

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON) Docket No. 2019-CP-10-01298

JAMES LANCE, JR.,)
)
 Plaintiff,)
)
 vs.)
)
NATHANIEL EALEY,)
)
 Defendant.)

**ANSWER
(JURY TRIAL DEMANDED)**

RECEIVED
CLERK OF COURT
JAN 17 2020

Defendant Nathaniel Ealey ("Defendant") answers and respectfully shows unto the Court:

FOR A FIRST DEFENSE

1. Defendant lacks sufficient information to form a belief as to the allegations of Paragraph 1 of the Complaint and therefore denies same.
2. Defendant lacks sufficient information to form a belief as to the allegations of Paragraph 2 of the Complaint and therefore denies same.
3. Defendant lacks sufficient information to form a belief as to the allegations of Paragraph 3 of the Complaint and therefore denies same.
4. Defendant lacks sufficient information to form a belief as to the allegations of Paragraph 4 of the Complaint and therefore denies same.
5. Defendant lacks sufficient information to form a belief as to the allegations of Paragraph 5 of the Complaint and therefore denies same.
6. Defendant lacks sufficient information to form a belief as to the allegations of Paragraph 6 of the Complaint and therefore denies same.
7. Defendant lacks sufficient information to form a belief as to the allegations of Paragraph 7 of the Complaint and therefore denies same.
8. Defendant admits there was an accident but Defendant denies all other remaining allegations of Paragraph 8 of the Complaint.

9. Defendant realleges and incorporates the contents of the preceding paragraphs as if fully set forth herein verbatim.

10. Defendant admits there was an accident but Defendant denies all other remaining allegations of Paragraph 10 of the Complaint.

11. Defendant admits there was an accident but Defendant denies all other remaining allegations of Paragraph 11 of the Complaint.

12. Except as specifically admitted, qualified, or explained, Defendant denies the allegations and demands strict proof of each allegation.

AS AN ADDITIONAL DEFENSE
(Statutory Defense)

13. FURTHER ANSWERING, S.C. Code Ann. §15-38-15 applies to this lawsuit.

AS AN ADDITIONAL DEFENSE
(Reservation of Rights)

14. FURTHER ANSWERING, Defendant has not had an opportunity to conduct a sufficient investigation or engage in adequate discovery about the allegations of this lawsuit. Defendant gives notice of the intent to assert any further affirmative defenses that any investigation supports, including, but not limited to, defenses that the action is barred in whole or in part by any applicable statute, contract, release, covenant, or the doctrine of laches. Thus, Defendant reserves the right to amend this pleading to assert any such defenses.

AS AN ADDITIONAL DEFENSE
(Punitive Damages)

15. FURTHER ANSWERING, any award of punitive damages would violate the constitutional safeguards provided by the Due Process Clause of the Fourteenth Amendment of the United States Constitution and under the Due Process Clause of Article I, Section 3 of the South Carolina Constitution because the determination of punitive damages does not bear any reasonable relationship to the amount of actual damages, if any, suffered by or awarded.

AS AN ADDITIONAL DEFENSE
(Improper Service)

16. FURTHER ANSWERING, Defendant alleges Plaintiff has not properly served the Summons and Complaint for this lawsuit; therefore, Defendant moves pursuant to Rules 12(b)(1), 12(b)(2), 12(b)(4), and 12(b)(5) of the South Carolina Rules of Civil Procedure to dismiss the lawsuit.

WHEREFORE, having answered, Defendant asks this Court to dismiss the Complaint, requests a trial by jury, and to grant such other and further relief as this Court deems just and proper.

TURNER PADGET GRAHAM & LANEY P.A.

By: _____



William J. Horvath (SC Bar #102054)
P.O. Box 22129
Charleston, South Carolina 29413
Telephone: (843) 576-2800
Fax: (843) 577-3369
WHorvath@turnerpadget.com

ATTORNEYS FOR DEFENDANT

October 17, 2019
Charleston, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

Docket No. 2019-CP-10-01298

JAMES LANCE, JR.,

Plaintiff,

vs.

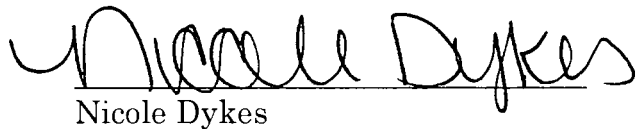
NATHANIEL EALEY,

Defendant.

CERTIFICATE OF SERVICE

On October 17, 2019, I mailed a copy of *Defendant's Answer* to:

Jonathan F. Krell
Post Office Box 399
Charleston, SC 29402
Attorneys for Plaintiff


Nicole Dykes

Turner Padget

William J Horvath
E-Mail: WHorvath@turnerpadget.com
Direct Dial: 843-579-8305
Direct Fax: 843-577-1661

October 17, 2019

Via Hand Delivery

Ms. Julie Armstrong
Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, South Carolina 29401

Re: James Lance, Jr. v. Nathaniel Ealey
Docket No.: 2019-CP-10-01298
Claim No: 300704026002
TP File No: TBD

Dear Ms. Armstrong:

We enclose the original and one copy of the Answer in this case. Please file the original and return a filed copy to me in the enclosed envelope. By copy of this letter, we are serving a copy to Plaintiff's attorney. If you have any questions or need additional information, please call me at your convenience.

Very truly yours,

TURNER PADGET GRAHAM & LANEY, P.A.



William J Horvath

WH/nld
Enclosures

Cc: Jonathan F. Krell