

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DARLINGTON COUNTY
Court of Common Pleas

Larry B. Hyman, Jr., Circuit Court Judge

Case No. 2015-001907

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SC Court of Appeals

Haley Jefferson, as Personal Representative of the Estate of Michael Jefferson,

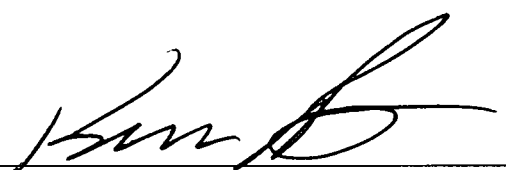
Appellant

v.

Landmark Inn 786 Hospitality, LLC,

Respondent

INITIAL BRIEF OF APPELLANT



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TABLE OF CONTENTS

TABLE OF AUTHORITIES..... iii

STATEMENT OF ISSUES ON APPEAL..... 1

STATEMENT OF THE CASE..... 2

STATEMENT OF FACTS..... 3

ARGUMENT..... 3

 I. THE TRIAL COURT ERRED AS A MATTER OF LAW IN GRANTING RESPONDENT’S MOTION FOR SUMMARY JUDGMENT BY FINDING THAT THERE ARE NO GENUINE ISSUES OF FACT IN DISPUTE..... 3

 A. The Trial Court erred as a matter of law when it found that the Decedent was a trespasser on the premises on which the incident occurred, instead of finding that the Decedent was an invitee (or at least a licensee) on the premises at the time of the incident..... 5

 B. The Trial Court erred and abused its discretion in finding that The Respondent only owed a duty to the Decedent as a trespasser..... 8

 C. The Trial Court erred and abused its discretion in disregarding the evidence in the record showing disputed issues of fact, most specifically the Affidavit of security expert, William Booth, who opined that the Respondent breached industry standards in numerous aspects, and that those breaches were the proximate cause of Decedent’s death..... 9

 II. THE TRIAL COURT ERRED IN REFUSING TO GRANT APPELLANT’S MOTION TO RECONSIDER THE GRANTING OF RESPONDENT’S MOTION FOR SUMMARY JUDGMENT..... 12

CONCLUSION..... 14

TABLE OF AUTHORITIES

CASES

<i>B & B Liquors, Inc. v. O'Neil</i> , 361 S.C. 267, 603 S.E.2d 629 (S.C. Ct. App. 2004).....	4
<i>BPS, Inc. v. Worthy</i> , 362 S.C. 319, 608 S.E.2d 155 (S.C. Ct. App. 2005).....	4
<i>Baugus v. Wessinger</i> , 303 S.C. 412, 401 S.E.2d 169 (1991).....	5
<i>Catawba Indian Tribe of South Carolina v. State</i> , 372 S.C. 519, 642 S.E.2d 751 (2007).....	4
<i>Clark v. Cantrell</i> , 339 S.C. 369, 389, 529 S.E.2d 528, 539 (2000).....	12
<i>Connor Holdings, L.L.C. v. Cousins</i> , 373 S.C. 81, 644 S.E.2d 58 (2007).....	4
<i>Eagle Container Co., LLC v. County of Newberry</i> , 366 S.C. 611, 622 S.E.2d 733 (S.C. Ct. App. 2005).....	4
<i>Gadson v. Hembree</i> , 364 S.C. 316, 613 S.E.2d 533 (2005).....	5
<i>Goode v. St. Stephens United Methodist Church</i> , 329 S.C. 433, 441, 494 S.E.2d 827, 831 (S.C. Ct. App. 1997).....	6
<i>Hancock v. Mid-S. Mgmt. Co., Inc.</i> , 381 S.C. 326, 673 S.E.2d 801 (2009).....	5
<i>Hansson v. Scalise Builders of South Carolina</i> , 374 S.C. 352, 650 S.E.2d 68 (2007).....	4
<i>Harris Teeter, Inc. v. Moore & Van Allen, PLLC</i> , 390 S.C. 275, 701 S.E.2d 742 (2010).....	5
<i>Hawkins v. City of Greenville</i> , 358 S.C. 280, 594 S.E.2d 557 (S.C. Ct. App. 2004).....	5
<i>Helena Chem. Co. v. Allianz Underwriters Ins. Co.</i> , 357 S.C. 631, 594 S.E.2d 455 (2004).....	5
<i>Helms Realty, Inc. v. Gibson-Wall Co.</i> , 363 S.C. 334, 611 S.E.2d 485 (2005).....	4

<i>Henderson v. Allied Signal, Inc.</i> , 373 S.C. 179, 644 S.E.2d 724 (2007).....	4
<i>Hoover v. Broome</i> , 324 S.C. 531, 535, 479 S.E.2d 62, 65 (S.C. Ct. App. 1996).....	7
<i>Landry v. Hilton Head Plantation Prop. Owner's Ass'n</i> , 317 S.C. 200, 203, 452 S.E.2d 619, 621 (S.C. Ct. App. 1994).....	7
<i>Larimore v. Carolina Power & Light</i> , 340 S.C. 438, 444, 531 S.E.2d 535, 538 (S.C. Ct. App. 2000).....	8
<i>Lord v. D&J Enterprises, Inc.</i> , 407 S.C. 544, 757 S.E.2d 695 (2014).....	13
<i>Medical Univ. of South Carolina v. Arnaud</i> , 360 S.C. 615, 602 S.E.2d 747 (2004).....	4
<i>Midkiff v. Hines</i> , 866 S.W.2d 328, 333 (Tex. Ct. App. 1993).....	13
<i>Montgomery v. CSX Transp., Inc.</i> , 362 S.C. 529, 608 S.E.2d 440 (S.C. Ct. App. 2004).....	5
<i>Montgomery v. CSX Transp., Inc.</i> , 376 S.C. 37, 656 S.E.2d 20 (2007).....	5
<i>Moore v. Weinberg</i> , 373 S.C. 209, 216, 644 S.E.2d 740, 743 (S.C. Ct. App. 2007).....	4
<i>Mulherin-Howell v. Cobb</i> , 362 S.C. 588, 608 S.E.2d 587 (S.C. Ct. App. 2005).....	4
<i>Neil v. Byrum</i> , 288 S.C. 472, 473, 343 S.E.2d 615, 616 (1986).....	7
<i>Nelson v. Charleston County Parks & Recreation Comm'n</i> , 362 S.C. 1, 605 S.E.2d 744 (S.C. Ct. App. 2004).....	5
<i>Parker v. Stevenson Oil Co.</i> , 245 S.C. 275, 280, 140 S.E.2d 177, 179 (1965).....	6
<i>Pittman v. Grand Strand Entm't, Inc.</i> , 363 S.C. 531, 536, 611 S.E.2d 922, 925 (2005).....	4
<i>RWE NUKEM Corp. v. ENSR Corp.</i> , 373 S.C. 190, 644 S.E.2d 730 (2007).....	4
<i>Rife v. Hitachi Constr. Mach. Co., Ltd.</i> , 363 S.C. 209, 609 S.E.2d 565 (S.C. Ct. App. 2005).....	4

<i>Schmidt v. Courtney</i> , 357 S.C. 310, 592 S.E.2d 326 (S.C. Ct. App. 2003).....	4
<i>Sims v. Giles</i> , 343 S.C. 708, 720, 541 S.E.2d 857, 864 (S.C. Ct.App.2001).....	6, 7, 8, 9
<i>Singleton v. Sherer</i> , 377 S.C. 185, 196-98, 659 S.E.2d 196, 202-03 (S.C. Ct. App. 2008).....	7, 8
<i>Smiley v. Southern R.R.</i> , 184 S.C. 130, 191 S.E. 895 (1937).....	9
<i>Snow v. City of Columbia</i> , 305 S.C. 544, 552, 409 S.E.2d 797, 802 (S.C. Ct. App. 1991).....	9
<i>State v. Hicks</i> , 377 S.C. 322, 324-25, 659 S.E.2d 499, 500 (S.C. Ct. App. 2008).....	12
<i>State v. Sheldon</i> , 344 S.C. 340, 342, 543 S.E.2d 585, 585-586 (S.C. Ct. App. 2001).....	12
<i>Willis v. Wu</i> , 362 S.C. 146, 607 S.E.2d 63 (2004).....	4
<i>Young v. South Carolina Dep't of Disabilities & Special Needs</i> , 374 S.C. 360, 649 S.E.2d 488 (2007).....	4

RULES AND STATUTES

S.C. Code Ann. § 16-11-600.....	5, 6
---------------------------------	------

OTHER AUTHORITIES

E.L. Kellett, <i>Private Person's Duty and Liability for Failure to Protect Another Against Criminal Attack by Third Person</i> , 10 A.L.R.3d 619 (1966 & Supp. 2013).....	13
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STATEMENT OF ISSUES ON APPEAL

I. THE TRIAL COURT ERRED AS A MATTER OF LAW AND ABUSED ITS DISCRETION IN GRANTING THE RESPONDENT'S MOTION FOR SUMMARY JUDGMENT BY FINDING THAT THERE ARE NO GENUINE ISSUES OF FACT IN DISPUTE.

II. THE TRIAL COURT ERRED AND ABUSED ITS DISCRETION IN DENYING APPELLANT'S MOTION TO RECONSIDER THE GRANTING OF RESPONDENT'S MOTION FOR SUMMARY JUDGMENT.

STATEMENT OF THE CASE

This matter was commenced by the Appellant by Summons and Complaint filed on March 30, 2012. In her Complaint, Appellant alleges that the Respondent, Landmark Inn 786 Hospitality, LLC, was negligent in a number of respects.

Respondent filed an Answer in which it interposed a general denial to Appellant's allegations, and raised the defenses of comparative negligence, assumption of the risk, waiver and estoppel. Subsequent to the parties engaging in substantial discovery, Respondent filed a Motion for Summary Judgment asking that the case be dismissed and judgment granted in Respondent's favor.

A hearing was held before Honorable Larry B. Hyman on February 2, 2015, at which time both attorneys argued the respective positions and later submitted Memoranda in support of and in opposition to the Motion. By Order filed July 8, 2015, Judge Hyman granted the Respondent's Motion finding that the Decedent was a trespasser at the time of the incident, and Respondent's sole duty to Decedent was not to wilfully or intentionally harm him. Judge Hyman specifically found that the Respondent did not do anything to wilfully or intentionally harm Decedent and as a result, did not breach any legal duty to him.

On July 21, 2015, Appellant filed a Motion to Reconsider, or Alter or Amend. A hearing held on this Motion on September 1, 2015. By Order filed September 2, 2015, Judge Hyman denied Appellant's Motion, again indicating that the Decedent was a trespasser, that Respondent did not intentionally or wilfully harm the Decedent and thus did not breach its duty to him. He also found that Respondent's actions were not the proximate cause of Decedent's death.

Appellant received the Order granting Respondent's Motion for Summary Judgment and Order Denying Appellant's Motion to Reconsider on July 14, 2015 and September 3, 2015, respectively, and timely filed her Notice of Appeal on September 10, 2015.

STATEMENT OF FACTS

This is an action against the Respondent for the wrongful death and conscious pain and suffering of Michael Jefferson (hereinafter “Decedent”), arising out of a shooting that occurred on the Respondent’s premises known as the Landmark Inn on May 31, 2009. On that occasion, there was a large gathering of people, including Decedent, on Respondent’s premises, in the area adjacent to the basketball court and goal. The Respondent maintained this court and goal for the use of patrons and others. When specifically asked about this at his deposition, Hussain (the general manager and corporate officer) responded “anybody can use it”. (Depo. of Hussain, p. 26). Additionally, there were no “no trespassing” or “private property” signs on the premises, and to the owner’s knowledge, no one had ever been asked to leave the basketball area because they were not patrons of the motel. (Depo. Of Hussain, p. 27).

Respondent’s employees did not notice the gathering on the premises that day and thus do not know how many, if any, of the gathered people had actually rented rooms at the Landmark Inn. Without dispute, the Decedent was not a registered guest at the motel on the day of the incident. An argument ensued at the location and the Decedent was shot and was permanently and totally paralyzed. He ultimately died from the complications arising from his paralysis. Another person was also shot and killed at the same time and place. The alleged shooter was charged with murder in connection with this incident.

ARGUMENT

I. THE TRIAL COURT ERRED AS A MATTER OF LAW AND ABUSED ITS DISCRETION IN GRANTING THE RESPONDENT’S MOTION FOR SUMMARY JUDGMENT BY FINDING THAT THERE ARE NO GENUINE ISSUES OF FACT IN DISPUTE.

Summary Judgment Standard of Review

“In reviewing the grant of summary judgment, [an appellate court] applies the same standard that governs the trial court under Rule 56, SCRPC: summary judgment is proper

when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law.” *Pittman v. Grand Strand Entm't, Inc.*, 363 S.C. 531, 536, 611 S.E.2d 922, 925 (2005); *Young v. South Carolina Dep't of Disabilities & Special Needs*, 374 S.C. 360, 649 S.E.2d 488 (2007); *Henderson v. Allied Signal, Inc.*, 373 S.C. 179, 644 S.E.2d 724 (2007); *Eagle Container Co., LLC v. County of Newberry*, 366 S.C. 611, 622 S.E.2d 733 (S.C. Ct. App. 2005); *B & B Liquors, Inc. v. O'Neil*, 361 S.C. 267, 603 S.E.2d 629 (S.C. Ct. App. 2004). In determining whether any triable issue of fact exists, the evidence and all inferences that can reasonably be drawn therefrom must be viewed in the light most favorable to the nonmoving party. *Catawba Indian Tribe of South Carolina v. State*, 372 S.C. 519, 642 S.E.2d 751 (2007); *Medical Univ. of South Carolina v. Arnaud*, 360 S.C. 615, 602 S.E.2d 747 (2004); *Moore v. Weinberg*, 373 S.C. 209, 216, 644 S.E.2d 740, 743 (S.C. Ct. App. 2007); *Rife v. Hitachi Constr. Mach. Co., Ltd.*, 363 S.C. 209, 609 S.E.2d 565 (S.C. Ct. App. 2005). If triable issues exist, those issues must go to the jury. *Mulherin-Howell v. Cobb*, 362 S.C. 588, 608 S.E.2d 587 (S.C. Ct. App. 2005).

Summary judgment is appropriate if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. Rule 56(c), SCRCPP; *Hansson v. Scalise Builders of South Carolina*, 374 S.C. 352, 650 S.E.2d 68 (2007); *Helms Realty, Inc. v. Gibson-Wall Co.*, 363 S.C. 334, 611 S.E.2d 485 (2005); *BPS, Inc. v. Worthy*, 362 S.C. 319, 608 S.E.2d 155 (S.C. Ct. App. 2005). On appeal from an order granting summary judgment, the appellate court will review all ambiguities, conclusions, and inferences arising in and from the evidence in a light most favorable to the non-moving party. *RWE NUKEM Corp. v. ENSR Corp.*, 373 S.C. 190, 644 S.E.2d 730 (2007); *Connor Holdings, L.L.C. v. Cousins*, 373 S.C. 81, 644 S.E.2d 58 (2007); *Willis v. Wu*, 362 S.C. 146, 607 S.E.2d 63 (2004); see also *Schmidt v. Courtney*, 357 S.C.

310, 592 S.E.2d 326 (S.C. Ct. App. 2003) (stating that all ambiguities, conclusions, and inferences arising from the evidence must be construed most strongly against the moving party).

Summary judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify the application of the law. *Gadson v. Hembree*, 364 S.C. 316, 613 S.E.2d 533 (2005); *Montgomery v. CSX Transp., Inc.*, 362 S.C. 529, 608 S.E.2d 440 (S.C. Ct. App. 2004). Even when there is no dispute as to evidentiary facts, but only as to the conclusions or inferences to be drawn from them, summary judgment should be denied. *Montgomery v. CSX Transp., Inc.*, 376 S.C. 37, 656 S.E.2d 20 (2007); *Baugus v. Wessinger*, 303 S.C. 412, 401 S.E.2d 169 (1991); *Nelson v. Charleston County Parks & Recreation Comm'n*, 362 S.C. 1, 605 S.E.2d 744 (S.C. Ct. App. 2004).

“Summary judgment is a drastic remedy and should be cautiously invoked to ensure that a litigant is not improperly deprived of a trial on disputed factual issues.” *Helena Chem. Co. v. Allianz Underwriters Ins. Co.*, 357 S.C. 631, 594 S.E.2d 455 (2004); *Hawkins v. City of Greenville*, 358 S.C. 280, 594 S.E.2d 557 (S.C. Ct. App. 2004). If triable issues exist, those issues must go to the jury. Additionally, in order to survive a Motion for Summary Judgment, “*the non-moving party is only required to submit a mere scintilla of evidence...*” *Hancock v. Mid-S. Mgmt. Co., Inc.*, 381 S.C. 326, 330, 673 S.E.2d 801, 803 (2009) (emphasis added); *Harris Teeter, Inc. v. Moore & Van Allen, PLLC*, 390 S.C. 275, 278, 701 S.E.2d 742, 743 (2010).

A. The Trial Court erred as a matter of law when it found that the Decedent was a trespasser on the premises on which the incident occurred, instead of finding that the Decedent was an invitee (or at least a licensee) on the premises at the time of the incident.

The law in South Carolina defines trespasser as follows: “Every entry upon the lands of another...*after notice from the owner or tenant prohibiting such entry*, shall be a

misdemeanor.... When any owner or tenant of any lands shall post a notice in four conspicuous places on the borders of such land prohibiting entry thereon, a proof of the posting shall be deemed and taken as notice conclusive against the person making entry, as aforesaid, for the purpose of trespassing.” S.C. Code Ann. § 16-11-600 (1976) (emphasis added).

In this matter, it is undisputed that the Decedent was never asked to leave the premises, nor were there any “no trespassing” signs located on the property where the incident occurred. Appellant submits that, as a matter of law, the Decedent could not be classified as a trespasser at the time of this incident. As a result, the Decedent must fall into one of the other categories, licensee or invitee, and would therefore be entitled to receive a higher duty of care from the Respondent-landowner.

An invitee is a person who enters onto the property of another by express or implied invitation, his entry is connected with the owner's business or with an activity the owner conducts or permits to be conducted on his ^{as} land, and there is a mutuality of benefit or a benefit to the owner. *Sims v. Giles*, 343 S.C. 708, 716, 541 S.E.2d 857, 861-62 (S.C. Ct. App. 2001); *see also Parker v. Stevenson Oil Co.*, 245 S.C. 275, 280, 140 S.E.2d 177, 179 (1965) (noting when an invitee enters onto the property of another, the primary benefit is to the property owner, not the invitee); *Goode v. St. Stephens United Methodist Church*, 329 S.C. 433, 441, 494 S.E.2d 827, 831 (S.C. Ct. App. 1997) (“[A]n invitee is a person who enters onto the property of another at the express or implied invitation of the property owner.”). The law recognizes two types of invitees: the public invitee and the business visitor. *Sims*, 343 S.C. at 717, 541 S.E.2d at 862. “A public invitee is one who is invited to enter or remain on the land as a member of the public for a purpose for which the land is held open to the public.” *Goode*, 329 S.C. at 441, 494 S.E.2d at 831; *Sims*, 343 S.C. at 717, 541 S.E.2d at 862. “[T]he class of persons qualifying as business visitors is not limited to those

coming upon the land for a purpose directly or indirectly connected with the business conducted thereon by the possessor, but includes as well those coming upon the land for a purpose connected with their own business, which itself is directly or indirectly connected with a purpose for which the possessor uses the land.” *Singleton v. Sherer*, 377 S.C. 185, 196-98, 659 S.E.2d 196, 202-03 (S.C. Ct. App. 2008).

In this case, it is the Appellant’s position that the Decedent was a public invitee. The Respondent motel provided a basketball court for use by patrons and members of the general public. The Decedent was on or near the basketball court, on the Respondent’s premises, at the time of the incident. In fact, the basketball court seemed to be a gathering place for patrons and non patrons alike. It was during one of these gatherings that Decedent was shot.

In the alternative, the Appellant contends that the Decedent could also be classified as a licensee under the law. “A licensee is a person who is privileged to enter or remain upon land by virtue of the possessor's consent.” *Neil v. Byrum*, 288 S.C. 472, 473, 343 S.E.2d 615, 616 (1986). When a licensee enters onto the property of another, the primary benefit is to the licensee, not the property owner. *Hoover v. Broome*, 324 S.C. 531, 535, 479 S.E.2d 62, 65 (S.C. Ct. App. 1996); *Landry v. Hilton Head Plantation Prop. Owner's Ass'n*, 317 S.C. 200, 203, 452 S.E.2d 619, 621 (S.C. Ct. App. 1994). A licensee is a person whose presence is tolerated, a person not necessarily invited on the premises, but one who is privileged to enter or remain on the premises only by the property owner's express or implied consent. *Sims*, 343 S.C. at 720, 541 S.E.2d at 864. While the most common example of a licensee is the social guest, “[a]n injured person has been held to be a licensee where he entered premises to seek a favor, to make inquiries or ask directions, to do volunteer work, to use recreational facilities without asking specific permission, to recover an item of personal property left on the premises, to obtain some article of value given to the licensee by the occupant, or while

chasing his dog.” *Singleton*, 377 S.C. at 198-99, 659 S.E.2d at 203 (S.C. Ct. App. 2008) (emphasis added).

This is exactly the situation that occurred in this case. The Decedent and many others were gathering at the basketball court, as was commonly done, at the time he was shot. This basketball court is the type of “recreational facilities” referenced in *Sherer* when the Court noted the “most common” types of licensees. The Appellant asserts that there is absolutely no evidence in this record upon which to find that the Decedent was a trespasser at the time of this incident. As such, as a matter of law, he was either an invitee or a licensee.

B. The Trial Court erred and abused its discretion in finding that the Respondent only owed a duty to the Decedent as a trespasser.

South Carolina recognizes four general classifications of persons who come on premises: adult trespassers, invitees, licensees, and children. Different standards of care apply depending on whether the visitor is considered an “invitee,” i.e., an invited (express or implied) business guest; a “licensee,” i.e., a person not invited, but whose presence is suffered; a “trespasser,” i.e., a person whose presence is neither invited nor suffered; or a child. *Larimore v. Carolina Power & Light*, 340 S.C. 438, 444, 531 S.E.2d 535, 538 (S.C. Ct. App. 2000) (“The level of care owed is dependent upon the class of the person present.”).

“In premises liability cases, the invitee is offered the utmost duty of care by the landowner and a trespasser is generally offered the least.” *Sims*, 343 S.C. at 715-16, 541 S.E.2d at 861. This issue was specifically addressed in the aforementioned *Sims v. Giles* opinion. In *Sims*, the injured party was a meter reader on the premises of the landowners. In this matter, the Decedent was on the landowner’s property to participate in a gathering near the basketball court and goal that was commonly frequented by patrons and locals.

In *Sims*, the Court noted that “since meter readers enter premises with some form of acquiescence or permission arising through the landowner’s contract with SCE&G, they are

not trespassers. *See Smiley v. Southern R.R.*, 184 S.C. 130, 191 S.E. 895 (1937) (*if owner or possessor consents or acquiesces in constant trespasses, an implicit invitation requiring such care as is individually owed to a licensee may be found*) (emphasis added); *Snow v. City of Columbia*, 305 S.C. 544, 552, 409 S.E.2d 797, 802 (S.C. Ct. App. 1991) (“The unwarrantable entry on land in the peaceable possession of another is a trespass.... The entry itself is the wrong. Thus, for example, if one without license from the person in possession of land walks upon it, ... he commits a trespass by the very act of breaking the enclosure.”).

Here, the Respondent admits in Hussain’s Deposition (Depo. of Hussain, p. 26) that they maintained this court and goal for the use of patrons and others. When specifically asked about this at his deposition, Hussain (the general manager and corporate officer) responded “anybody can use it”. (Depo. of Hussain, p. 26). Additionally, there were no “no trespassing” or “private property” signs on the premises, and to the owner’s knowledge, no one had ever been asked to leave the basketball area because they were not patrons of the motel. (Depo. Of Hussain, p. 27).

As noted above, a trespasser is one whose presence on the property is neither invited nor suffered (“condoned”). The manager specifically admitted in his deposition that no one had ever been asked to leave the basketball court because they were not patrons. Instead, the court was available “for anyone to use”. The Appellant asserts that the Decedent’s presence on the property at the time of the incident was certainly suffered or condoned, as it had been in the past by the Respondent’s employees. He could therefore not be deemed a trespasser.

C. The Trial Court erred and abused its discretion in disregarding the evidence in the record showing disputed issues of fact, most specifically the Affidavit of security expert, William Booth, who opined that the Respondent breached industry standards in numerous aspects, and that those breaches were the proximate cause of Decedent’s death.

The Appellant contends that there are numerous genuine issues of fact that should be tried by a jury, as opposed to the granting of summary judgment. This is particularly true

when the Appellant must only produce a *scintilla of evidence* to survive a Motion for Summary Judgment. First, is the Decedent a trespasser, invitee or licensee? Secondly, did the Respondent breach the industry standard of care by maintaining a basketball court which was being used by the public as a gathering place? Thirdly, did the Respondent breach the industry standard of care by consistently renting motel rooms to persons considered to be “locals”? Lastly, did the Respondent have actual or constructive notice of the violent and criminal acts being committed on its premises such that corrective actions or warnings should have been taken?

The Appellant has produced significant evidence in this record upon which a jury could find for the Appellant in this matter. Most importantly, this record includes an Affidavit from a recognized security expert, William Booth, who outlines the applicable standard of care, the breaches of that standard of care in this matter by Respondent, and the reasons, in his expert opinion, that these breaches proximately caused the Decedent’s injuries and death.

As to the Respondent’s knowledge of violent behavior on its premises, the record is replete with evidence upon which a jury could find that the Respondent knew or should have known of these violent incidents. (*See Incident Reports*). During the time that the Respondent operated the motel, Hussain’s wife, daughter, son and a friend lived at the motel and managed the motel on a daily basis. Hussain would come to South Carolina most weekends and would be on the premises during these periods of time. (Depo. of Hussain, p. 22). The Respondent operated the motel from April 2007 through July 2009, a period of approximately two years. During this short period of time, law enforcement was called to the motel property in excess of twenty-eight (28) times for crimes ranging from armed robberies to criminal sexual assault to various drug offenses. Some of the incidents involved weapons and violence. (*See Incident Reports*).

Although these incidents occurred on the Landmark Inn premises, and occurred while he and/or his family members were present, Hussain denied any knowledge of most of them. For example, he specifically denied any knowledge of an alleged sexual assault two weeks after taking over the motel (Depo. of Hussain, p. 46), or a vehicle and semi automatic pistol being stolen from the motel two months later (Depo. of Hussain, p. 46-47), grand larceny (Depo. of Hussain, p. 48), assault and battery with intent to kill (Depo. of Hussain, p. 48), resisting arrest (Depo. of Hussain, p. 50), someone breaking into a room and assaulting a room patron (Depo. of Hussain, p. 44), or an undercover drug sting on the property (Depo. of Hussain, p. 50). He did, however, admit to knowing about an armed robbery where someone was hit with a gun and robbed (Depo. of Hussain, p. 49), and when his son was robbed while running the desk. (Depo. of Hussain, p. 50).

Additionally, there is evidence in the record that the Respondent routinely rented to “locals”. In fact, in the days surrounding this incident, approximately 50% of the renters of the Respondent’s rooms were considered to be “locals”. Appellant’s expert witness, William Booth, opined that renting to “locals” is a violation of good motel management practices. (See Expert Booth’s Affidavit, p. 2). Likewise, the family that owned the motel prior to the Respondent renting and managing it (and again after taking it back over) did not rent to “locals”, (Depo. of Harriett Gupton, p. 12-13), because locals were “just trouble”. (Depo. of Harriett Gupton, p. 14).

Appellant contends that there is significant evidence in this record, and certainly more than a mere scintilla, upon which a jury could find that the Respondent knew or should have known of the gatherings, the dangerous acts taking place on the premises, and that an injury to someone on the premises, such as the Decedent, was foreseeable to the Respondent. That being said, there is sufficient evidence in the record upon which a jury could find that the Respondent should have known that maintaining a basketball court and renting to locals

would ultimately result in someone's injury or death, and the same should have been corrected (i.e. eliminate the basketball court and not renting to locals). All of these genuine issues of material fact should have precluded the granting of summary judgment.

II. THE TRIAL COURT ERRED AND ABUSED ITS DISCRETION IN DENYING APPELLANT'S MOTION TO RECONSIDER THE GRANTING OF APPELLANT'S MOTION FOR SUMMARY JUDGMENT.

“On appeal, the trial court's ruling will not be disturbed absent a prejudicial abuse of discretion amounting to an error of law.” *State v. Sheldon*, 344 S.C. 340, 342, 543 S.E.2d 585, 585-586 (S.C. Ct. App. 2001). “An abuse of discretion occurs when the trial court's ruling is based on an error of law or, when grounded in factual conclusions, is without evidentiary support.” *Clark v. Cantrell*, 339 S.C. 369, 389, 529 S.E.2d 528, 539 (2000). *State v. Hicks*, 377 S.C. 322, 324-25, 659 S.E.2d 499, 500 (S.C. Ct. App. 2008).

For all of the reasons outlined above, the Appellant contends that the Trial Judge made errors of law in determining that the Decedent was a trespasser, and that the Respondent's only duty of care to the Decedent was the legal duty owed to a trespasser.

Additionally, also as outlined above, the Appellant contends that the Trial Judge completely ignored the Affidavit of Appellant's expert witness, William Booth, who opined that the Respondent breached the industry standard of care and that these breaches were the proximate cause of the Decedent's being shot and ultimately his death.

As Mr. Booth stated in his affidavit: “[i]n the three years preceding the shooting of Mr. Jefferson, the Landmark Inn had become the scene of increasing violence. The offenses included three armed robberies, five assaults or aggravated assaults including an assault with intent to kill, and at least six drug violations. A number of these incidents involved firearms. The hotel had knowledge of the rate of crime on their property as they were mentioned in a number of the police reports”. (Booth Affidavit, p. 2).

Booth further opined as follows: “It is my opinion that the Landmark Inn breached the prevailing standard of care for hospitality security by (1) renting rooms to residents of Hartsville and the immediate surrounding area in violation of good motel management practices, (2) by maintaining an outside basketball goal that they knew would attract local persons and did not further their general business interest and (3) by failing to take any corrective action to address the problems cause by numbers 1 and 2 above.... Therefore, the above detailed breaches of the standard of care for security at motel are the direct and proximate causes of the shooting and death of Mr. Jefferson.” (Booth Affidavit, p. 3-4).

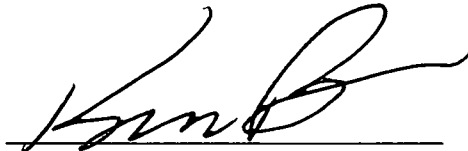
This case is very similar to the one dealt with by the Court in *Lord v. D&J Enterprises, Inc.*, 407 S.C. 544, 757 S.E.2d 695 (2014), where a customer was shot by an armed robber. The Court found that by virtue of the expert’s affidavit, the Plaintiff produced “at least some evidence that the shooting was foreseeable.” Here, the general manager admitted knowing of some violent acts being committed on the premises, from which a jury could certainly infer that another violent act was foreseeable. Once foreseeability is proven, the analysis then moves to the issue of whether or not the actions to be taken are reasonable in light of the foreseeable risk.

The Court, in *Lord*, notes that a “typical case is one in which an expert testifies that the presence of a security [guard] would have prevented the crime. Courts have held that such expert testimony is sufficient to make a fact question for the jury.” (footnote omitted); citing *Midkiff v. Hines*, 866 S.W.2d 328, 333 (Tex. Ct. App. 1993) (reversing grant of summary judgment where “[o]ne expert testified that if a uniformed security guard had been stationed on the property as a visible deterrent, the murder would have been deterred or prevented”). Also see E.L. Kellett, Annotation, *Private Person's Duty and Liability for Failure to Protect Another Against Criminal Attack by Third Person*, 10 A.L.R.3d 619 (1966 & Supp. 2013).

In this case, the expert's opinion is even more simple and less onerous than hiring security guards to monitor the motel. Booth is not of the opinion that anything should have been proactively provided by the Defendant. Instead, he simply opines that refusing to rent to locals and taking down the basketball rim would have most likely avoided this incident. The Appellant contends that these simple tasks are certainly reasonable in light of the significant risk of a violent incident occurring on the Respondent's premises in the future. At the very least, this issue is disputed and is one that should be determined by a trial jury.

CONCLUSION

Based on the foregoing, the Appellant respectfully submits that this Court should reverse the Trial Court's granting of the Respondent's Motion for Summary Judgment, and remand the matter to the Court of Common Pleas for trial.



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December 14, 2015

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
SC Court Of Appeals
Clerk of Court
P.O. Box 11629
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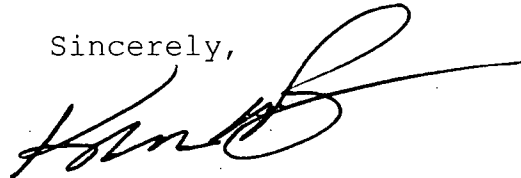
Re: Haley Jefferson v. Landmark Inn
Appellate Case No. 2015-001907

Dear Ms. Kitchings:

Enclosed herewith, please find the Initial Brief of the Appellant, as well as the Designation of Matter to be Included in the Record on Appeal, along with a Certificate of Mailing.

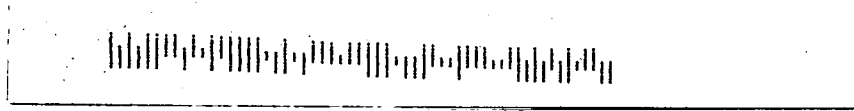
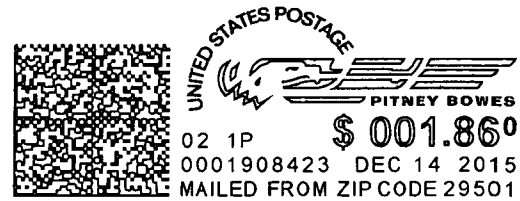
By copy of this letter, I am serving same on opposing counsel. With best regards, I am

Sincerely,



Kevin M. Barth

KMB/chg
enclosure
cc: Steven J. Pugh
Carmen V. Ganjehsani



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