

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Michael Hughston,

Plaintiff,

vs.

Davidson Trisler, David Dawkins  
Port Restaurant and Bar  
George and Jack LLC, and  
Big Game Bar & Grill

Defendant(s).

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT

Case No.: 2018-CP-10-5976

**THIRD AMENDED SUMMONS  
(Jury Trial Demanded)**

**TO THE ABOVE NAMED DEFENDANT(S):**

**YOU ARE HEREBY SUMMONED** and required to answer the Complaint in this action, a copy of which is hereby served upon you herewith, and to serve a copy of your Answer to said Complaint on the subscribers at their offices, The Phipps Law Firm, LLC, 571 Savannah Highway, Charleston, South Carolina 29407 or to otherwise appear and defend, within thirty (30) days after the service hereof, exclusive of the day of such service. If you fail to answer the Complaint, or otherwise to appear and defend, within the time aforesaid, the Plaintiff in this action will apply to the Court for judgment by default to be rendered against you for the relief demanded in the Complaint.

**PHIPPS LAW FIRM, LLC**

/s/ Edward L. Phipps

Edward L. Phipps (SC Bar No. 70252)  
Mark R.H. Huber (SC Bar No. 102738)  
571 Savannah Highway  
Charleston, SC 29407  
Ph: (843) 216-9797  
[Edward@phippsfirm.com](mailto:Edward@phippsfirm.com)  
[Mark@phippsfirm.com](mailto:Mark@phippsfirm.com)

-and-

**BLUESTEIN, JOHNSON & BURKE LLC**

/s/ Brian C. Johnson

Brian C. Johnson, Esquire  
1024 Ewall Street, Suite 101  
Mount Pleasant, SC 29464  
Ph: (843) 418-0750  
[bjohnson@bjblawfirm.com](mailto:bjohnson@bjblawfirm.com)  
ATTORNEYS FOR PLAINTIFF

February 1, 2022  
Charleston, SC

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Michael Hughston,

Plaintiff,

vs.

Davidson Trisler, David Dawkins  
Port Restaurant and Bar  
George and Jack LLC, and  
Big Game Bar & Grill

Defendant(s).

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT

Case No.: 2018-CP-10-5976

**THIRD AMENDED COMPLAINT  
(Jury Trial Demanded)**

COMES NOW the Plaintiff, Michael Hughston, by and through his undersigned attorneys, would respectfully show this Honorable Court as follows:

**JURISDICTION AND VENUE**

1. Plaintiff, Michael Hughston (hereinafter “Hughston”), is a citizen and resident of Charleston County, State of South Carolina.
2. Upon information and belief, Defendant, Davidson Trisler (hereinafter “Trisler”), is a citizen and resident of Charleston County, State of South Carolina.
3. Upon information and belief, Defendant, David Dawkins (hereinafter “Dawson”), is a citizen and resident of Charleston County, State of South Carolina.
4. Upon information and belief, Defendant, George and Jack, LLC (hereinafter “George and Jack”), is a South Carolina corporation with its principal place of business in the County of Charleston, South Carolina.
5. Upon information and belief, Defendant, Port Restaurant and Bar (hereinafter “Port”), is a bar doing business at 545 Belle Station Blvd., Mt. Pleasant, Charleston County, State of South Carolina.
6. An actual and justiciable controversy exists between the parties.

7. This Honorable Court has jurisdiction over the parties and the subject matter herein, and venue is proper in the County of Charleston, State of South Carolina under S.C. Code § 15-7-20.

### **FACTS**

8. The Plaintiff re-alleges and incorporates by reference all allegations set forth above as if repeated verbatim.
9. On June 22, 2018, Plaintiff Hughston was a lawful patron at Defendant Port Restaurant and Bar.
10. Upon information and belief, on June 22, 2018, Defendant Trisler was a lawful patron or agent/employee of Port.
11. Upon information and belief, Trisler acting as a pseudo agent for Defendants, and in addition to any other known or unknown responsibilities, was rolling silverware into napkins and conducting general cleanup for Defendants on the night of June 22, 2018.
12. In fear for the safety of himself and others, Trisler became concerned about Hughston and asked Hughston to leave.
13. Trisler used physical force to protect himself and everyone around causing an unforeseen bodily injury to Hughston.
14. Hughston suffered serious injuries to the left side of his face including but not limited to multiple facial/eye socket fractures.
15. Hughston required facial reconstructive surgery to repair the multiple facial fractures he suffered.
16. Hughston will have lasting and permanent injuries as a result of this incident. Specifically, his facial injuries have temporarily put him out of work as a commercial diver, along with the distinct possibility he will never be able to scuba dive ever again.

**FOR A FIRST CAUSE OF ACTION AS TO DEFENDANT PORT**  
**(Negligence/Negligence *Per Se***  
**Violation of S.C. Code Ann. §§ 61-4-580 and 61-6-2220/Dram Shop)**

17. The Plaintiff re-alleges and incorporates by reference all allegations set forth above as if repeated verbatim.
18. Defendant, Port Restaurant & Bar, is a business that operates as a commercial server of alcohol.
19. Defendant Port, individually and/or by and through their employees, agents, and legal representatives owed Plaintiff, as a member of the general public and business invitee, duties of care.
20. Defendant Port, individually and/or by and through their employees, agents, and legal representatives owed Plaintiff, as a member of the general public, duties of care not to allow employees, agents, and/or patrons to cause intentional or unintentional injury on fellow patrons and/or to Plaintiff, as a member of the general public, from the consequences of its patrons' actions, to which the Defendant contributed.
21. Defendant Port, individually and/or by and through their employees, agents, and legal representatives breached this duty by allowing Defendant Trisler to injure Plaintiff and by not protecting Plaintiff.
22. Pursuant to S.C. Code Ann. §§ 61-4-580 and 61-6-2220 and South Carolina common law, Defendant Port is responsible individually and/or by and through their employees, agents, and legal representatives for the consequences that occurred on or about June 22, 2018.
23. Defendant Port individually and/or by and through their employees, agents, and legal representatives breached its duty to protect Plaintiff in violation of the alcohol liability statutes cited above and common laws of the State of South Carolina in the following particulars including, but not limited to:
  - a. Allowing Defendant Trisler to injure the Plaintiff;
  - b. Negligently hiring of employees, bartenders, and/or wait staff;
  - c. Negligently training their employees, bartenders, and/or wait staff;

- d. Negligently supervising their employees, bartenders, and/or wait staff;
- e. Failing to properly secure the area by monitoring the business for problems that should arise between employees, agents, and/or patrons;
- f. Failing to maintain proper control of the area;
- g. Negligently supervising their patrons, particularly Mr. Trisler;
- h. Failing to recognize and manage their employees (Trisler) alcohol consumption;
- i. Over serving alcohol to employees, agents, and/or patrons; and
- j. Other particulars that will be discovered prior to trial.

24. The injury that occurred to the Plaintiff was proximately caused by the breach of duty by Defendant Port, individually and/or by and through their employees, agents, and representatives.

25. As a direct and proximate result of Defendant Port, individually and/or by and through its employees, agents, and legal representatives, willful, wanton, reckless, grossly negligent, and negligent acts as set forth above, Plaintiff suffered the following damages:

- a. Physical pain and suffering;
- b. Permanent physical injuries;
- c. Mental anguish;
- d. Shock and injury to Plaintiff's nerves and nervous system;
- e. Medical bills and other economic loss;
- f. Impairment of health and bodily efficiency;
- g. Loss of Plaintiff's enjoyment of life;
- h. Increased susceptibility to future injury;
- i. Future medical expenses; and
- j. Other damages which will be shown at trial.

**FOR A SECOND CAUSE OF ACTION**  
**(Negligence/ Negligent Security/Inadequate Premises Security)**

26. The Plaintiff re-alleges and incorporates by reference all allegations set forth above as if repeated verbatim.
27. Defendants had a non-delegable duty to protect their patrons and business invitees from dangerous conditions existing on their premises.
28. Defendants failed to adequately protect Plaintiff.
29. That Defendant Trisler inflicted injury upon Plaintiff.
30. That Defendants, individually and/or by and through their employees, agents, and legal representatives allowed the Plaintiff to be injured.
31. Upon information and belief, Defendants individually and/or by and through their employees, agents, and legal representatives failed to come to Plaintiff's aid.
32. That Defendant Port, individually and/or by and through its employees, agents, and legal representatives allowed the altercation between Defendant Trisler and Plaintiff to continue.
33. Defendants, individually and/or by and through their employees, agents, and legal representatives were, and continue to be so situated that had they exercised reasonable care, they should have noticed and/or warned and notified the appropriate authorities.
34. As a direct and proximate result of Defendants, individually and/or by and through their employees, agents, and legal representatives, willful, wanton, reckless, grossly negligent, and negligent acts as set forth above, Plaintiff suffered the following damages:
  - a. Physical pain and suffering;
  - b. Permanent physical injuries;
  - c. Mental anguish;
  - d. Shock and injury to Plaintiff's nerves and nervous system;

- e. Medical bills and other economic loss;
- f. Impairment of health and bodily efficiency;
- g. Loss of Plaintiff's enjoyment of life;
- h. Increased susceptibility to future injury;
- i. Future medical expenses; and
- j. Other damages which will be shown at trial.

**FOR A THIRD CAUSE OF ACTION AS TO ALL DEFENDANTS**  
**(Premises Liability)**

- 35. The Plaintiff re-alleges and incorporates by reference all allegations set forth above as if repeated verbatim.
- 36. Defendants, individually and/or by and through their employees, agents, and legal representatives owed Plaintiff, as a business invitee, a duty of care to discover risks and take safety precautions to warn of or eliminate unreasonable risks within the area of invitation.
- 37. Defendants, individually and/or by and through their employees, agents, and legal representatives breached this duty by failing to protect Plaintiff.
- 38. As a direct and proximate result of Defendants, individually and/or by and through its employees, agents, and legal representatives, willful, wanton, reckless, grossly negligent, and negligent acts as set forth above, Plaintiff suffered the following damages:
  - k. Physical pain and suffering;
  - l. Permanent physical injuries;
  - m. Mental anguish;
  - n. Shock and injury to Plaintiff's nerves and nervous system;
  - o. Medical bills and other economic loss;
  - p. Impairment of health and bodily efficiency;

- q. Loss of Plaintiff's enjoyment of life;
- r. Increased susceptibility to future injury;
- s. Future medical expenses; and
- t. Other damages which will be shown at trial.

**WHEREFORE**, having fully set forth their Complaint against the Defendant, Plaintiffs pray for judgment as follows:

- a. Against Defendants for actual and punitive damages in an amount to be determined by the trier of fact;
- b. For attorney's fees and costs of this action;
- c. For such other relief as this Court deems just and proper.

Respectfully submitted,

**PHIPPS LAW FIRM, LLC**

/s/ Edward L. Phipps

Edward L. Phipps (SC Bar No. 70252)  
Mark R.H. Huber (SC Bar No. 102738)  
571 Savannah Highway  
Charleston, SC 29407  
Ph: (843) 216-9797  
[Edward@phippsfirm.com](mailto:Edward@phippsfirm.com)  
[Mark@phippsfirm.com](mailto:Mark@phippsfirm.com)

-and-

**BLUESTEIN, JOHNSON & BURKE LLC**

/s/ Brian C. Johnson

Brian C. Johnson, Esquire  
1024 Ewall Street, Suite 101  
Mount Pleasant, SC 29464  
Ph: (843) 418-0750  
[bjohnson@bjblawfirm.com](mailto:bjohnson@bjblawfirm.com)  
ATTORNEYS FOR PLAINTIFF

February 1, 2022  
Charleston, SC