

In the State of South Carolina
County of Spartanburg

John Doe,
Plaintiff,
vs.
City of Duncan,
Defendants.

) Court of Common Pleas
) Seventh Judicial Circuit
) C.A. No. 08-CP-42-475

) Jury Trial Requested

) Negligent Supervision

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SPARTANBURG COUNTY
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Amended Complaint

1. The original complaint in this action was filed in January, 2008, while the Plaintiff was engaged in military service for the United States of America.
2. John Doe is a pseudonym for a South Carolina resident who until August, 2011 served in the United States armed forces. His identity is withheld due to the sensitivity and private nature of these allegations, as these claims arise from an act of sexual abuse.
3. John Doe was born in February, 1986. His period of military service began Four days after his 17th birthday in February, 2003, and ended in August, 2011.
4. This case 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. In addition, the action is brought pursuant to the Servicemembers Civil Relief Act, 50 App. U.S.C.A. § 501 et seq., particularly 50 App. U.S.C.A. § 525, which tolls every statute of limitations during the period of a servicemember's military service, and excludes that period from "computing any period limited by law, regulation, or order for the brining of any action or

proceeding in a court" by the servicemember.

5. The City of Duncan is a South Carolina municipality located in Spartanburg County, and its Fire Department is part of the city. Each is a political subdivision of the State of South Carolina, and each is subject to the Servicemember's Civil Relief Act.

For a Cause of Action: Negligent Supervision

6. When the plaintiff was a minor, he was invited by the City, through its agents communicating with the Plaintiff's mother, to participate in activities at the Duncan Fire Department.

7. 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." In giving that assurance, Frost acted either individually, or as an agent of the Defendant, or as both.

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

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

10. 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 and other City personnel associated with the program, and the Plaintiff was sexually abused by a person employed by the City of Duncan at the Duncan Fire Department. Specifically, Plaintiff was sexually abused by Duncan City Police Officer Joseph

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Dale White.

11. White has admitted committing lewd acts on three boys, ages 12 to 16, while White was on duty. One of those children was the Plaintiff.

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

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

14. 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

15. 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,



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