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S.C. SUPREME COURT

# **Exhibit A**

Complaint, *Daniel v. City of Myrtle Beach, et al.*, No. 2025-CP-26-00425  
(S.C. Court of Common Pleas for Horry Cty. filed Jan. 17, 2025)

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF HORRY ) IN THE FIFTEENTH JUDICIAL CIRCUIT  
CIVIL ACTION NO. 2025-CP-26-

James Daniel, individually and as class  
representative

Plaintiff,

vs.

City of Myrtle Beach, SC, Lanier Parking  
Meter Services, LLC and Lanier Parking  
Holdings, Inc.,

Defendant(s).

**SUMMONS**

TO: THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your answer to the said Complaint on the subscriber or subscribers at his or their office at Suite 209, The Courtyard, 1500 U.S. Highway 17 North, Post Office Drawer 14547, Surfside Beach, South Carolina 29587 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; the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint and judgment by default will be rendered against you for the relief demanded in the Complaint.

KELAHHER, CONNELL & CONNOR, P.C.

*s/ Gene M. Connell, Jr.*

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Attorneys for Plaintiff

January 17, 2025  
Surfside Beach, South Carolina

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF HORRY ) IN THE FIFTEENTH JUDICIAL CIRCUIT  
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**COMPLAINT**

**Injunction, Declaratory Relief/Refund of  
Unconstitutional Taxes**

**(Non Jury)**

The Plaintiff, complaining of the Defendants herein, would show and allege unto this Honorable Court as follows:

1. The Plaintiff James Daniel is a citizen and resident of Horry County in the State of South Carolina.
2. The Defendant City of Myrtle Beach is a body politic, duly organized and incorporated and operating within Horry County.
3. The Plaintiff is informed and believes that Defendant Lanier Parking Meter Services, LLC and Defendant Lanier Parking Holdings, Inc., are corporations organized and existing pursuant to the laws of the State of Georgia and doing business in Horry County, South Carolina, providing parking ordinance enforcement for both municipalities.
4. That further upon information and belief Defendant Lanier Parking Meter Services, LLC and/or Defendant Lanier Parking Holdings, Inc. contract with other cities, counties, towns and municipalities in South Carolina to enforce parking ordinances throughout the state.

5. The things complained of herein occurred in the County of Horry County and this court has jurisdiction over the parties herein, and venue is proper.
6. The Defendant municipalities and other municipalities contracted with the Defendant Lanier Parking Meter Services, LLC and/or Defendant Lanier Parking Holdings, Inc. for it to provide enforcement of their parking ordinances. These Defendants, by and through its employees, officers or agents patrols the streets of the municipalities looking for violators of the ordinance, writes tickets for the violators, and collects the fines. The municipalities and Defendant Lanier Parking Meter Services, LLC and/or Defendant Lanier Parking Holdings, Inc. then split the fines based upon a formula in their contracts.
7. The law of the State of South Carolina does not permit a municipality of this State to contract with a private entity to enforce the municipality's parking ordinance as it is a prohibited delegation of the municipality's police powers. (See opinion of the South Carolina Attorney General's Office dated November 15, 2024 referenced herein and made a part hereof.) (Exhibit 1)
8. The Plaintiff has been issued multiple citations for parking violations in the City of Myrtle Beach, which was issued by Defendant Lanier Parking Meter Services, LLC and/or Defendant Lanier Parking Holdings, Inc.
9. The Plaintiff is informed and believes that the process of allowing a private entity to police parking violates the laws of the State of South Carolina, including those procedures by which Defendant Lanier Parking Meter Services, LLC and/or Defendant Lanier Parking Holdings, Inc. are the entities to which there can be an appeal by a plaintiff or others who have received a ticket. That Plaintiff makes reference to and attaches hereto as Exhibit 1

an opinion of the Attorney General's Office of the State of South Carolina finding that this scheme is illegal and unconstitutional.

10. The Plaintiff, James Daniel, brings this case individually and on behalf of himself and all other similarly situated who received a parking citation from the Defendants. In light of the fact that the city of Myrtle Beach has a population of almost 40,000 and is a vacation resort that hosts millions of visitors a year, Plaintiff is informed and believes that the City of Myrtle Beach took in over a million dollars in parking fines.
11. The Class is so numerous that joinder is impracticable.
12. There are questions of law or fact common to the Class, including, but not limited to, the legality of the Defendants' actions under the South Carolina Constitution, statutory law, and common law.
13. The claims of the named Plaintiff are typical of the claims of the Class.
14. The representative party will fairly and adequately protect the interests of the Class and he has retained counsel experienced in complex and class litigation.
15. The Class is defined as all persons who were cited for parking violations in any city or county or towns in South Carolina which contracted with Defendant Lanier Parking Meter Services, LLC and/or Defendant Lanier Parking Holdings, Inc. to enforce their parking ordinances from 2017 to 2024.
16. Further, upon information and belief, the Class consists of individuals who paid or received parking tickets and those individuals only appeal process is through Defendant Lanier Parking Meter Services, LLC and/or Defendant Lanier Parking Holdings, Inc. with no independent judicial review by a court.

**AS A FIRST CAUSE OF ACTION**  
**(Injunctive Relief)**

17. The Plaintiff hereby reiterates and realleges each and every allegation of the above paragraphs as though more fully and completely set forth herein at length.
18. Plaintiff and Plaintiff Class are informed and believe that they are entitled to immediate injunctive relief to stop all cities, towns or counties in South Carolina from continuing to enforce their parking ordinances and collect fines for parking violations by using the Defendant Lanier Parking Meter Services, LLC and/or Defendant Lanier Parking Holdings, Inc., as such is in violation of the Constitution and laws of the State of South Carolina.
19. Plaintiff and Plaintiff Class are informed and believe that they will suffer irreparable harm without an injunction in that they are forced to pay fines to a private entity that is illegally enforcing municipalities' parking ordinances that includes collecting fines and an appeal process not to the municipalities' court system but to the private entity.
20. Plaintiff and Plaintiff Class are informed and believe that there is a strong likelihood that they will succeed on the merits of their case as per the opinion of the Attorney General attached hereto as Exhibit 1.
21. Plaintiff and Plaintiff Class request that injunctive relief be issued and that all monies previously collected for parking tickets be paid into a separate trust account and held pending the outcome of this case.

**AS A SECOND CAUSE OF ACTION**  
**(Action for Declaratory Judgment)**

22. The Plaintiff hereby reiterates and realleges each and every allegation of the above paragraphs as though more fully and completely set forth herein at length.

23. Plaintiff individually, and on behalf of the Class, pursuant to S.C. Code Ann. §15-53-20 et seq., prays this Court declare the actions of the Defendants as prohibited delegation of its police powers delegated by the State Legislature and in violation of the Constitution, constituting ultra vires acts, and violative of the statutes, including, but not limited to, S.C. Code Ann. §5-7-30 relevant hereto.
24. Plaintiff individually, and on behalf of the Class, requests that this Court declare that the Defendants have violated their rights.
25. Plaintiff and Plaintiff Class are also informed and believe that they are entitled to an Order of such declaration that prohibits the Defendants from further perpetrating unlawful delegation of their police powers to a private entity and requiring the Defendants to refund the illegal fines from the Plaintiff and Plaintiff Class.
26. Plaintiff is further informed and believes the Court should order that all cities, towns, and counties who have employed Defendant Lanier Parking Meter Services, LLC and/or Defendant Lanier Parking Holdings, Inc. to enforce their parking ordinances to refund the Plaintiff and all Plaintiff Class members for all parking fines collected in violation of the statutory law and Constitution of the State of South Carolina, to not only include the Defendant City of Myrtle Beach, but any other city, town or county who has hired Defendant Lanier Parking Meter Services, LLC and/or Defendant Lanier Parking Holdings, Inc.
27. That the Court declare that the process by which a city enforces parking ordinances through a private company such as Defendant Lanier Parking Meter Services, LLC and Defendant Lanier Parking Holdings, Inc. is illegal since a municipality's police powers cannot be conferred to a private entity and only a municipality and its police force may regulate

parking as the police power may not be delegated to a private entity pursuant to South Carolina law.

WHEREFORE, the Plaintiff prays for judgment as follows:

- A. That the Court certify a class of all individuals who have paid a parking violation in any city, town or county of the State of South Carolina and whose parking ordinances are enforced by Defendant Lanier Parking Meter Services, LLC and Defendant Lanier Parking Holdings, Inc.
- B. That a common fund be formed and that any money in any city, county or state budget or account currently being held in such account cannot be used for any municipal, county or town budget pending the outcome of this case.
- C. That the Court issue its order finding that a private entity such as Defendant Lanier Parking Meter Services, LLC and/or Defendant Lanier Parking Holdings, Inc. cannot enforce the parking ordinances of a city, town or county in South Carolina.
- D. That all cities, towns and counties in South Carolina which have collected monies through a contract with Defendant Lanier Parking Meter Services, LLC and/or Defendant Lanier Parking Holdings, Inc. be ordered to refund those monies to the Class members and that Defendant Lanier Parking Meter Services, LLC and/or Defendant Lanier Parking Holdings, Inc. also be ordered to refund any monies it has collected currently in its accounts through this Class to all Class members.
- E. That this court permanently enjoin all cities, towns and counties in South Carolina from employing Defendant Lanier Parking Meter Services, LLC and/or Defendant Lanier Parking Holdings, Inc. to enforce its parking ordinances and that refunds be issued to

- all Class members through this Class for three years prior to the date of the filing of this lawsuit.
- F. That all parking revenues collected by the City of Myrtle Beach and any other city, town or county in South Carolina be held in trust and that city, town or county pending the outcome of this lawsuit and that such monies be refunded to those Class members who paid the tickets.
- G. That Plaintiff have attorney's fees and costs against these Defendants pursuant to SC Code 15-77-300.

KELAHER, CONNELL & CONNOR, P.C.

*s/ Gene M. Connell, Jr.* \_\_\_\_\_

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