

In the State of South Carolina

County of Spartanburg

John Doe,

Plaintiff,

vs.

City of Duncan Fire Department,

Defendants.

) Court of Common Pleas  
) 9th Judicial Circuit  
**2008-CP-42-0475**

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2008 JAN 28 PM 3:06  
MARC KITCHENS

Summons

TO: City of Duncan Fire Department

YOU ARE HEREBY SUMMONED and required to answer the complaint in this action. A copy of the complaint is served upon you with this summons.

Your answer to the complaint is to be served upon the attorney for the plaintiff at his office, PO Box 1297, Charleston, South Carolina, 29402.

According to the South Carolina Rules of Civil Procedure, which govern litigation, you are required to appear and defend yourself in this action by making and serving an answer to this complaint within thirty (30) days after the complaint is served upon you. The thirty days begin to run from the date after this summons and complaint are served upon you; the date the service is made is excluded.

If within that time you fail to appear and defend as you are required to do by the Rules of Civil Procedure, the plaintiff in this action shall apply to the Court for the relief demanded in this Complaint and judgment by default will be rendered against you for the relief demanded in the complaint.

Respectfully submitted,



Gregg Meyers  
PO Box 1297  
Charleston, S.C. 29402  
843/720-8714

843/720-8704 facsimile  
Attygm@gmail.com

FILED  
CLERK OF COURT  
MARTINEZ COUNTY  
2009 JAN 28 PM 3:06  
MARC MITCHEMS

In the State of South Carolina

County of Spartanburg

John Doe,

Plaintiff,

vs.

City of Duncan Fire Department,

Defendants.

) Court of Common Pleas

) 2008-CP-42  
) with Judicial Circuit  
) No. 7-CP-42

0475

) Jury Trial Requested

) Negligent Supervision

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2008 JAN 28 PM 3:06  
MARC KITCHENS

**Complaint**

1. John Doe is a pseudonym for a South Carolina resident presently serving in the United States armed forces and stationed overseas. His identity is withheld due to the sensitivity and private nature of these allegations, as these claims arise from an act of sexual abuse.
2. This cases arises from one or more acts of sexual abuse, some of which occurred after August 31, 2001. As a result, this claim is brought under authority of S.C. Code § 15-3-555.
3. The City of Duncan is a South Carolina municipality located in Spartanburg County.

**For a Cause of Action: Negligent Supervision**

4. When the plaintiff was a minor, he was invited through his mother to participate in activities at the Duncan Fire Department.
5. Plaintiff's mother on his behalf sought assurances that her son would be properly supervised during those activities. In response to her inquiries, she was assured, by Barry Frost, the Chief of the Duncan Fire Department, "your son will be well supervised."

**FEE PAID**

6. Through Barry Frost, defendants assumed a duty to the plaintiff if the duty was not already inherent in having sponsored the activities for children.

7. Based on Barry Frost's assurance to her about the proper supervision to be given to her son, the plaintiff's mother permitted him to attend the activities for children operated by the Duncan Fire Department.

8. During the course of activities sponsored for children by the Duncan Fire Department neither Barry Frost nor any other supervisory official at the Duncan Fire Department properly supervised fire department personnel, and the plaintiff was sexually abused by a person employed by the Duncan Fire Department.

9. As a result of that sexual abuse, plaintiff has been harmed, and has continuing injuries.

10. Defendant's personnel were grossly negligent in supervising plaintiff.

11. Defendant's negligence is the proximate cause of plaintiff's sexual abuse, and entitles the plaintiff to actual damages as a result.

#### **Request for Jury Trial**

12. John Doe requests a trial by jury.

WHEREFORE, plaintiff requests actual damages for the cause of action set forth above, that all costs of this action be taxed against the defendant, that all factual issues be decided by a jury, and for such other and further relief as the Court and jury shall deem just and proper.

Respectfully submitted,

MOONEYHAM FLOWERS BERRY & KAROW

FILED  
CLERK OF COURT  
WASHINGTON COUNTY  
2020 JAN 28 PM 3:06  
MARK KITCHENS

David Flowers  
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FILED  
CLERK OF COURT  
SOUTH CAROLINA COUNTY  
2008 JAN 28 PM 3:06  
MARC KITCHENS

Gregg Meyers  
Attorney At Law

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JAN 28 PM 3:05  
RC MICHENS

January 9, 2008

Clerk of Court  
Post Office Box 3483  
Spartanburg, SC 29304-3483

RE: John Doe v. City of Duncan Fire Department

Dear Sir or Ma'am:

Enclosed is the original and one copy of a Summons and Complaint to be filed. Once the same has been filed, please return a file stamped copy to me in the enclosed self-addressed, stamped envelope provided for your convenience.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Jackie Lunsford  
Assistant to Gregg Meyers