

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

Barbra Spain,

Plaintiff,

vs.

Regina Fludd-White,

Defendant

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
CASE NO.: 2020-CP-10-\_\_\_\_\_

**Summons**

(Automobile Collision/Negligence)  
(Jury Trial Requested)

YOU ARE HEREBY SUMMONED and required to appear and defend the action(s) set forth in the Complaint herein, a copy of which is served upon you, and to serve a copy of your Answer or Motion to the said Complaint on the Joye Law Firm at 5861 Rivers Avenue North Charleston, SC 29406, within thirty (30) days after service hereof, exclusive of the day of service, and if you fail to appear and defend within the time aforesaid, judgment by default will be entered against you for the relief demanded in the Complaint.

JOYE LAW FIRM, L.L.P.

By: s/Mark J. Bringardner  
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Attorney for the Plaintiff

North Charleston, South Carolina  
This 2<sup>nd</sup> day of June 2020.

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

Barbra Spain,

Plaintiff,

vs.

Regina Fludd-White,

Defendant

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
CASE NO.: 2020-CP-\_\_\_\_\_

**Complaint**

(Automobile Collision/Negligence)  
(Jury Trial Requested)

The Plaintiff, complaining of the Defendant above-named, hereby alleges and pleads as follows:

1. Plaintiff Barbra Spain is a resident of Charleston County, South Carolina.
2. Defendant Regina Fludd-White is a resident of Charleston County, South Carolina.
3. At all relevant times hereto, the most substantial part of the acts and omissions committed by the defendant giving rise to this action occurred in Charleston County, South Carolina.
4. This Court has jurisdiction pursuant to S.C. Code Ann. 15-7-30.
5. On or about August 19, 2019, the plaintiff was a passenger in a vehicle southbound on Sam Rittenberg Blvd., in Charleston, South Carolina. At the same time, the defendant was driving also driving southbound on Sam Rittenberg Blvd. The defendant was driving too fast for conditions, failed to use due care, and crashed into the back of a vehicle setting off a chain reaction of collisions among four (4) vehicles, one of which was the plaintiff's vehicle. The plaintiff's vehicle was pushed off of the road and struck a tree. The plaintiff was injured as a result of the collision.

**FOR A FIRST CAUSE OF ACTION**

(Negligence)

6. That Plaintiff realleges and reincorporates the paragraphs above as if fully set forth verbatim herein.

7. The defendant owed a duty to the plaintiff to operate her vehicle safely, with reasonable care, and in accordance with all laws concerning the operation of a motor vehicle.

8. The defendant was negligent, willful, wanton, and reckless and breached the duties she owed to the plaintiff in one or more of the following ways:

- a) In operating a vehicle in a negligent and/or reckless manner;
- b) In driving a motor vehicle in such a manner as to indicate a willful, wanton, reckless, grossly negligent, and negligent disregard for the safety of others in violation of S.C. Code Ann. §56-5-2920 and various other statutes;
- c) In driving too fast for the conditions;
- d) Failing to use due care;
- e) Failing to yield the right of way;
- f) Failing to keep the vehicle under proper control;
- g) Failing to keep a proper lookout;
- h) Failing to have vehicle equipped with proper brakes and, if so equipped, in failing to timely apply the brakes;
- i) Failing to use the degree of care and caution that a reasonably prudent driver would have used under the circumstances then and there prevailing;
- j) Violating various laws, statutes, codes, regulations and ordinances designed to protect the public, including the plaintiff, from the type of harm that was caused by the defendants' conduct and constituting negligence *per se*, recklessness, and subjecting the defendant to punitive damages; and
- k) Otherwise operating vehicle without exercising reasonable care and in a negligent, willful, wanton, and reckless manner.

9. The defendant's negligent, willful, wanton, and reckless conduct and breach of duties owed to the plaintiff was the direct and proximate cause of the subject motor vehicle collision described herein and the plaintiff's injuries.

10. As a direct and proximate cause of the defendant's negligent, willful, wanton, and reckless conduct and breach of the duties owed to the plaintiff, the plaintiff has suffered damages in the form of physical injury and harm, past and future medical expenses, past and future physical and mental pain and suffering, mental, emotional, and psychological damage, and loss of enjoyment of life.

11. The plaintiff is entitled to judgment against the defendant for the above-described injuries and for actual and punitive damages in an amount to be determined by the jury

**WHEREFORE**, the plaintiff demands judgment against the defendant for actual and punitive damages, including damages for physical injury and harm, past and future medical expenses, past and future physical and mental pain and suffering, mental, emotional, and psychological damage, loss of enjoyment of life, for the costs of this action, and for any additional relief this Court deems just and proper.

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This 2<sup>nd</sup> day of June, 2020.