

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Larry Wayne "L.W." Flynn,)

Plaintiff(s))

vs.)

South Carolina Law Enforcement Division; Sheriff Chuck Wright, as representative for the Office of the Spartanburg County Sheriff; Chuck Wright, Steve Cooper, and Ken Hancock in their individual capacities as deputies with the Spartanburg County Sheriff's Department; Mark Keel and Trevor Howlett in their individual capacities as Agents of the South Carolina Law Enforcement Division;

Defendant(s))

Submitted By: Scott J. Hayes, Esq.

Address:

1419 Bull Street, Suite B, Columbia, SC 29201

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2015-CP - 40-0019

RICHLAND COUNTY
FILED
2015 OCT -1 PM 3:31
JENNIFER M. HERRIN
C.C.P. & G.S.

SC Bar #: 75203
Telephone #: (803) 600-1692
Fax #:
Other:
E-mail: scott@scottjhayes.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- [X] JURY TRIAL demanded in complaint. [] NON-JURY TRIAL demanded in complaint.
- [] This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- [X] This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- [] This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- Contracts: [] Constructions (100), [] Debt Collection (110), [] Employment (120), [] General (130), [] Breach of Contract (140), [] Other (199)
- Torts - Professional Malpractice: [] Dental Malpractice (200), [] Legal Malpractice (210), [] Medical Malpractice (220), Previous Notice of Intent Case # 20-CP- - - - -, [] Notice/ File Med Mal (230), [] Other (299)
- Torts - Personal Injury: [] Assault/Slander/Libel (300), [] Conversion (310), [] Motor Vehicle Accident (320), [] Premises Liability (330), [] Products Liability (340), [] Personal Injury (350), [] Wrongful Death (360), [X] Other (399)
- Real Property: [] Claim & Delivery (400), [] Condemnation (410), [] Foreclosure (420), [] Mechanic's Lien (430), [] Partition (440), [] Possession (450), [] Building Code Violation (460), [] Other (499)
- Inmate Petitions: [] PCR (500), [] Mandamus (520), [] Habeas Corpus (530), [] Other (599)
- Administrative Law/Relief: [] Reinstate Drv. License (800), [] Judicial Review (810), [] Relief (820), [] Permanent Injunction (830), [] Forfeiture-Petition (840), [] Forfeiture-Consent Order (850), [] Other (899)
- Judgments/Settlements: [] Death Settlement (700), [] Foreign Judgment (710), [] Magistrate's Judgment (720), [] Minor Settlement (730), [] Transcript Judgment (740), [] Lis Pendens (750), [] Transfer of Structured Settlement Payment Rights Application (760), [] Confession of Judgment (770), [] Petition for Workers Compensation Settlement Approval (780), [] Other (799)
- Appeals: [] Arbitration (900), [] Magistrate-Civil (910), [] Magistrate-Criminal (920), [] Municipal (930), [] Probate Court (940), [] SCDOT (950), [] Worker's Comp (960), [] Zoning Board (970), [] Public Service Comm. (990), [] Employment Security Comm (991), [] Other (999)
- Special/Complex /Other: [] Environmental (600), [] Automobile Arb. (610), [] Medical (620), [] Other (699), [] Pharmaceuticals (630), [] Unfair Trade Practices (640), [] Out-of State Depositions (650), [] Motion to Quash Subpoena in an Out-of-County Action (660)

Sexual Predator (510)

Submitting Party Signature:



Date: October 1, 2015

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCF, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY

Allendale, Anderson, Beaufort, Clarendon, Colleton, Florence, Greenville, Hampton, Horry, Jasper, Lee, Lexington, Pickens (Family Court Only), Richland, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

Larry Wayne "L.W." Flynn,)
Plaintiff,)

V.)

South Carolina Law Enforcement Division;)
Sheriff Chuck Wright, as representative)
for the Office of the Spartanburg County)
Sheriff; Chuck Wright, Steve Cooper,)
and Ken Hancock in their individual)
capacities as deputies with the)
Spartanburg County Sheriff's)
Department; Mark Keel and Trevor)
Howlett in their individual capacities)
as Agents of the South Carolina Law)
Enforcement Division;)

Defendants.)

IN THE COURT OF COMMON PLEAS
OF THE FIFTH JUDICIAL CIRCUIT

Civil Action No: 2015 - CP-40 - _____


SUMMONS

JURY TRIAL DEMANDED

FILED
2015 OCT -1 PM 3:31
JEANETTE M. BRIDGE
C.C.P. & G.S.

TO: THE ABOVE-NAMED DEFENDANTS

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action of which a copy is herewith served upon you and to serve a copy of your Answer to the said Complaint on the subscriber at his office, 1419 Bull Street, Suite B, Columbia, South Carolina 29201, within thirty (30) days from the date of service hereof, exclusive of the date of such service; and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.



Scott J. Hayes, Esquire
1419 Bull Street, Suite B
Columbia, South Carolina 29201
Telephone: 803-600-1692
scott@scottjhayes.com

ATTORNEY FOR THE PLAINTIFF

Columbia, South Carolina
October 1, 2015

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
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Larry Wayne "L.W." Flynn,)
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Plaintiff,)
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Spartanburg County Sheriff's)
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Howlett in their individual capacities)
as Agents of the South Carolina Law)
Enforcement Division;)
))
Defendants.)
_____)

IN THE COURT OF COMMON PLEAS
OF THE FIFTH JUDICIAL CIRCUIT

Civil Action No: 2015 - CP-40 - _____

COMPLAINT

JURY TRIAL DEMANDED

2015 OCT - 1 PM 3:31
JEANETTE M. HODGINS
C.C.P. & G.S.
NICHOLE ANN GORRIS
PHOTO

The Plaintiff, LW Flynn, by and through his undersigned attorney, respectfully alleges the following against the Defendants:

Preface

This Complaint alleges the state common law tort claim of malicious prosecution and abuse of process pursuant to the South Carolina Tort Claims Act, against the Spartanburg County Sheriff's Office and the State Law Enforcement Division based on the acts and omissions of Sheriff Wright, Deputies Hancock and Cooper, Director Keel and Agent Howlett in arresting and prosecuting the Plaintiff without probable cause. The Plaintiff also brings claims against Sheriff Wright, Deputies Hancock and Cooper, Director Keel and Agent Howlett pursuant to 42 U.S.C. § 1983 for a violation of his fourth amendment rights to be free from unreasonable seizure, subsequent malicious prosecution, abuse of process, and conspiracy, and for a violation of his fourteenth amendment right to due process.

Parties

1. The Plaintiff is a citizen of Beaufort County, South Carolina.

2. The Defendant, Spartanburg County Sheriff's Office, is an agency organized by Spartanburg County, a political subdivision of South Carolina. It is the appropriate party defendant pursuant to S.C. Code Ann. § 15-78-70, which makes the employing agency statutorily liable for the acts and omissions of its officers acting in the course and scope of their official duties. Spartanburg County Sheriff's Office is sued under common law for the acts of Sheriff Wright and Deputies Cooper and Hancock in obtaining an arrest warrant based on a materially misleading affidavit resulting in the malicious prosecution of Plaintiff Flynn.
3. The Defendant, South Carolina Law Enforcement Division (hereinafter "SLED") is an agency organized under the laws of the State of South Carolina. It is an appropriate party defendant pursuant to S.C. Code Ann. § 15-78-70, which makes the employing agency statutorily liable for the acts and omissions of its officers acting in the course and scope of their official duties. SLED is sued under a common law tort claim for the acts of SLED Director Mark Keel and SLED Agent Trevor Howlett for their influence and participation in obtaining and serving the Plaintiff with the illegal arrest warrant out of Spartanburg County.
4. The Defendants Wright, Cooper, and Hancock were at all times herein employees of Spartanburg County Sheriff's Department acting under the color of state law and in the course and scope of their employment as law enforcement officers. They are sued in their individual capacities under federal law for compensatory and punitive damages.
5. The Defendants Keel and Howlett were at all times herein employees of SLED acting under the color of state law and in the course and scope of their employment as law enforcement officers. They are sued in their individual capacities under federal law for compensatory and punitive damages.

Jurisdiction

6. The Plaintiff brings his state court claims pursuant to the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-10 et seq. Venue is proper in Richland County as the SLED is headquartered within its geographical boundaries. The Plaintiff further invokes this court's concurrent jurisdiction to hear claims arising under the United States Constitution and federal statutes. Specifically, 42 U.S.C. § 1983, 1988, and the Fourth and Fourteenth Amendments to the United States Constitution for the illegal arrest, abuse or process, malicious prosecution, conspiracy, and due process violations.

Statement of Facts

7. The Plaintiff, at all relevant times was the owner of Magic Minutes, a limited liability company in the State of South Carolina.

8. On or about February 15, 2012, Defendants Cooper and Hancock responded to the Pine Street Party Shop located at 240 South Pine Street in Spartanburg, South Carolina to investigate an anonymous tip related to illegally operating video poker machines.
9. Upon arrival at the location, Defendants Cooper and Hancock observed an individual to be playing what they believed to be an illegally operating video poker machine on the premises.
10. Upon information and belief, Defendants Cooper and Hancock then approached the store clerk and requested to speak with the owner of the store.
11. Upon information and belief, the store clerk then summoned the owner of the Pine Street Party Shop, Mr. Jeffery Scott Worthy, to the store.
12. Shortly thereafter, Mr. Worthy arrived at the incident location.
13. Upon Mr. Worthy's arrival at the store, Defendants Cooper and Hancock advised Mr. Worthy that he was going to receive a ticket for illegal gambling and requested that Mr. Worthy sign the machine over to the custody of Spartanburg County.
14. Upon information and belief, Mr. Worthy complied with the requests of Defendants Cooper and Hancock.
15. Upon information and belief, Mr. Worthy notified the machines owner, Mr. William Brent Galloway, that Defendants Cooper and Hancock had seized his machine.
16. Upon information and belief, Defendants Cooper and Hancock also issued the individual that they observed playing the machine that they believed to be an illegal video poker machine a citation for illegal gambling.
17. After seizing the machine from the Pine Party Shop on February 15, 2012, Defendants Cooper and Hancock arranged for it to be inspected by a local Magistrate.
18. On or about February 20, 2012, Spartanburg Magistrate Judge James D. Willingham II, examined the referenced alleged illegal video poker machine and made a preliminary finding that the machine violated S.C. Code § 12-21-2710 and authorized the seizure and destruction of said machine.
19. After receiving notice of Magistrate Willingham's preliminary finding, Mr. Galloway, the true owner of the seized machine, pursued his legal and equitable remedies through legal representation by requesting a post-seizure hearing.
20. A post-seizure hearing was held on May 24, 2012, before Judge Willingham in Spartanburg County.
21. Upon information and belief, the Plaintiff and Defendants Hancock and Cooper were present for the post-seizure hearing before the Honorable James D. Willingham II.

22. Mr. Galloway testified under oath during the post-seizure hearing that his company, believed to be named Sundown Entertainment, was the actual owner of the alleged illegal video poker machine seized by Defendants Cooper and Hancock on or about February 15, 2012, from 240 South Pine Street in Spartanburg, South Carolina.
23. Further, it was established during the post-seizure hearing that the Plaintiff was not the owner of said seized machine.
24. At the conclusion of the nearly two hour post-seizure hearing on May 24, 2012, Judge Willingham took the issue under advisement.
25. Upon information and belief, Judge Willingham kept the issue under advisement until he entered an Order on or about September 13, 2012, finding that the alleged illegal video poker machine that was the subject of the May 24, 2012 post-seizure hearing violated SC Code § 12-21-2710, upholding his previous finding and authorized the immediate destruction of the machine.
26. On March 25, 2013, Defendant Hancock was the affiant on an arrest warrant issued by a Spartanburg County Magistrate containing the following language:

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on May 24, 2012 in the county of Spartanburg the defendant Larry Wayne Flynn was found to be in possession of illegal video poker machines that were operating in his place of business known as Pine Street Party Shop located at 240 S. Pine, Street Spartanburg SC.
27. The face of the arrest warrant alleges that the Plaintiff violated South Carolina offense code 2722 pursuant to S.C. Code § 12-21-2710 for Gambling / Unlawful possession/operation of slot, video, vending machine or gambling device.
28. The Plaintiff has never been the owner of the Pine Street Party Shop located at 240 South Pine Street in Spartanburg County, South Carolina.
29. The Plaintiff was never in possession of the alleged illegal video poker machines operating at the Pine Street Party Shop located at 240 South Pine Street in Spartanburg County, South Carolina.
30. The Plaintiff was not the owner of the alleged illegal video poker machines seized from the Pine Street Party Shop located at 240 South Pine Street in Spartanburg County, South Carolina.

31. Upon information and belief, Sundown Entertainment and/or the Pine Street Party Shop were responsible for the operation of the machine that was seized from the Pine Street Party Shop by Defendants Cooper and Hancock on February 15, 2012.
32. The Plaintiff was never found to be in possession of any alleged illegal video poker machines operating at the Pine Street Party Shop located at 240 South Pine Street in Spartanburg County, South Carolina.
33. Upon information and belief, said arrest warrant was entered into NCIC on March 26, 2013.
34. The Plaintiff was scheduled to be present at a post-seizure hearing involving an unrelated seizure of alleged illegal video poker machines in Horry County before an Horry County Magistrate on March 28, 2013.
35. Upon information and belief, the hearing on March 28, 2013 had been scheduled weeks in advance.
36. Upon information and belief, Defendant Keel anticipated that the Plaintiff would be present for the March 28, 2013 post-seizure hearing before the Horry County Magistrate based upon his prior knowledge and experiences involving Magic Minutes and the Plaintiff.
37. Upon information and belief, Defendant Keel coordinated with local law enforcement agencies throughout the State of South Carolina, to include the Spartanburg County Sheriff's Office and Defendant Wright, and representatives from the South Carolina Attorney General's Office, in his pursuit to put Magic Minutes out of business.
38. Upon information and belief, the Defendants were aware of the false allegations contained in the Spartanburg County arrest warrant prior to its service upon the Plaintiff.
39. The Plaintiff appeared before the Horry County Magistrate in defense of his brand during the post-seizure hearing on March 28, 2013.
40. Upon information and belief, Defendant Howlett was present during the Horry County post-seizure hearing at the direction of Defendant Keel.
41. Defendant Howlett sat in the back of the Horry County courtroom for the entire post-seizure hearing on March 28, 2013.
42. Defendant Howlett then approached the Plaintiff immediately following the conclusion of the post-seizure hearing while the Plaintiff was still in the Horry County courtroom and identified himself as a SLED Agent.
43. Defendant Howlett then took the Plaintiff into custody pursuant to the Spartanburg County arrest warrant while the Plaintiff was still within the confines of the Horry County Magistrate in violation of SC Code § 17-13-60.

44. Upon information and belief, Defendants Wright and Keel coordinated their efforts related to the illegal Spartanburg County arrest warrant as evidenced by the time line and circumstances involved in its issuance, entry into NCIC, and ultimate execution upon the Plaintiff following the Horry County post-seizure hearing.
45. Upon his seizure, the Plaintiff asked Defendant Howlett why he was being arrested.
46. Defendant Howlett responded by informing the Plaintiff that he was serving an arrest warrant out of Spartanburg County.
47. Upon his arrest the Plaintiff was transported to the Myrtle Beach City Jail before being transported to the Horry County Detention Center later the same day.
48. The Plaintiff was then extradited to Spartanburg County the following day where he was able to post bond.
49. Upon his release from custody, the Plaintiff learned that all of his Magic Minutes business relationships had been terminated as his reputation and the reputation of his brand had been impacted immeasurably.
50. Further, as a result of his arrest, the Plaintiff was relieved of his duties as a 1st Lieutenant in the South Carolina State Guard.
51. The South Carolina Attorney General's Office assigned a prosecutor to prosecute the illegal gambling charge brought by the Defendants against the Plaintiff.
52. The prosecutor assigned by the Attorney General's Office dismissed the illegal gambling warrant on October 11, 2013, in favor of the Plaintiff.

Legal Theories of Recovery

For a First Cause of Action

§ 1983 Fourth Amendment claim against Hancock, Cooper, Wright, Keel, and Howlett, Individually, for orchestrating the arrest of the Plaintiff without probable cause in violation of his fourth amendment rights

53. The Plaintiff incorporates by reference all previous allegations of fact and law as if repeated herein.
54. The Defendants, and each of them, individually and in concert with each other committed a false arrest against the Plaintiff in violation of 42 U.S.C. § 1983.
55. The Defendants, and each of them, individually and in concert with each other pursued an arrest warrant against the Plaintiff that was not premised upon any factual evidence whatsoever.
56. Upon information and belief, the Defendants clearly disregarded evidence demonstrating the Plaintiff's innocence in their pursuit and execution of the false arrest warrant against the Plaintiff.

57. Upon information and belief, Defendant Hancock misrepresented the underlying facts in his presentation to the Spartanburg County Magistrate to secure the arrest warrant in an effort to ensure its issuance.
58. Defendant Howlett then served the Spartanburg County arrest warrant on the Plaintiff while the Plaintiff was still within the confines of the Horry County Magistrate in violation of South Carolina Code § 17-13-60.
59. Upon information and belief, Defendant Howlett served the Spartanburg County arrest warrant on the Plaintiff in Horry County after being directed by Defendant Keel to do so.
60. The Defendants actions caused the Plaintiff to be held in custody overnight and resulted in his extradition from Horry County to Spartanburg County.
61. As a direct and proximate result of the unreasonable and illegal seizure, the Plaintiff suffered emotional and financial harm.

For a Second Cause of Action

**Malicious Prosecution against the Spartanburg County Sheriff's Office and SLED
Pursuant to the SCTCA**

62. The Plaintiff incorporates by reference all previous allegations of fact and law as if repeated herein.
63. The Office of the Spartanburg Sheriff is vicariously liable for the acts of Defendants Hancock, Cooper, and Wright acting within the course and scope of their employment in their malicious prosecution of the Plaintiff. Additionally, SLED is vicariously liable for the acts of Defendants Keel and Howlett acting within the course and scope of their employment in their participation and assistance to said prosecution of the Plaintiff. The Plaintiff alleges:
 1. There was the institution and continuation of original judicial proceedings by the arrest and prosecution on the criminal charge of gambling;
 2. By, or at the insistence of Defendants, Hancock, Cooper, Wright, Keel and Howlett;
 3. The termination of the criminal proceedings in the Plaintiff's favor for reasons consistent with innocence;
 4. The prosecution was done with the implied malice for want of probable cause;
 5. There was not probable cause for the arrest; and
 6. The Plaintiff suffered emotional and financial damage.
64. The Plaintiff was improperly, illegally, and falsely arrested without probable cause.
65. The Plaintiff's prosecution was continued by the Defendants, in spite of direct evidence of his innocence.

66. The Defendants participated in the presentation of false and inaccurate evidence supporting the prosecution of the Plaintiff.
67. The actions of the Defendants, and each of them, individually and in concert with each other resulted in severe emotional and financial damages to the Plaintiff.
68. As a direct and proximate result of the malicious prosecution, the Plaintiff suffered emotional and financial harm.

For a Third Cause of Action

§ 1983 Malicious Prosecution claim against Hancock, Cooper, Wright, Keel and Howlett, Individually, for arresting the Plaintiff without probable cause its subsequent continued prosecution

69. The Plaintiff incorporates by reference all previous allegations of fact and law as if repeated herein.
70. The Plaintiff was improperly, illegally, and falsely arrested without probable cause.
71. The Defendants violated their fiduciary and ethical duties in their quest to support an arrest that they knew, or should have known, was improper, illegal, and false.
72. The prosecution of the Plaintiff was not just a mistake in judgement but a deliberate act by the Defendants to create culpability for the Plaintiff in the ownership of the machine seized by the Defendants on February 15, 2012, from the Pine Street Party Shop.
73. Defendants Wright, Cooper, Hancock, Keel, and Howlett, were acting under the color of state law in their pursuit of the illegal arrest warrant and subsequent prosecution of the Plaintiff in violation of his fourth amendment rights; The Plaintiff alleges:
 1. There was the institution and continuation of original judicial proceedings by the arrest and prosecution on the criminal charge of gambling;
 2. By, or at the insistence of Defendants, Hancock, Cooper, Wright, Keel and Howlett;
 3. The termination of the criminal proceedings in the Plaintiff's favor for reasons consistent with innocence;
 4. The prosecution was done with the implied malice for want of probable cause;
 5. There was not probable cause for the arrest; and
 6. The Plaintiff suffered emotional and financial damage.
74. The prosecution of the Plaintiff was continued by the Defendants, in spite of direct evidence of his innocence.
75. The actions of the Defendants, and each of them, individually and in concert with each other served as a direct and proximate result of this malicious prosecution and as a result the Plaintiff suffered severe emotional and financial damages.

For a Fourth Cause of Action

Abuse of Process against the Spartanburg County Sheriff's Office and SLED
Pursuant to the SCTCA

76. The Plaintiff incorporates by reference all previous allegations of fact and law as if repeated herein.
77. The Defendants, and each of them, individually and in concert with each other pursued and served a false arrest warrant against the Plaintiff in an effort to substantially impact the Plaintiff's business ventures throughout the State of South Carolina.
78. As a direct and proximate result of the abuse or process, the Plaintiff suffered emotional and financial harm.

For a Fifth Cause of Action

§ 1983 Abuse of Process claim against Hancock, Cooper, Wright, Keel and Howlett, Individually, for arresting the Plaintiff without probable cause on the gambling charge to achieve an ulterior purpose

79. The Plaintiff incorporates by reference all previous allegations of fact and law as if repeated herein.
80. The Defendants, and each of them, individually and in concert with each other pursued and served a false arrest warrant against the Plaintiff in an effort to substantially impact the Plaintiff's business ventures throughout the State of South Carolina.
81. As a direct and proximate result of the abuse of process, the Plaintiff suffered emotional and financial harm.

For a Sixth Cause of Action

§ 1983 Fourteenth Amendment due process violation against Hancock, Cooper, Wright, Keel, and Howlett for depriving the Plaintiff of his procedural and substantive due process rights resulting in injury

82. The Plaintiff incorporates by reference all previous allegations of fact and law as if repeated herein.
83. The Defendants Hancock, Cooper, Wright, Keel, and Howlett, violated the Plaintiff's Fourteenth Amendment due process rights by acting so outrageously as to prohibit the Plaintiff from pursuing due process as guaranteed to him therein. The violation of the Plaintiff's due process is established by the facts and circumstances surrounding the false arrest and the Defendants overt acts involved in its execution against the Plaintiff and its subsequent impact.
84. As a direct and proximate result of the due process violation, the Plaintiff suffered emotional and financial harm.

For a Seventh Cause of Action

§ 1983 Fourth Amendment Conspiracy claim against Hancock, Cooper, Wright, Keel, and Howlett for causing the illegal arrest, subsequent prosecution, and resulting harm to the Plaintiff

85. The Plaintiff incorporates by reference all previous allegations of fact and law as if repeated herein.
86. The Defendants Hancock, Cooper, Wright, Keel, and Howlett, conspired to violate Plaintiff Flynn's Fourth Amendment rights by bringing false charges against him to justify their illegal seizure of him. The agreement is established by the facts and circumstances surrounding the false arrest and overt acts involved in the execution of the false arrest of the Plaintiff and its subsequent impact.
87. The Defendants, and each of them, individually and in concert with each other committed a conspiracy to deprive the Plaintiff of his constitutional rights in violation of 18 U.S.C. § 241, 18 U.S.C. § 242, and 42 U.S.C. § 1983.

Prayer for Relief

Wherefore, having fully set forth the grounds of his Complaint, the Plaintiff asks this Court to award compensatory damages and punitive damages in an appropriate amount, attorney fees and costs pursuant to 42 U.S.C. § 1988 and for such other relief as this Court deems just and proper.

Respectfully submitted this the 1st day of October 2015 in Columbia, South Carolina.



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ATTORNEY FOR THE PLAINTIFF