

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

ORIGINAL

W. Jeffrey Young, Circuit Court Judge

Case No.: 2011-CP-40-4068

Denise Wright Appellant,

v.

PRG Real Estate Management,
Inc.; Franklin Pineridge
Associates; Karen Campbell
Individually, and in her
Representative Capacity as an
Agent of PRG Real Estate
Management.....

Respondents.

**APPENDIX TO THE
RECORD ON APPEAL**

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Christian Stegmaier
Collins & Lacy, P.C.
1330 Lady Street, Sixth Floor (29201)
Post Office Box 29211
Columbia, SC 29211
(803) 256-2660
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Jordan C. Calloway
Deborah G. Casey
McGowan, Hood & Felder, LLC
1539 Health Care Drive
Rock Hill, SC 29732
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Attorneys for Respondents PRG Real Estate
Management, Inc., Franklin Pineridge
Associates and Karen Campbell

Gerald Malloy
Malloy Law Firm
108 Cargill Way
Hartsville, SC 29551
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(843) 332-4646 (fax)

RECEIVED

JUN 02 2014

SC Court of Appeals

E. Wayne Ridgeway, Jr.
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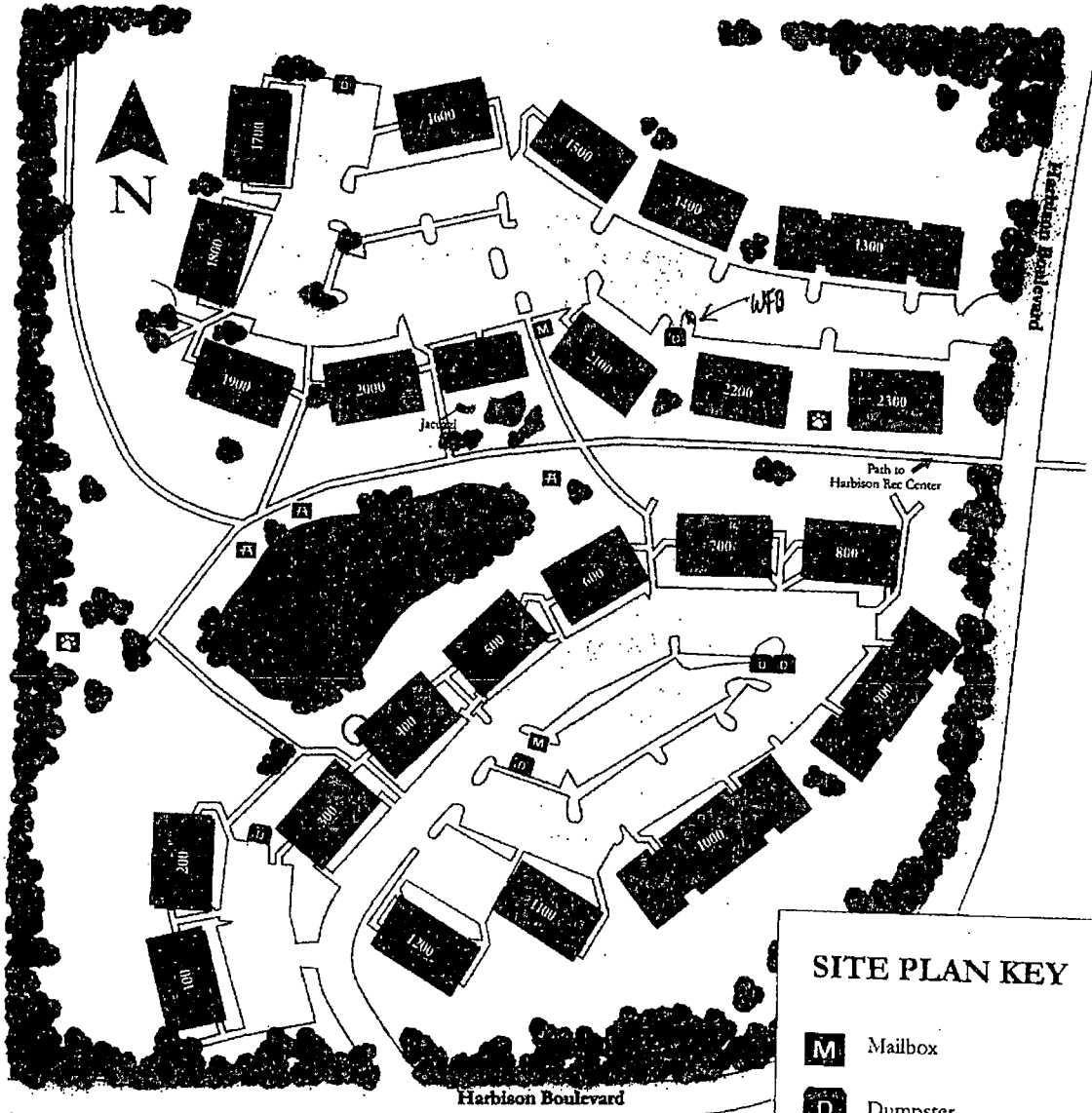
Attorneys for Appellant

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Exhibit 5, Deposition of William Booth.....	760
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WELLSPRING APARTMENTS

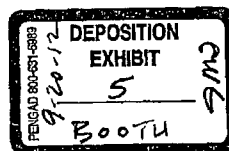
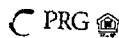
COMMUNITY SITE PLAN



SITE PLAN KEY

- M** Mailbox
- D** Dumpster
- Pet Station
- A** Picnic Area

500 Harbison Boulevard
Columbia, SC 29212
(803) 781-9541
wellspring@prgcrealestate.com
www.wellspringapartments-prg.com



ISSUES

(1) ~~TOLD ADAM~~
~~TO SECURE~~

#1 RAPHAELI SAW
FIRST TRAFFIC

#1 GABA - ANYBODY CAN
COME & GO

- #2 VEGETATION - ① ANSWER - DEF. ADMIT LANDSCAPER HAD
DUTY TO PERFORM SERVICES COMPLYING
WITH INDUSTRY STANDARDS
- ② DAVIS AFF. - SHRUBS IN FRONT OF
2200. VERY HIGH, TRIMMED
IMMEDIATELY AFTER
- ③ PATEL AFF. - COMPLAINED ABOUT OVER
GROWN, NEVER CUT BACK ENOUGH
- ④ POLICY SAYS WILL BE TRIMMED
AS NEEDED
- ⑤ HOWLAND AFF. - LANDSCAPER - SHRUBS
OVERALL WAS SAME AS BLDG 2210,
PRIDE TO INCIDENT APPROACHED MGMT
ON NUMEROUS OCCASIONS ABOUT SHRUBS
SAFETY & SECURITY ISSUES, TOLD
NOT IN BUDGET, RESIDENTS COMPLAINED
TO HIM
- ⑥ DEPUTY GABA ~~DEAD~~ - OVERGROWN SHRUBS
- ⑦ INVITATION TO CRIMINALS
- ⑧ SGT. ISENHOWER DEP. DESIGN LAYOUT. NOT
HAPPY SECURITY REASONS, BUSHES TOO
HIGH, BUSHES OBSTRUCTED VIEW ON RAMP,
- ⑨ TELL OWNERS TO TRIM
- ⑩ WRIGHT - COMPLAINED, TOLD HARRISON RULES,
ASKED LANDSCAPER ALSO, CUT AFTER INCIDENT.

VEGETATION

- ⑨ CAMPAIGN - CUT ON NORMAL SCHEDULE, IF THEY TOOK OBLIGATION & DUTY OF CUTTING BACK SHRUBBERY THEY HAVE TO DO IT IN REASONABLE MANNER, HIGH BUSHES HIDE PERSONS LAYING IN WAIT, AND DUTY TO GO TO LANDSCAPER IF TENANT CAME TO THEM

- X3 LIGHTING -
- ① NITKA AFF. - COMPLAINED ABOUT LIGHT, FLOODS INSTALLED, NOT MAINTAINED, TOO DARK TO SEE HUMAN BEING
 - ② CARROLL AFF. - VERY DARK
 - ③ ~~THORNTON~~ - PATEL AFF. - COMPLAINED ABOUT LIGHT - WORKED 60% OF TIME - SECURITY CONCERN CAUSED MOVE
 - ④ RAPPOSELT⁽²⁾ AFF. - DARK, COULD NOT SEE HUMAN BEING - COMPLAINED ABOUT COMMON AREAS BEING TOO DARK
 - ⑤ JAVIS AFF. - COMPLAINED 3 TIMES A MONTH ABOUT LIGHTING - NEVER ADDRESSED, "BUDGET"
 - ⑥ MAINT. POLICY SAYS "SHOULD BE WELL LIT," "USE ADEQUATE WATTAGE"
 - ⑦ DEPUTY GABR DEPTO. - DARKER AREA, NOT IN PLAIN VIEW, WELL LIT DETERS CRIMINALS
 - ⑧ SGT. ISENHOWER DEPTO. - CRIMINAL LESS LIKELY WELL LIT AREAS, WRIGHT TOLD HIM ABOUT LIGHTING CONCERNS, SAYS TOO DARK FOR HIS COMFORT
 - ⑨ WRIGHT - LIGHTS CONSTANTLY OUT, NOT FUNCTIONING AT TIME
 - ⑩ CAMPBELL - LIGHTS HAD TO BE REPLACED DRY REPORTS FOR SECURITY, MANY NOT DONE OR DOCUMENTED, ~~THE~~ LIGHTS SHOULD BE MAINTAINED
 - ⑪ FOSTER - LIGHTING AS DETERRENCE IS COMMON SENSE

LIGHTING

THINKS EACH BRASSERWAY HAS MULTIPLE
LIGHTS

- (12) ROTTEN DEED - LIGHT COULD DETER, THEIR
RESPONSIBILITY TO MAINTAIN LIGHTING AS
PART OF SAFETY, WELL LIT PROPERTY DETERS
CRIMINAL ACTIVITY, WORK ORDER THAT
POSES SECURITY RISK SHOULD BE ADDRESSED
AS SOON AS POSSIBLE, PROPERTY INSPECTION
SHOULD OCCUR QUARTERLY, JOINT RESPONSIBILITY
WITH TENANT

- ~~XX~~ COURTESY OFFICER
- ① POLICY SAYS 2 HOURS PATROL PER DAY, CHECK FOR LOITERING, CRIMINAL ACTS.
 - ② AUGUST NEWSLETTER GIVES SECURITY PAPER
 - ③ NEWSLETTERS SAY SECURITY IS VERY TOP PRIORITY
 - ④ DEC. NEWSLETTER GIVES SECURITY ADVICE
 - ⑤ DEP. GABR ~~GABR~~ - COURTESY OFFICER DETERS
 - ⑥ CAMPBELL - NO OFFICERS, NOT WALKING WHEN THERE, WELLSpring DID NOT FOLLOW OWN RULE, ALSO NO REPORT
 - ⑦ ROTHEN - NONE AT TIME, SHOULD HANDLE SUSPICIOUS SIGHTINGS, SOMEONE THAT DIDN'T BELONG

2003 REPORT

WRIGHT - WASTED THEY HAD SEC. OFFICERS - NEVER SAW
HAD SECURITY AWARENESS FROM IDA, AFF. - SAYS
WOULD NOT HAVE GOTTEN OUT OF CAR
IF SEEN MEN, SGT. J. SCOTT HOWARD AGREES, DIDN'T
SEE MEN BEHIND BUSH

GABR - 2 GUYS LYING THERE AT THAT TIME UP TO NO GOOD

#1 J. SCOTT HOWARD - AREA UNUSUAL, INCIDENTS AROUND POND, CREEPY
TUNNEL, VAGRANTS HANG OUT

#1 CAMPBELL - TRAILS CONNECT TO TROUBLED PROPERTY,
CRIMINAL ELEMENT CAN COME OVER,
KNEW OF CRIMINAL ELEMENT THAT HAD
ACCESS THROUGH TRAILS, LOTS OF PEOPLE
HAD ACCESS THROUGH TRAILS - OFFICER
ARE FOR PROTECTION

RODEN - TRIMMING & LIGHTING CAN ATTRACT
RESIDENTS

MONROE - TOLD PEOPLE NOT TO DISCUSS CRIMES

CAMPBELL - ENTRIES NOT ALWAYS MADE IN RESIDENT
CONVERSATION FILE, FIRST PRISON OR COMPLEX
SHOULD BE RESIDENT SAFETY, WRIGHT HAD A
RIGHT TO EXPECT TO BE SAFE

-
- # 1- ACCESS
 - # 2- VEGETATION
 - # 3- LIGHTING
 - # 4- COURTESY OFFICER

May 21, 2012 Site Visit Notes
BULE002
Columbia, SC

FIRST VISIT FEB 2011
(OTHER CASE)

BULE002

On May 21, 2012, I visited the location of the crime. I was conducting a joint visit with BULE001, which concerns a rape that occurred in 401. This particular incident is an armed robbery and kidnapping that occurred outside of 2210. An individual coming back from church during the hours of darkness was kidnapped and forced to withdraw money from her ATM account. She advised that as she approached her apartment from the parking lot, there were two black males that were seated on the ramp that led up to her door. They are the individuals who kidnapped. As was noted in the other case, the vegetation is very overgrown. It is particularly overgrown in some of these areas around here. As can be seen in my photos, the view of the bottom of the ramp can be blocked by vegetation, even in the daytime. The vegetation around the ramp appears to have been significantly cut back. Given the lighting conditions that I discovered later, it would have been possible to approach the ramp without seeing the individuals who were sitting at the bottom of the ramp. The way the ramp is designed, when the ramp touches the sidewalk, it is about seven or eight inches high. The second step is another seven or eight inches high. It provides a seating arrangement where an individual could sit on the ramp with their feet on the step in a comfortable position. There was no additional lighting for the ramp at all. The area was lit by a single mercury vapor parking lot light some distance from the bottom of the ramp. The only other light that would have been available would have come from the small bulbs that are at each of the doors. We really do not know if those lights were on or not at the time of the incident, since we discovered on this visit that lights could be turned out with a single switch that is available to anyone, even outside the apartment. In addition, even though the apartment complex was aware that we were visiting at night on this particular occasion and that we would be conducting a light study, we also saw lights that were out. I did not see as many mercury vapor lights on this visit as I had on previous visits. The location of this particular kidnapping is very close to the walking path that goes throughout this whole complex and is connected to other walking paths. It is totally uncontrolled. There are no signs and no fencing. There is nothing there to control the walking path in the rear. In the first photo I took of the ramp, you can see the walking path and how close it is. When I returned at night to measure the lighting in this particular area, I determined that at that initial beginning of the ramp, the light measures 0.1 fc. As I moved out toward the parking lot light, which was a mercury vapor light that was operating, it continued to measure 0.1 fc when I got to the steps. Even underneath the light in the parking lot, it never reached 0.5 fc, which is the minimum standard. Even some time after this event, the lighting has not been corrected. As far as I could tell, I was measuring lighting in conditions as close as possible to the conditions on the night of this event. This particular area has a very unrestricted access from anyone walking or driving in. It is close to Harbison and is close the walking path. The two individuals who were waiting appeared to have companions in a vehicle, although we cannot be certain of that.

After viewing the Wellspring Apartments, I then began to reviewing the neighborhood to determine other apartment complexes that were close enough to be comparable to this complex. This area is known as the Harbison area. It appears to have been developed as a planned area with a number of multi-family homes as well as a number of single-family homes in the area all centered around the Harbison recreation area and the trails and lake that are there. I reviewed six apartment complexes (including the subject complex) in five different areas. I reviewed access control (including number of points of entry into a complex), maintenance of vegetation and concealment points offered by the vegetation, building physical security and issues, sight lines within a complex, and signage. There was some senior housing in the area and close to Wellspring which I elected not to survey since I did not feel it was relevant. There were also some newer gated communities that were not surveyed for the same reason.

I started with Timberlake. It is my opinion that the access control is just average. The vegetation as far as maintenance and offering concealment points is much better than average. The physical security of the units themselves is about average. They do have storm doors on the units themselves which does offer a slight impediment. The sight lines are very open. The signage includes signs advising of the cameras that they have, signs prohibiting soliciting, signs advising that they have given police the authority to enforce issues on the property, parking signs, and towing signs. They have a large number of signs. This complex had the most of any that I saw.

The next complex that I reviewed was Forest Hills. It was not exactly an apartment complex. It appears to be a PUD (planned urban development) of single-family homes. It is located in very close proximity to Wellspring. The access control is good. The patios are private patios that are fenced. The property is fenced and is fenced off from the walking trail. Vegetation maintenance was excellent. Building security was good. They have storm doors and vertical vinyl windows instead of sliding horizontal aluminum windows. The sight lines are good to very good. The signage includes signs advising that it is private property, "no trespassing" signs, police authority signs, and parking and towing signs.

The next one I reviewed was West Winds. Access control is good. Vegetation control is excellent. Building security is just average. Sight lines are good for the most part and very good in some places. They have signs controlling parking, "no trespassing" signs, and signs prohibiting soliciting.

The next one I reviewed was The Lakes. Access control was just average. Vegetation was good. Building security was just average. Sight lines were good to very good in most places. The signage includes signs controlling parking, signs prohibiting soliciting, "no trespassing" signs, and signs that give police the authority to enforce on the property.

The next one I reviewed was Creekside. Access control was good with private patios and fencing. Vegetation was good. Building security was just average. The sight lines were good. The only signage they had was "no soliciting" signs.

The last one was the subject property to be compared. Access control is very poor. There are numerous points of access onto the property. The walking trail from Harbison continues all around the property and you can see people from outside the property walking. There is an

access point under the main boulevard that comes from Harbison. It is a pedestrian tunnel that is almost large enough to drive a car through. There is just no real access control I witnessed persons coming from the church property onto their property, persons coming from the walking trail, and persons leaving the walking trail to enter the woods and then coming back out. The vegetation is very poorly maintained. Both times when I have come the vegetation has been high enough to conceal people in many areas. It appeared that there has been some drastic cutback of vegetation in a very few areas. Some of those cutbacks have been in areas near where these incidents occurred. Building security is average, although the building security at the time on unit 401 was very poor. It continues to be below average in that there is no peephole on the door at unit 401, even given everything that has happened at that unit. Sight lines on the property are very poor, mainly due to the excessive vegetation and the overgrown condition of the vegetation. The only signage that is apparent anywhere on the property are two "no soliciting" signs, one at each of the entrances. Overall, Wellspring is far below the standard that is set by the other properties in the area.

05-06-07-08

RELEVANT PARKING LOT CRIMES ON OUTSIDE

1-7-05	THEFT FR. MV
11-2-05	MV THEFT
3-21-06	THEFT OF MV PARTS
7-7-06	MV THEFT
12-4-06	ASSAULT (STRANGER)
2-4-07	MV THEFT
3-6-07	THEFT OF MV PARTS
5-27-07	THEFT FR. MV
6-23-07	THEFT OF MV PARTS
7-2-07	MV THEFT
8-16-07	MV THEFT
11-28-07	NARCOTICS (NOT IN PARKING LOT)
1-23-08	THEFT FR. MV
6-5-08	MV THEFT
7-6-08	MV THEFT
6-30-08	THEFT OF LIC. PLATE
9-13-08	VANDALISM
7-13-08	ATTEMPT HOME INVASION
10-8-07	ATT. BURG.
8-7-07	TRESSPASS (ON BACK PORCH - STRANGER)

THERE ARE ALSO
AT LEAST 9 BURG.
IN PREVIOUS
3 YEARS / ONE
OF THESE IS
ACTUALLY A
HOME INVASION

SOURCE - RCD REPORTS

2008 CASE & 2010 CASE

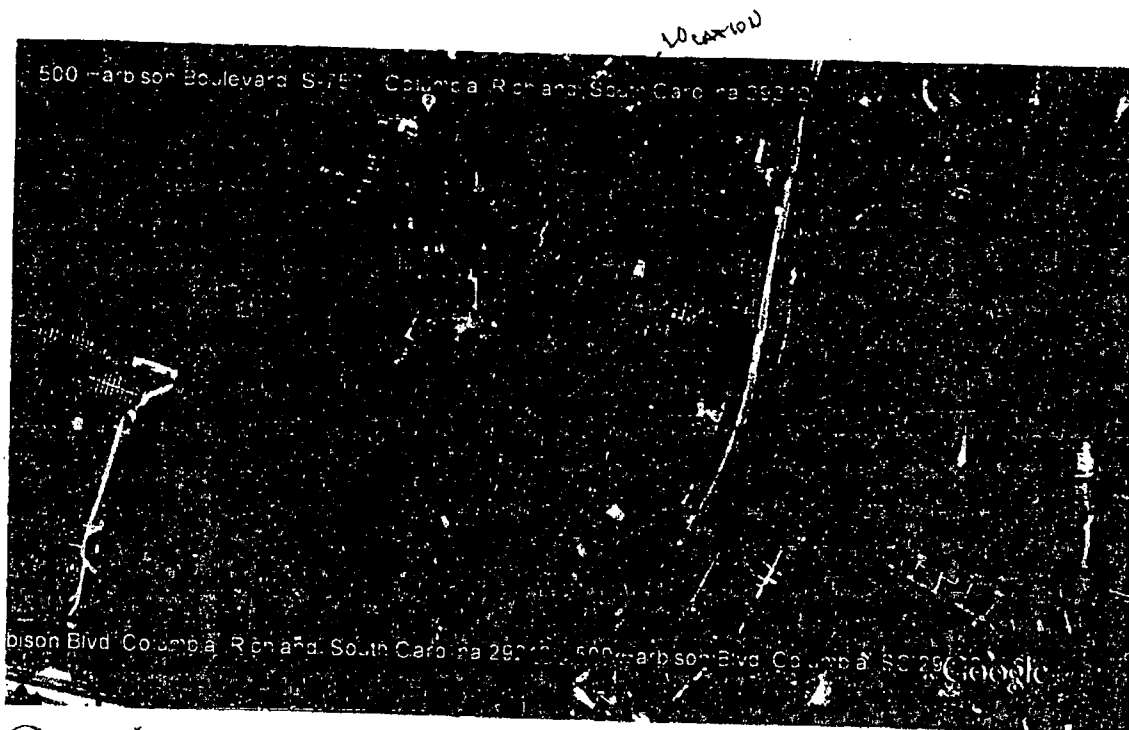
THEFT FR. MV.
ALSO INCLUDES
VEH. BUR
USUALLY

03-04

RELEVANT PARKING LOT ON OUTSIDE CRIMES

6-19-04	BIKE LARCENY	
7-11-04	THEFT FR. MV	
7-11-04	"	
7-26-04	"	
7-30-04	VANDALISM	
8-4-04	"	
8-4-04	"	
8-19-04	THEFT FR. MV	PUT CAR ON JACKS
10-12-04	THEFT OF MV	STOLE TIRES/WHEELS
11-25-04	THEFT FR. MV	
1-11-03	VANDALISM	
1-19-03	MV THEFT	
2-12-03	THEFT OF BOAT & TRAILER	
4-28-03	THEFT OF MV PARTS	
5-18-03	THEFT OF MV PARTS	
7-21-03	BIKE THEFT	
7-30-03	"	
9-5-03	VANDALISM	
11-8-03	THEFT FR. MV	
12-24-03	"	
4-8-04	BIKE THEFT	

GUARD CO. =
S.C. SECURITY
ENFORCEMENT
AGENCY
IN 5-15-03
REPORT



Go gle earth

feet 900
meters 200

BH Booth

From: BH Booth
Sent: Tuesday, August 21, 2012 5:35 PM
To: 'Jessica Cooksey'
Subject: RE: RE: Denise Wright v. Wellspring

I can be in Columbia on the 19th at 3pm and the best time to talk the first week of September is the afternoon of September the 4th. Just ask him to give me a time

William F. "BH" Booth, CPP
Chairman

Risk Management Associates, Inc.
4000 WestChase Blvd Suite 350
Raleigh, NC 27607
o 919-834-8584
f 919-834-8150
www.rmasecurity.com

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From: Jessica Cooksey [mailto:jessica@mcgowanhood.com]
Sent: Tuesday, August 21, 2012 4:07 PM
To: Bill Booth
Subject: RE: RE: Denise Wright v. Wellspring

I just spoke with Mr. Hood and he would like to meet with you in person in Columbia the afternoon of Sept. 19. Would you be available to be there around 3:00?

Also, he would like to start preparing with you by phone the week of September 3. Is there a good day/time that week for him to give you a call?

Thanks,
Jessica

Jessica L. Cooksey
Paralegal to S. Randall Hood
McGowan, Hood & Felder, LLC
1539 Heath Care Drive
Rock Hill, South Carolina 29732
(803) 327-7800
(803) 328-5656 (FAX)
Email: jcooksey@mcgowanhood.com

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From: Bill Booth [mailto:bbooth@rmasecurity.com]
Sent: August 21, 2012 12:56 PM
To: Jessica Cooksey
Subject: Re: RE: Denise Wright v. Wellspring

Yes

Sent from my Verizon Wireless 4G LTE Smartphone.

From: Jessica Cooksey
Subject: RE: RE: Denise Wright v. Wellspring

Okay. Could we begin at 10am in Columbia?

Thanks,

Jessica

Jessica L. Cooksey
Paralegal to S. Randall Hood
McGowan, Hood & Felder, LLC
1539 Heath Care Drive
Rock Hill, South Carolina 29732
(803) 327-7800
(803) 328-5656 (FAX)
Email: jcooksey@mcgowanhood.com

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From: Bill Booth [mailto:bbooth@rmasecurity.com]
Sent: August 21, 2012 12:45 PM
To: Jessica Cooksey
Subject: Re: RE: Denise Wright v. Wellspring

If it is all the same I would rather go to Columbia. I am about 3 hours from corporate offices in Raleigh.

Sent from my Verizon Wireless 4G LTE Smartphone.

From: Jessica Cooksey
Subject: RE: Denise Wright v. Wellspring

Thank you! Please hold the date was we work out time and location details. Do you have office space available to hold your deposition

8/21/2012

Thanks,

Jessica

Jessica L. Cooksey
Paralegal to S. Randall Hood
McGowan, Hood & Felder, LLC
1539 Health Care Drive
Rock Hill, South Carolina 29732
(803) 327-7800
(803) 328-5656 (FAX)
Email: jessica@mcgowanhoodfelder.com

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From: Bill Booth bill@mcgowanhoodfelder.com

Sent: August 21, 2012 12:18 PM

To: Jessica Cooksey

Subject: Re: Denise Wright v. Wellspring

Yes, it is.

Sent from my Verizon Wireless 4G LTE Smartphone.

From : Jessica Cooksey
Subject : Denise Wright v. Wellspring

Mr. Booth:

We spoke last week to discuss dates to schedule your deposition in this matter. Of the dates you provided to me, September 20 seems to

Thanks,

Jessica

Jessica L. Cooksey
Paralegal to S. Randall Hood
McGowan, Hood & Felder, LLC

8/21/2012

1539 Health Care Drive

Rock Hill, South Carolina 29732

(803) 327-7800

(803) 328-5656 (FAX)

Email: scott.hill@hca.com

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8/21/2012

Bill Booth

From: Bill Booth
Sent: Friday, August 24, 2012 2:49 AM
To: 'Jessica Cooksey'
Subject: RE: Denise Wright v. Wellspring

Go ahead and email it. I can also make the telephone conference at 4pm on September the 4th. Ask Mr. Hood to call 919-612-7875.

Thanks.
Bill

From: Jessica Cooksey [mailto:jessica@mcgowanhood.com]
Sent: Friday, August 24, 2012 12:41 PM
To: Bill Booth
Subject: RE: Denise Wright v. Wellspring

The property manager was recently deposed in this case and we received the transcript today. Mr. Hood wanted me to get this transcript to you to review before he preps with you. Do you want me to email or UPS to you?

Thanks,
Jessica

Jessica L. Cooksey
Paralegal to S. Randall Hood
McGowan, Hood & Felder, LLC
1539 Health Care Drive
Rock Hill, South Carolina 29732
(803) 327-7800
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From: Bill Booth
Sent: August 22, 2012 4:16 PM
To: Jessica Cooksey
Subject: RE: RE: RE: Denise Wright v. Wellspring

Jessica,
If you don't mind I need to wait to confirm that date and time. I have a case in Memphis that is under a deadline and I may have to travel there on the 4th. I should know in the next few days.
Thanks,
Bill

William F. "Bill" Booth, CPP
Chairman

Risk Management Associates, Inc.
4000 WestChase Blvd. Suite 350
Raleigh, NC 27607
o: 919-834-8584
f: 919-834-8150

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From: Jessica Cooksey
Sent: Wednesday, August 22, 2012 2:57 PM
To: Bill Booth
Subject: RE: RE: RE: Denise Wright v. Wellspring

How about 4pm on September 4?

Thanks!

Jessica

Jessica L. Cooksey
Paralegal to S. Randall Hood
McGowan, Hood & Felder, LLC
1539 Health Care Drive
Rock Hill, South Carolina 29732
(803) 327-7800
(803) 328-5656 (FAX)
Email: jcooksey@mcgowanhoodfelder.com

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To: Jessica Cooksey
Subject: RE: RE: RE: Denise Wright v. Wellspring

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William F. "Bill" Booth, CPP
Chairman

Risk Management Associates, Inc.
4000 WestChase Blvd. Suite 350

Raleigh, NC 27607
o: 919-834-8584
f: 919-834-8150

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Subject: RE: RE: RE: Denise Wright v. Wellspring

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Also, he would like to start preparing with you by phone the week of September 3. Is there a good day/time that week for him to give you a call?

Thanks,

Jessica

Jessica L. Cooksey
Paralegal to S. Randall Hood
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From: Bill Booth
Sent: August 21, 2012 12:56 PM
To: Jessica Cooksey
Subject: Re: RE: RE: Denise Wright v. Wellspring

Yes

Sent from my Verizon Wireless 4G LTE Smartphone.

From : Jessica Cooksey
Subject : RE: RE: Denise Wright v. Wellspring

Okay. Could we begin at 10am in Columbia?

Thanks,

Jessica

Jessica L. Cooksey
Paralegal to S. Randall Hood
McGowan, Hood & Felder, LLC
1539 Health Care Drive
Rock Hill, South Carolina 29732
(803) 327-7800
(803) 328-5656 (FAX)
Email:

-----Confidential Legal Document-----

The information contained in this email transmission is privileged and confidential, intended only for the use of the individual(s) named herein. If the reader of this transmission is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication or the information contained herein is strictly prohibited. If you have received this communication in error, please notify us immediately by voice at (803) 327-7800 or by email at

. Please delete the original from any storage media, and destroy any hard copies. Thank you.

From: Bill Booth
Sent: August 21, 2012 12:45 PM
To: Jessica Cooksey
Subject: Re: RE: Denise Wright v. Wellspring

If it is all the same I would rather go to Columbia. I am about 3 hours from corporate offices in Raleigh.

Sent from my Verizon Wireless 4G LTE Smartphone.

From : Jessica Cooksey
Subject : RE: Denise Wright v. Wellspring

Thank you! Please hold the date as we work out time and location details. Do you have office space available to hold your deposition or do you have a preferred location?

Thanks,

Jessica

Jessica L. Cooksey

Paralegal to S. Randall Hood

McGowan, Hood & Felder, LLC

1539 Health Care Drive

Rock Hill, South Carolina 29732

(803) 327-7800

(803) 328-5656 (FAX)

Email:

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From: Bill Booth

Sent: August 21, 2012 12:18 PM

To: Jessica Cooksey

Subject: Re: Denise Wright v. Wellspring

Yes, it is.

Sent from my Verizon Wireless 4G LTE Smartphone.

From : Jessica Cooksey

Subject : Denise Wright v. Wellspring

Mr. Booth:

We spoke last week to discuss dates to schedule your deposition in this matter. Of the dates you provided to me, September 20 seems to be the best date for everyone. Can you confirm this date is still available?

Thanks,

Jessica

Jessica L. Cooksey

Paralegal to S. Randall Hood

McGowan, Hood & Felder, LLC

1539 Health Care Drive

Rock Hill, South Carolina 29732

(803) 327-7800

(803) 328-5656 (FAX)

Email:

-----Confidential Legal Document-----

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BURRISS

INJURY LAWYERS

WILLIAM H. "HANK" BURRISS
E. WAYNE RIDGEWAY, JR.
Attorneys at Law

October 17, 2011

Bill Booth
Risk Management Associates
4000 West Chase Boulevard
Raleigh, North Carolina 27607

Re: *Wright v. PRG Real Estate Management, Inc. d/b/a Wellspring Apartments*
Date of Incident: 9/18/08

Dear Bill:

Thanks again for agreeing to take a look at this complex for my client. My client is very appreciative of your willingness to look into this matter. I am enclosing a check in the amount of \$3000 for your retainer as well as a disk containing the following:

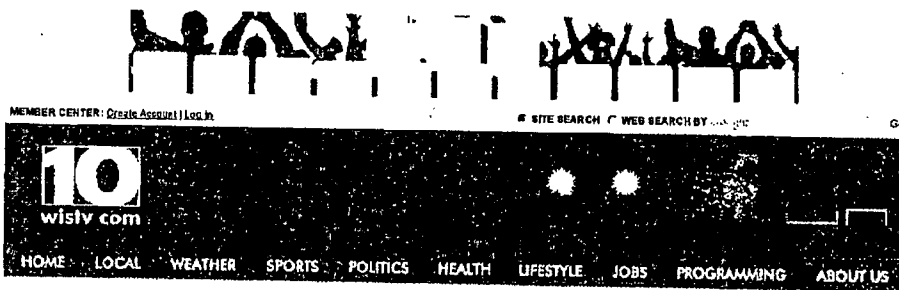
Richland County Sheriff incident reports for 2003 and 2004
Photographs of the area of the complex where the event took place
Affidavit of Witness Nelissa Davis
Complaint
Answer

Once you are in receipt of this letter please contact me so that I may make sure that you understand what I have forwarded. I can be reached on my cell phone at 803-463-3173. Thanks in advance for your attention to this matter and I look forward to speaking with you soon.

Sincerely,


Wayne Ridgeway

Columbia Office: 907 Elmwood Avenue • Columbia, SC 29201 • Phone: 803-779-5842 • Fax: 803-227-0384 • Toll Free: 866.444.6330
Orangeburg Office: 198 Docket Street • Orangeburg, SC 29116 • Phone: 803-534-4878
hank@burrislaw.com • wayne@burrislaw.com • www.burrislaw.com



SMILES

DID YOU KNOW:

This tool is not intended to replace the services of a professional.

Email Share Print Text Size

Deputies release sketches of suspects in robbery, kidnapping

To see what your friends recommend.

Posted: Sep 24, 2008 7:25 PM EDT

Updated: Sep 29, 2008 10:34 AM EDT

COLUMBIA, SC (WIS) - A 59-year-old woman kidnapped and robbed at gunpoint. Now deputies want your help to find the men they think did it.

Richland County deputies say two men robbed and kidnapped a woman at gunpoint.

"They were just thugs out trying to get easy money," says Sgt. Kim Myers.

Deputies say last Thursday around 11:30pm, two men approached a woman at the Welcoming Apartments on Hartison Boulevard, pulled out guns and demanded money.

"She stated she did not have any money. At that point, they looked through her purse, rummaged through her purse, and realized that she had a BBAT card," says Myers.

Deputies say the men then forced the woman to drive her car to a BBAT Bank ATM on Hartison and another one on Bush River Road.

Surveillance pictures show the suspects taking money from the victim. Another surveillance photo shows another car which deputies say was the getaway car.

"We're hoping that somebody can take a look at that and see if they know the person," says Myers.

According to deputies, once the robbers got the money, they made the woman drive to the Crossroads Apartments on Zimacres Drive.

They got out of the victim's car and took off in the car that had been following them the whole time.

"She couldn't have stopped something like this. These guys were out to get money and they were going to do it at no cost," says Myers.

Deputies think the men are responsible for this robbery and kidnapping, and they may even be involved in other crimes.

If you have any information, call 1-888-CRIME-SC.

Reported by

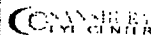
Posted by

Also of interest



Photos courtesy RCSI

DTU was to row



MOST POPULAR STORIES

Teacher accused of making student's rub her feet

Bumster woman charged in fatal stabbing

Man thrown into bonfire, two arrested

Construction worker still in critical condition; DUI suspect remains in jail

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ZAXBY'S

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College buddies?
No freshman 15
Benefits of high school econ

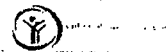
FEATURED STORIES IN EDUCATION

Non-traditional student tips
College buddies?
No freshman 15
Benefits of high school econ

Sponsored by Georgetown University School of Continuing Education

DID YOU KNOW:

This link is provided by Colonial Family Practice



NEWS ON WISTV.COM

Tornado wreaks havoc 4 dead, 5 injured

Updated: Nov 17, 2011 8:24 AM EST
A line of storms spawned several reports of tornadoes on Wednesday afternoon, leaving four people dead and five injured in the Charlotte region.

Occupy Columbia protesters return, vow to continue protests

Updated: Nov 17, 2011 11:17 AM EST
The 19 protesters from the Occupy Columbia movement who were arrested Thursday evening after defying an order by South Carolina Governor Nikki Haley to vacate the State House grounds have been released from jail.

Jackpot: \$1 million lottery ticket sold in St. Stephen

Updated: Nov 17, 2011 9:09 AM EST
A \$1 million lottery ticket was purchased in St. Stephen on Wednesday and the winner has yet to come forward. Are you holding the winning ticket?

Find Apartments Moving Center Renters Library

Home • South Carolina • Columbia Apartments • Wellspring Apartments • Men Robbed Woman as She Came Home from Church

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Wellspring Apartments
500 Harrison Boulevard, Columbia, SC 29212
803-781-8541

AVERAGE RATING:
RECOMMENDED BY: 4.3/5
OVERALL RATING:
PARKING
MAINTENANCE
CONSTRUCTION
NOISE
GROUNDS
OFFICE
OFFICE STAFF



Write a Review

REVIEWS

Men Robbed Woman As She Came Home From Church
From: Anonymous
Date posted: 9/29/2008
Years at this apartment: 2008 - 2008

Men Robbed Woman as She Came Home from Church
Posted by: Tony Centaville Date last updated: 9/29/2008 9:46:13 AM Smaller Larger Print Article Close Page

Sketch of the suspects.

Suspects' car.

Richland County (WLTx) - Richland County deputies are searching for two suspects who they say robbed a 69-year-old woman at her home.

Deputies say the incident took place at the Wellspring Apartments on Harrison Boulevard September 16 at 11:30 p.m.

Officers say the woman had just returned home from church when she was approached by two men.

Deputies say the woman tried to walk around the suspects, who were standing in the way of the entrance to her home, but as she did, the men pulled a gun and demanded money from her purse.

The woman told the suspects she didn't have any money, but they found out that she had an ATM card. The woman was then forced by the suspects to drive to an ATM at 201 Harrison Boulevard and 420 Bush River Road.

Once she complied with their demands, she was forced to drive to the Crossroads Apartments on Zimacrest Drive, where a car that followed them took the suspects away.

Pictures of the car at the ATM, and a sketch of the suspects, are attached to this story.

Anyone who may have seen any part of this crime at any of these locations is asked to call Crimestoppers at 1-888-CRIME-SC.

This article is courtesy of WLTx.com

<http://www.wltx.com/news/story.aspx?storyid=66446>

Last updated: 10/1/2008

Rate this review

Problem: Funny, Best of?

Recommended: NO
Overall Rating:
Not sure

Parking:
Maintenance:
Construction:
Noise:

Grounds:
Safety:
Office Staff:

Is the author:
Lived here?

From: Anonymous

Date: 09/30/2008



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www.AutoInsuranceTipsAndNews.com



10-05-2008

Two remain at large in connection with robbery at apartment

Posted: Sep 30, 2008 3:50 PM EDT
Updated: Oct 05, 2008 5:54 PM EDT

COLUMBIA, SC (WIS) - The search continues for two men Richland County deputies say robbed a woman as she was coming home from church.

Authorities say the two men forced the woman to drive them to ATMs and withdraw money.

A week later, there is still fear at Wellspring Apartments where it all started. One woman, who has a child who lives at the complex, says she's "outraged" about the robbery.

"Their lives are being put in jeopardy," the woman said.

She doesn't want to be identified for fear of retaliation against her child, but the woman says managers at the complex should do more to protect their tenants from crime.

Deputies say a 59-year-old woman was coming home from church and heading into her apartment when two armed men approached her and demanded money.

According to deputies, when the woman said she didn't have money, they went through her purse, found a bank card and forced her to drive to two ATMs, taking out money at both.

The woman we interviewed isn't surprised about the robbery because she says it's easy for someone to hide near the buildings.

"Trees are overgrown, lights are out, dark areas. Dark areas where people have to walk into their homes," the woman said.

Her child has lived at the complex just under a year, but plans to move soon. Until then, the woman will be hoping her child doesn't become a victim.

"It just frightens me to know that my child lives in that complex," the woman said.

Reported by Brandi Cummings

Posted by [Brandi Cummings](#)

Also of Interest



Paternity Suit
Against Justin
Weber Dropped



Former Methua
VP, husband
sentenced for
cooking meth



A Junkie
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Underground
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Northwest Florida

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BURRISS

INJURY LAWYERS

WILLIAM H. "HANK" BURRISS
E. WAYNE RIDGEWAY, JR.
Attorneys at Law

November 30, 2011

Bill Booth
Risk Management Associates
4000 West Chase Boulevard
Raleigh, North Carolina 27607

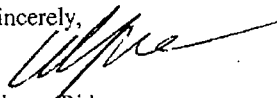
Re: *Wright v. PRG Real Estate Inc. d/b/a Wellspring Apartments*
Date of Incident: 9/18/08

Dear Bill:

Enclosed you will find a disc which contains everything that I have been able to gather from the Richland County Sheriff's Department. The Adobe file is 197 pages long and appears to contain all of the investigative materials regarding this incident along with data regarding suspects. The videos on this disc appear to be from surveillance cameras positioned in places where I assume my client's debit/credit card was used.

Thanks in advance for your attention in this matter and should you have any questions or concerns please do not hesitate to contact me.

Sincerely,



Wayne Ridgeway

125

BURRISS

INJURY LAWYERS

WILLIAM H. "HANK" BURRISS
E. WAYNE RIDGEWAY, JR.
Attorneys at Law

September 5, 2012

Bill Booth
Risk Management Associates
4000 WestChase Blvd. Suite 350
Raleigh, NC 27607
VIA OVERNIGHT DELIVERY

RE: Denise Wright v. PRG Real Estate et. al.

Bill,

I am forwarding a disc today containing file materials for the Denise Wright case. Below is a brief listing of what you have already been forwarded:

- Richland County Sheriff incident reports dating back to 2003 ✓
- Affidavit of Danielle Rapposelli ✓
- Affidavit of Daniel Rapposelli ✓
- Affidavit of Edward Ellerbee ✓
- Affidavit of Karen Gaskill ✓
- Affidavit of Frank Gaskill ✓
- Affidavit of Evelyn Nitka ✓
- Affidavit of Derrick Moultrie ✓
- Affidavit of Joe Carroll ✓
- Affidavit of Shawn Folk ✓
- Affidavit of Dennis Taylor ✓
- Affidavit of Stacy Taylor ✓
- Affidavit of Kathy Rapposelli ✓
- Affidavit of Timir Patel ✓
- Affidavit of Corey Clark ✓
- Affidavit of Rachel Wise ✓
- Affidavit of Nelissa Davis ✓
- Photographs of the area of the complex where the event took place ✓
- Affidavit of Witness Nelissa Davis ✓
- Complaint ✓
- Answer ✓
- Complete investigative file from Richland County ✓

Columbia Office: 907 Elmwood Avenue • Columbia, SC 29201 • Phone: 803-779-5842 • Fax: 803-227-0384 • Toll Free: 866.444.6330
Orangeburg Office: 198 Docket Street • Orangeburg, SC 29116 • Phone: 803-534-4878
hank@burrislaw.com • wayne@burrislaw.com • www.burrislaw.com

Today I am forwarding a disc that contains the following folders:

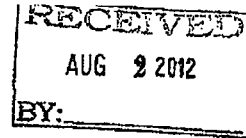
- 30(b)(5) discovery materials from the Defendant (These are materials that they are producing in preparation for the deposition of a corporate representative who speaks on behalf of the company. This deposition is taking place later this week.) DID NOT PRINT
- Case Law (These are the cases that set forth the law that in part applies.) ✓
- Defendant's Discovery Responses (These scans include written responses to discovery, including Requests for Admission and also includes hard copies of additional reports of unusual occurrences) ✓
- Denise Wright Personal Materials (BB&T employment file, medical records including therapy after event, lease file for subsequent apartment) NOT PRINTED
- Depositions (Denise Wright, Property Manager Karen Campbell – this one was forwarded by email from Jessica Cooksey) ✓
- Discovery materials from Defendant Plaintiff's Discovery Responses
- Pleadings (you already have the Complaint and Answer and we are now forwarding the Motion for Summary Judgment) ✓
- Richland County investigative file (You already have this) ✓

Should you have any questions or concerns please do not hesitate to contact me on my cell phone.

Sincerely,



Wayne Ridgeway



Janie A. Berks | Direct Dial: 803.255.0415 | E-Mail: jberks@collinsandlacy.com
Senior Paralegal

August 1, 2012

The Honorable Jeannette W. McBride
Richland County Clerk of Court
1701 Main Street, Rm. 205
Post Office Box 2766
Columbia, SC 29202

RE: Denise Wright v. PRG Real Estate Management, Inc., Franklin Pineridge
Associates, Jane Doe, Individually and in her Representative Capacity
C/A No.: 2011-CP-40-4068
Claim No.: 684-259253
C&L File No.: 1-2055

Dear Ms. McBride:

Enclosed please find the original and one (1) copy of Defendants' Motion for Summary Judgment in the above-referenced matter. Please file the original and return the clocked copy to me in the enclosed envelope. By copy of this letter I am serving counsel of record with a copy of the same.

Thank you for your assistance. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Janie Berks".

Janie A. Berks
Senior Paralegal

Enclosure

cc: E. Wayne Ridgeway, Jr., Esquire
S. Randall Hood, Esquire

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Denise Wright

☐ Plaintiff,

vs.

PRG Real Estate Management, Inc. Franklin Pineridge
Associates, Karen Campbell, Individually and in her
Representative Capacity as an Agent of PRG Real Estate
Management

☒ Defendant.

check box above indicating submitting party

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NUMBER:
2011-cp-40-4068

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Name, S.C. Bar No. and address of plaintiff's attorney:

Wayne Ridgeway, Esquire
Burris and Ridgeway
907 Elmwood Ave., Columbia, SC 29201
telephone: 803-779-5842 fax: 803-227-0384
e-mail: other:

Name, S.C. Bar No. and address of defendant's attorney:

Brian A. Comer, Esquire
Collins & Lacy, P.C.
Post Office Box 12487, Columbia, SC 29211
telephone: 803-256-2660 fax: 803-771-4484
e-mail: beomer@collinsandlacy.com other:

- ☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: Motion for Summary Judgment

Estimated Time Needed: 1 Hour

Court Reporter Needed: ☒ YES / ☐ NO

- ☒ Written motion attached
☐ Form Motion -

SECTION II: Motion Type

I hereby move for relief or action by the court as set forth in the attached proposed motion.

Brian A. Comer
Signature of Attorney for ☐ Plaintiff / ☒ Defendant

8-1-12
Date submitted

SECTION III: Motion Fee

☒ PAID - AMOUNT: \$

☐ EXEMPT:
(check reason)

- ☐ Rule to Show Cause in Child or Spousal Support
☐ Domestic Abuse or Abuse and Neglect
☐ Indigent Status
☐ Sexually Violent Predator Act
☐ Motion for Stay in Bankruptcy
☐ Motion for Publication
☐ Proposed order submitted at request of the court, or,
reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter:
☐ Other:
- ☐ State Agency v. Indigent Party
☐ Post-Conviction Relief
☐ Motion for Execution (Rule 69, SCRCP)

JUDGE'S SECTION

- ☐ Motion Fee to be paid upon filing of the attached order.
☐ Other:

JUDGE

CODE: Date:

CLERK'S VERIFICATION

Collected by: _____
(print name)

DATE FILED

- ☐ MOTION FEE COLLECTED: \$
☐ CONTESTED - AMOUNT DUE: \$

SCCA/233 (11-03)

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Denise Wright,

Plaintiff,

vs.

PRG Real Estate Management, Inc.,
Franklin Pineridge Associates, Jane Doe
Individually and in her Representative
Capacity,

Defendants.

IN THE COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

CIVIL ACTION NO.: 2011-CP-40-4068

**DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

COMES NOW Defendants PRG Real Estate Management, Inc., Franklin Pineridge Associates, Karen Campbell, Individually and in her Representative Capacity as an Agent of PRG Real Estate Management (hereinafter, collectively, "Defendants"), and move the Court for an Order granting summary judgment in favor of Defendants with regard to all claims asserted by Plaintiff Denise Wright (hereinafter, "Plaintiff"). The grounds for this motion are as follows:

1. Plaintiff was a tenant of an apartment complex owned and/or managed by Defendants. As she was exiting her car and going to her apartment, she was abducted by third-party criminals who forced her to drive them to an ATM machine and withdraw money. She was later released by the criminals. Based on this incident, she filed a lawsuit against Defendants in which she alleged claims for negligence, breach of implied warranty, and violation of the South Carolina Unfair Trade Practices Act ("SCUTPA").

2. With regard to Plaintiff's negligence claim, neither common law nor the South Carolina Residential Landlord-Tenant Act impose a duty on a landlord to provide protection to tenants against criminal activity of third parties. Even if there was such a duty, which

Defendants dispute, Plaintiff cannot prove that any breach proximately caused her alleged injuries.

3. With regard to Plaintiff's breach of implied warranty claim, South Carolina does not recognize an implied warranty of fitness or habitability in leases. The South Carolina Residential Landlord Tenant Act also does not impose a duty on a landlord to provide protection to tenants against criminal activity by third parties. Any "fit and habitable" provisions in the Act impose a duty on the landlord only with regard to the physical state of the premises, i.e., with regard to structural defects. It does not impose a duty on a landlord to provide protection to tenants against criminal activity.

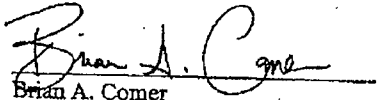
4. Finally, with regard to Plaintiff's SCUTPA claim, Plaintiff cannot satisfy any of the requirements for this action. She cannot prove (1) Defendants engaged in unfair or deceptive acts in the conduct of trade or commerce; (2) the unfair or deceptive acts affected public interest; and (3) Plaintiff suffered monetary or property loss as a result of the Defendants' unfair or deceptive act(s).

For all of these reasons, Defendants request an Order by this Court granting summary judgment in favor of Defendants with regard to all of Plaintiff's claims. This motion is supported by the South Carolina Rules of Civil Procedure, applicable case law, such supporting memoranda or affidavits that may be submitted prior to the hearing of this matter, and the arguments at a hearing on this matter.

Respectfully submitted,

COLLINS & LACY, P.C.

By:

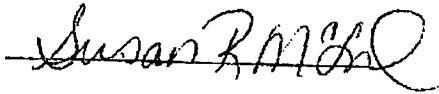

Brian A. Comer
1330 Lady Street, Sixth Floor (29201)
Post Office Box 12487
Columbia, South Carolina 29211
(803) 256-2660
(803) 771-4484 (f)

Attorneys for Defendants PRG Real Estate
Management, Inc., Franklin Pineridge
Associates and Karen Campbell

Columbia, South Carolina
August 1, 2012

CERTIFICATE OF SERVICE

I hereby certify that on the 1 day of August, 2012, Defendants' Motion for Summary Judgment was mailed to the below listed counsel of record via the United States Postal Service, with sufficient postage affixed thereto and return address clearly marked.



COUNSEL SERVED:

E. Wayne Ridgeway, Jr., Esquire
907 Elwood Avenue
Columbia, SC 29211
and
S. Randall Hood, Esquire
McGowan, Hood & Felder, LLC
1539 Health Care Drive
Rock Hill, SC 29732
Attorney for Plaintiff

RECEIVED

JUN 02 2014

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

W. Jeffrey Young, Circuit Court Judge

Case No.: 2011-CP-40-4068

Denise Wright Appellant,

v.

PRG Real Estate Management,
Inc.; Franklin Pineridge
Associates; Karen Campbell
Individually, and in her
Representative Capacity as an
Agent of PRG Real Estate
Management..... Respondents.

CERTIFICATE OF COUNSEL

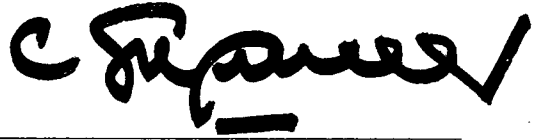
The undersigned hereby certifies that the Appendix to the Record on Appeal contains material proposed to be included by the parties and not any other material.

[SIGNATURE PAGE TO FOLLOW]

RECEIVED
JUN 02 2014
SC Court of Appeals

Respectfully submitted,

COLLINS & LACY, P.C.



By:

BRIAN A. COMER

bcomer@collinsandlacy.com

CHRSTIAN STEGMAIER

cstegmaier@collinsandlacy.com

1330 Lady Street, Sixth Floor (29201)

Post Office Box 12487

Columbia, South Carolina 29211

(803) 256-2660

(803) 771-4484 (f)

bcomer@collinslandlacy.com

Attorneys for Respondents PRG Real Estate
Management, Inc., Franklin Pineridge
Associates and Karen Campbell

Columbia, South Carolina
June 2, 2014

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

JUN 02 2014

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

SC Court of Appeals

W. Jeffrey Young, Circuit Court Judge

Case No. 2011-CP-40-4068

Denise Wright..... Appellant,

v.

PRG Real Estate Management,
Inc.; Franklin Pineridge
Associates; Karen Campbell
Individually, and in her
Representative Capacity as an
Agent of PRG Real Estate
Management..... Respondents.

PROOF OF SERVICE

I HEREBY CERTIFY THAT I SERVED the Appendix to the Record on
Appeal upon all parties, by placing a copy in the United States mail, postage
prepaid, to all counsel of record on June 2, 2014, addressed to the following:

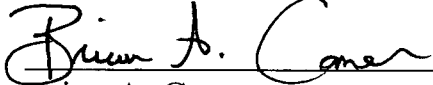
Counsel Served:

E. Wayne Ridgeway, Jr., Esquire
907 Elwood Avenue
Columbia, SC 29211

S. Randall Hood, Esquire
Jordan C. Calloway, Esquire
Deborah G. Casey, Esquire
McGowan, Hood & Felder, LLC
1539 Health Care Drive
Rock Hill, SC 29732

Gerald Mallow, Esquire
Malloy Law Firm
108 Cargill Way
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Respectfully submitted,
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**PROOF OF SERVICE –
APPENDIX TO THE RECORD
ON APPEAL**

June 2, 2014
Columbia, South Carolina