

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHESTERFIELD)
)

IN THE COURT OF COMMON PLEAS

Youth Male H. an individual proceeding under a fictitious name,

CIVIL ACTION COVERSHEET

Plaintiff(s)

2016-CP-113-13 6667

vs.

Jay Hodge, Jr.,

Defendant(s)

Submitted By: Sarah C. Campbell, Esquire
 Address: 159 Main Stree, Chesterfield, SC 29709

SC Bar #: 100581
 Telephone #: 843-623-5911
 Fax #: 843-623-5700
 Other:
 E-mail: sec@cockrelllawfirm.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

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.
 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	Torts - Professional Malpractice	Torts - Personal Injury	Real Property
Constructions (100)	Dental Malpractice (200)	Conversion (310)	Claim & Delivery (400)
Debt Collection (110)	Legal Malpractice (210)	Motor Vehicle Accident (320)	Condemnation (410)
General (130)	Medical Malpractice (220)	Premises Liability (330)	Foreclosure (420)
Breach of Contract (140)	Previous Notice of Intent Case #	Products Liability (340)	Mechanic's Lien (430)
Fraud/Bad Faith (150)	20____-NI-____-_____	Personal Injury (350)	Partition (440)
Failure to Deliver/ Warranty (160)	Notice/ File Med Mal (230)	Wrongful Death (360)	Possession (450)
Employment Discrim (170)	Other (299) _____	Assault/Battery (370)	Building Code Violation (460)
Employment (180)		Slander/Libel (380)	Other (499) _____
Other (199) _____		Other (399) _____	
Inmate Petitions	Administrative Law/Relief	Judgments/Settlements	Appeals
PCR (500)	Reinstate Drv. License (800) ((800) (800)	Death Settlement (700)	Arbitration (900)
Mandamus (520)	Judicial Review (810)	Foreign Judgment (710)	Magistrate-Civil (910)
Habeas Corpus (530)	Relief (820)	Magistrate's Judgment (720)	Magistrate-Criminal (920)
Other (599)	Permanent Injunction (830)	Minor Settlement (730)	Municipal (930)
_____	Forfeiture-Petition (840)	Transcript Judgment (740)	Probate Court (940)
	Forfeiture—Consent Order (850)	Lis Pendens (750)	SCDOT (950)
	Other (899) _____	Transfer of Structured Settlement Payment Rights Application (760)	Worker's Comp (960)
Special/Complex /Other		Confession of Judgment (770)	Zoning Board (970)
Environmental (600)	Pharmaceuticals (630)	Petition for Workers Compensation Settlement Approval (780)	Public Service Comm. (990)
Automobile Arb. (610)	Unfair Trade Practices (640)		Employment Security Comm (991)
			Other (999)

Medical (620)

Out-of State Depositions (650) Other (799) _____

Other (699) _____

Motion to Quash Subpoena in an Out-of-County Action (660)
Pre-Suit Discovery (670)

Sexual Predator (510)

Permanent Restraining Order (680)



Date: 9/2/2016

Submitting Party Signature:

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

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

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

Pursuant to the ADR Rules, 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.
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 CHESTERFIELD)
Youth Male H, an individual proceeding)
under a fictitious name;)
Plaintiff,)
v.)
Jay Hodge, Jr.,)
Defendant.)

IN THE COURT OF COMMON PLEAS
FOURTH JUDICIAL CIRCUIT
2016-CP-13- 667


SUMMONS

2016 SEP 2 PM 3:00
FAYE L. GELLES
CLERK
CHESTERFIELD COUNTY, SC
Copy, Attest
Sellers

TO: THE DEFENDANT ABOVE NAMED:

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 Amended Complaint on the subscriber at his offices at the BARRISTER BUILDING in OLDE TOWNE CENTRE, 159 Main Street, Chesterfield, South Carolina, within thirty (30) days after the service hereof; exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint.

COCKRELL LAW FIRM, PC

BY: 
M. W. Cockrell, III
Sarah C. Campbell
ATTORNEYS FOR PLAINTIFF
BARRISTER BUILDING
Olde Towne Centre
159 Main Street
Chesterfield, SC 29709
Tel: 843-623-5911/ Fax: 843-623-5700

Chesterfield, South Carolina
September 2, 2016

STATE OF SOUTH CAROLINA)
 COUNTY OF CHESTERFIELD)
 Youth Male H, an individual proceeding)
 under a fictitious name;)
)
 Plaintiff,)
 v.)
 Jay Hodge, Jr.,)
)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 FOURTH JUDICIAL CIRCUIT
 2016-CP-13- 667

**COMPLAINT
 JURY TRIAL DEMANDED**

2016 SEP 2 PM 3:04
 FAYE L. STILWELL
 CLERK
 CHESTERFIELD COUNTY
 CLERK OF COURT, C.P. & S.
 CHESTERFIELD COUNTY, SC
 A True Copy Asst
 J. Hodge

COMMON ALLEGATIONS:

1. Plaintiff Youth Male H (hereinafter, "Plaintiff", "this boy", and/or "Youth Male H") is an adult male born in the year 1985. At all times relevant to the acts alleged in this complaint, Plaintiff was an unemancipated minor who was invited to participate in events, and activities promoted or sponsored by Defendant.
2. At all times relevant to this Complaint, Defendant Jay Hodge, Jr. (hereinafter "Hodge") is, upon information and belief, an individual residing in the town of Cheraw, County of Chesterfield, South Carolina.
3. Hodge befriended Plaintiff in an effort to gain the trust and confidence of Plaintiff and his family as a mentor, counselor, and authority figure. Hodge then used this trust and confidence to gain the permission, acquiescence, and support of Plaintiff's family to spend substantial periods of time alone with Plaintiff, to include taking Plaintiff on overnight trips out of town. As a result, Plaintiff was operantly conditioned to trust Hodge, comply with his directions, and respect Hodge as a person of authority in both moral and ethical matters. This course of conduct is referred to in this Complaint as "grooming."

4. Using his authority and position of trust acquired through the grooming process, Hodge induced and directed Plaintiff to engage in various sexual acts with Hodge. Hodge's grooming led to and resulted in the sexual abuse of Plaintiff, discussed below.
5. While Plaintiff was a school aged student and one of Hodge's "projects"; Hodge exploited the Plaintiff's status as a child with respect for authority. Hodge began to recognize Plaintiff, and to shower him with attention and praise. Plaintiff's affection for and emotional dependency on Hodge increased steadily.
6. Hodge would sit the boy down and, initially, make small talk, telling the boy he wanted to get to know him better.
7. On one particular occasion when Plaintiff was approximately eight years old, Hodge accompanied a local boy scout troop on an overnight white water rafting trip on the Nantahala River. During the night, Plaintiff awoke to Hodge instructing him to grab his fishing pole and follow him. Plaintiff did as Hodge instructed him and after they left Plaintiff's sleeping quarters, Hodge sexually assaulted Plaintiff. In particular, Hodge put his hands on Plaintiff's penis, pulled Plaintiff's pants below his knees, and asked Plaintiff if it felt good. Subsequently, Hodge put the head of Plaintiff's penis in his mouth.
8. Hodge engaged in intentional conduct resulting in one or more of the following: physical injury, mental injury, rape, sexual abuse, and/or sexual exploitation of Plaintiffs as those terms are commonly used. Specifically:
 - i. Hodge sexually abused and molested Plaintiff Youth Male H, to include but not be limited to fondling;

9. As a result of Hodge's sexual abuse, molestation, and breach of authority, trust, Plaintiff suffered non-economic damages as follows:

- i. Plaintiff Youth Male H suffered and/or continues to suffer severe and debilitating physical, mental, and emotional injury, including: substance abuse issues, pain and suffering, physical and emotional trauma, and permanent psychological damage, all to his non-economic damages in the amount which will be proven at the time of trial;

10. As an additional result and consequence of Hodge's sexual abuse, Plaintiff suffered economic damages as follows:

- i. Plaintiff Youth Male H incurred and/or will incur in the future, costs for counseling, psychiatric and psychological medical treatment all to his economic detriment, the exact amount of which will be proven at the time of trial.

11. In 2015, Plaintiff Youth Male H discovered the causal connection between his abuse, as set forth in paragraphs above, and the damages suffered as a result of the abuse, as set forth in the paragraphs above. Prior to 2015, Plaintiff Youth Male H did not discover, and could not reasonably have discovered, the causal connection between the abuse and the damages he suffered as a result of the abuse or even that any abuse occurred. The psychological effects of the abuse Plaintiff Youth Male H suffered prevented Youth Male H from discovering the abuse and the damages he suffered as a result of the abuse.

12. The Plaintiff enlisted in the United States Army and was recognized and decorated for actions of valor with medals and awards exceeding double digits in number. His

selfless acts led to his recruitment of and eventual placement with The United States Army First Special Forces Operational Detachment-Delta, popularly known as The DELTA FORCE, focusing on HOT (active gun fire) hostage rescue, counterterrorism and reconnaissance against high-profile/value enemies and targets.

13. The Plaintiff selflessly served and was involved in numerous direct conflicts with enemy forces. Eventually, the actions resulted in the Plaintiff sustaining potentially life threatening injures and the Plaintiff was ultimately Honorably discharged from the United States Army.

14. The Plaintiff was and is regularly receiving treatment from the VA Hospital for his injuries. The war engagements of the Plaintiff, his psychic-trauma experienced in his rehab, his suffering from Post Traumatic Stress Disorder (PTSD)k and the physical injuries, together with these treatments initiated recall of suppressed sexual abuse the Plaintiff sustained as a young child at the hands of Hodge.

15. The Plaintiff, Youth Male H, discovered the abuse, as set forth in paragraphs above, and the damages suffered as a result of the abuse, as set forth in the paragraphs above in 2015. Prior to 2015, Plaintiff Youth Male H did not discover, and could not reasonable have discovered, the abuse and the damages he suffered as a result of the abuse or even that any abuse occurred. The psychological effects of the abuse Plaintiff Youth Male H suffered prevented Youth Male H from discovering the abuse and the damages he suffered as a result of the abuse.

**FIRST CLAIM FOR RELIEF
(Sexual Battery of a Child)**

13.Plaintiff realleges and incorporates by reference the paragraphs above.

14. While acting in an effort to arouse and stimulate his personal sexual desires, Hodge induced and directed Plaintiff to engage in various sexual acts with Hodge as set forth in the paragraphs above.

15. These acts constituted a harmful or offensive touching of Plaintiff, to which Plaintiff could not consent.

16. As a result and consequence of Hodge's sexual battery, Plaintiff has incurred damages as set forth above.

17. In sexually battering Plaintiff, Hodge acted with malice or a reckless and outrageous indifference to a highly unreasonable risk of harm and with a conscious indifference to the health, safety, and welfare of Plaintiff.

18. Plaintiff hereby provides notice of his intent to move to add allegations of punitive damages against Defendants at any time after the filing of this Complaint.

**FOR A SECOND CLAIM FOR RELIEF
(Fraud)**

19. Plaintiff realleges and incorporates by reference the paragraphs above.

20. At all times relevant to this complaint, Defendant invited and encouraged Plaintiff to participate in programs that he controlled while simultaneously promoting the functions as being both safe and beneficial for boys.

21. This invitation created a unique fiduciary relationship as described in above, where Plaintiff and his parents relied upon Defendant's representations that his expertise and judgment would develop a sense of morality the boys under his influence.

22. Hodge made affirmative representations as to his fitness to groom Plaintiff.

- 23.Hodge misrepresented, concealed, and otherwise failed to disclose information relating to his deviant sexual conduct, life style, and pedophilic and/or ephebophilic drive.
- 24.Plaintiff justifiably relied upon Hodge's misinformation relating to his pedophilic and/or ephebophilic drive.
- 25.Plaintiff further justifiably relied upon Hodge to disclose his personal information, considered the affirmative Hodge representations made as being unimpeachably credible, and regarded Hodge as being fit to groom the Plaintiff.
- 26.Hodge knew that omitting the above described information, coupled with the false statements regarding his fitness to mold the character of your men, amounted to a false representation.
- 27.Hodge made the false statements of fact with reckless disregard for their truth and recklessly omitted highly pertinent information regarding his sexual preferences and fitness to interact with children.
- 28.Hodge omitted this information with the intent of inducing Plaintiff and other such children, the Plaintiff's parents and other such parents, and the community at large to rely on his statements regarding his character and fitness to lead young men.
- 29.Plaintiff and his parents relied on Hodge's false statements knowing omissions in allowing Plaintiff to engage in a mentoring relationship with Hodge.
- 30.The reliance of the Plaintiff and his parents was justified because they did not know, nor could they have known, that Hodge had a history replete with incidences of child molestation.

31.As a direct consequence of Hodge’s omissions, Plaintiff suffered the molestation and damages as alleged in paragraphs above.

32.By way of his omissions, Hodge acted with malice, a reckless and outrageous indifference to a highly unreasonable risk of harm, and a conscious indifference to the health, safety, and welfare of Plaintiff.

33.Plaintiff hereby provides notice of his intent to move to add allegations of punitive damages against Defendants at any time after the filing of this Complaint.

FOR A THIRD CLAIM FOR RELIEF
Willful Misconduct, Wanton Misconduct and Reckless Misconduct

34.Plaintiff realleges and incorporates by reference the paragraphs above.

35.The conduct described above shows that Hodge engaged in willful, wanton, and/or reckless conduct that is indicative of his conscious disregard for Plaintiff’s health and safety.

36.This conduct is also indicative of Hodge’s intent to harm the Plaintiff.

37.Plaintiff was grievously harmed as result of Hodge’s actions and inactions.

38.At a bare minimum, Hodge was recklessly indifferent to the injuries occurring as a natural and highly probable result of his acts and omissions.

39.Hodge knew that children would suffer severe damages stemming from his sexually abuse.

40.Plaintiff was damaged as result of Hodge’s reckless indifference and willful and wanton misconduct.

FOR A FOURTH CLAIM FOR RELIEF
Intentional Infliction of Emotional Distress

41.Plaintiff realleges and incorporates by reference the paragraphs above.

42.Hodge's conduct was such an egregious violation of societal norms, and so greatly exceeded all conceivable bounds of decency, it can only be described as utterly intolerable within the context a civilized community.

43.Hodge's conduct was a result of a willful, reckless, and outrageous indifference to highly unreasonable risk of harm and a conscious indifference to Plaintiff's health, safety, and welfare.

44.This conduct resulted in severe emotional distress to Plaintiff.

45.Hodge's conduct was the result of a willful, reckless and outrageous indifference to a highly unreasonable risk of harm which also featured a conscious indifference to Plaintiff's health, safety, and welfare.

46.As a result of the this conduct, Plaintiff has suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life.

47.Plaintiff has suffered and continues to suffer spiritually, was prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life, has sustained and will continue to sustain loss of earnings and earning capacity, has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

48.As a proximate result of these injuries, Plaintiff has suffered general and special damages in an amount in excess of the jurisdictional minimum of this Court.

**FOR A FIFTH CLAIM FOR RELIEF
Child Sexual Abuses**

49.Plaintiff realleges and incorporates by reference the paragraphs above.

50. While Plaintiff was a minor in the custody and/or under the control and supervision of Hodge, Hodge intentionally sexually molested and assaulted Plaintiff.

51. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life.

52. In committing the acts complained of herein, Hodge acted intentionally, maliciously and with conscious disregard for the rights of Plaintiff, thereby entitling Plaintiff to punitive damages in an amount to be established at trial.

**FOR A SIXTH CLAIM FOR RELIEF
Sexual Battery**

53. Plaintiff realleges and incorporates by reference the paragraphs above.

54. In committing the acts of childhood sexual abuse specified herein above, Hodge intentionally touched an intimate part of Plaintiff in a sexually offensive manner with the intent to harm or offend him, and further acted in such a manner as to cause Plaintiff to have an imminent apprehension of such contact.

55. Plaintiff did not consent and could not legally have consented to be so touched by Hodge.

56. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life.

57. In committing the acts complained of herein, Hodge acted intentionally, maliciously and with conscious disregard for the rights of Plaintiff, thereby entitling Plaintiff to punitive damages in an amount to be established at trial.

58. As a proximate result of these injuries, Plaintiff has suffered general and special damages in an amount in excess of the jurisdictional minimum of this Court.

WHEREFORE, Plaintiff request actual and punitive damages for each of the causes of action set forth above and such other further relief as the court and jury shall deem just and proper against Defendant.

Respectfully Submitted,

COCKRELL LAW FIRM, PC



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