorable Court may deem just and proper.

Respectfully submitted,

By: /s/ Robert F. Goings  
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