

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF BEAUFORT

2015 MAY 11 PM 1:02 CASE NO: 15-CP-07-1147

DARRELL J. ALSTON, JR. and  
MABEL L. ALSTON,

ANN RUSSELL  
BEAUFORT COUNTY, S.C.  
CLERK OF COURT

Plaintiffs,

**COMPLAINT**  
**(Jury Trial Demanded)**

v.

BEAUFORT COUNTY SCHOOL  
DISTRICT, SOUTH CAROLINA  
HIGH SCHOOL LEAGUE,

Defendants.

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JUL 24 2017

**SC Court of Appeals**

The Plaintiffs bring this action against the Defendants based on the allegations set forth below:

**Parties**

1. That Plaintiff Darrell J. Alston, Jr., and his mother, Plaintiff Mabel L. Alston, are both residents of Beaufort County, South Carolina, and have been so at all relevant times.
2. That Plaintiff is informed and believes and thereon alleges, that the Defendants, Beaufort County School District (hereinafter also referred to as "School District"), and South Carolina High School League (hereinafter also referred to as "League"), are political subdivisions within the meaning of the South Carolina Tort Claims Act, S.C. Code Ann. §15-78-60(25) and are located or operating in the Beaufort County, South Carolina. At all times relevant herein, the matters alleged below occurred in the Beaufort County, South Carolina.
3. This Court thus has jurisdiction over all parties and causes of action in this action, and venue is proper in this forum.

**Factual Background**

4. This action is brought pursuant to the South Carolina Tort Claims Act, with jurisdiction and venue in

Beaufort County, South Carolina, again proper pursuant to South Carolina Code of Laws §15-78-100(b).

5. That at all times relevant herein, Plaintiff Darrell J. Alston, Jr., was a student at Beaufort High School, a public school located within the County of Beaufort, South Carolina, under the administration and supervision of Defendants Beaufort County School District and South Carolina High School League.
6. On May 13, 2013, Plaintiff Darrell J. Alston, Jr., participated as an athlete in a Beaufort High School football practice on Beaufort High School grounds, with the knowledge and consent and under the administration and supervision of Defendants Beaufort County School District and South Carolina High School League.
7. That Plaintiff Darrell J. Alston, Jr., then a minor child and student, was allowed by the Beaufort High School football coaching staff, employees or agents of Defendants, to participate in the practice without having gotten written parental permission from either his mother with whom he resides, Plaintiff Mabel L. Alston, or father.
8. That Plaintiff Darrell J. Alston, Jr., then a minor child and student, was also allowed by the Beaufort High School football coaching staff, employees or agents of Defendants, to participate in the practice without proof of a valid physical exam and clearance from a qualified health professional on record with the school.
9. That Plaintiff Darrell J. Alston, Jr. was very seriously injured during said practice, when he was running on offense and was hit by two defenders. Said Plaintiff sustained injuries including, but not limited to, tears to the ACL and meniscus of his right knee. From his right knee being injured and weakened, and him therefore favoring his right knee, his left knee has now also been similarly injured, and he continues to be treated for these injuries.
10. Further, that these injuries to a Plaintiff who was then a minor child and student were caused while he was in the care and supervision at all times pertinent hereto of Defendants, their agents or employees,

and occurred on school grounds (the school football field) in Beaufort County, South Carolina.

11. That after medical treatment, surgery, and lengthy physical therapy for his right knee, Plaintiff Darrell J. Alston, Jr. has sustained injury to his left knee caused by compensating for the pain and weakness from the original right knee injury, and thus still continues to treat.

**First Cause of Action**  
**(Gross Negligence)**

12. The above paragraphs are re-alleged herein.
13. That the Defendants', and their agents and employees were at all times acting within the scope of their official duties.
14. That the Defendants' football staff had a duty to ensure that the Plaintiff, then a minor child, was eligible to participate in football practice.
15. The School District and the League, their agents and employees, were grossly negligent in failing to adopt and implement policies in accordance with, and/or properly train and supervise its agents and employees to avoid violations of, applicable law. The School District and the League, and their agents and employees, were grossly negligent in not providing procedural safeguards to prevent or mitigate injury to Plaintiff Darrell J. Alston, Jr., and in not training and supervising their agents and employees to follow such procedures.
16. That as a result of the aforementioned breaches of duty and subsequent grossly negligent acts, both Defendants are liable for their own gross negligence, recklessness, willfulness and wantonness and that of their agents and employees at Beaufort High School.
17. As a direct and proximate result of Defendants' gross negligence, Plaintiff, then a minor child now an adult, has been injured and damaged, as has his mother, Plaintiff Mabel L. Alston, and they have incurred and will continue to incur medical treatment and/or bills and/or other losses and damages, in one or more of the following particulars:

- a. Surgery and physical therapy and other treatment;
- b. Experienced, experiences and will in the future experience, physical pain and suffering;
- c. Experienced, experiences and will in the future experience, mental anguish, shock, fear and anxiety;
- d. Experienced, experiences and will in the future experience, emotional and psychological distress;

And,

- e. Other injuries and damages to be proven at trial.

18. That no proper and complete investigation and/or reporting of the incident was ever commenced by the Defendants' administrators.

19. That at all times relevant to this Complaint, Beaufort County School District and South Carolina High School League, and their agents and employees, had a duty to properly supervise student athletes of Beaufort High School, and to properly train or have properly trained its staff to ensure that any student athlete participating, had and had submitted written parental permission and proof obtained of a physical examination and clearance by a doctor.

20. That the Defendants, Beaufort County School District and South Carolina High School League, were grossly negligent, willful and wanton, and breached their duty owed to the Plaintiffs in one or more of the following particulars:

- a. In failing to properly determine if the then minor child, Darrell J. Alston, Jr., had written parental permission to participate in the football practice;
- b. In failing to exercise a degree of care and caution required by not properly ensuring that Darrell J. Alston, Jr. had proof of the required physical examination and clearance from a doctor, to keep the then minor child safe;
- c. In failing to provide proper medical attention to Darrell J. Alston, Jr., and properly report and

follow up on the incident to Beaufort County School District administration or South Carolina High School League;

- d. In failing to properly notify Plaintiff Mabel L. Alston that her then minor son was injured during said football practice, and to properly assist her in dealing with these injuries;
- e. In other respects to be proven at trial.

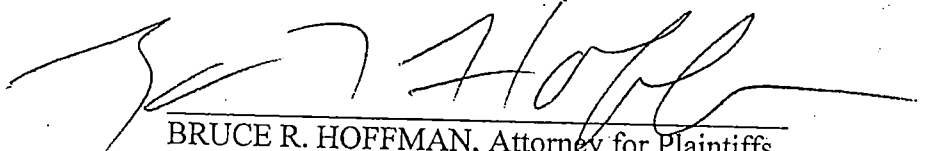
21. As a result of the injuries, both Plaintiffs endured, endures and will endure extreme mental and/or physical and/or emotional pain, suffering and anguish, and both Plaintiffs were caused to incur, and will continue to incur, costs in seeking medical treatment and/or other costs, expenses and damages.

22. The injuries and damages suffered by the then minor child Plaintiff resulted directly and proximately from these above stated acts and omissions of the Defendants Beaufort County School District and South Carolina High School League, directly and/or through their agents and employees.

23. The Plaintiffs are informed and believe that they are therefore entitled to judgment against the Defendants for all the injuries and damages sustained as aforescribed.

WHEREFORE, the Plaintiffs pray for judgment against Defendants, and each of them, in this matter in sums sufficient to compensate them for all injuries, damages, costs and expenses, consequential damages, punitive damages, for interest and the attorney fees and costs of this action, and for such other and further relief as the Court may deem just and proper.

LAW OFFICE OF BRUCE R. HOFFMAN, LLC



BRUCE R. HOFFMAN, Attorney for Plaintiffs  
574 Sea Island Parkway  
Saint Helena Island, SC 29920  
(843) 838-5290

Dated: May 11, 2015

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**TRANSMITTAL COVER SHEET**

**Date: July 19, 2017**

**Clerk, South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211**

**RE: DARRELL J. ALSTON, JR. and MABEL L. ALSTON v. BEAUFORT COUNTY  
SCHOOL DISTRICT, SOUTH CAROLINA HIGH SCHOOL LEAGUE; Appellate Case  
No. 2017-001492**

**Dear Clerk:**

**I spoke with Shelby in your office today in response to your 7/12/17 letter requesting a copy of the complaint in the above referenced matter. She told me to send a copy of the complaint, which is enclosed, along with a copy of your 7/12 letter. Thanks for your assistance.**

**With kind regards,**

  
**BRUCE R. HOFFMAN**

**BRH/eph  
Enclosures – as stated  
Cc: Michael Montgomery, Esquire  
Victoria Anderson, Esquire**

LAW OFFICE OF  
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574 SEA ISLAND PARKWAY  
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