

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
Mother Doe and Father Doe as parents)
and guardians of John Doe, a minor under)
the age of eighteen,)
Plaintiffs,)
vs.)
Greenville County School District,)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

2020-CP-23-04961

AMENDED SUMMONS

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 Complaint on the subscribers at their offices, 209 E. Calhoun Street, Anderson, 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, judgment by default will be rendered against you for the relief demanded in the Complaint.

s/Kyle J. White
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Attorneys for the Plaintiffs

Anderson, South Carolina
October 29, 2020

STATE OF SOUTH CAROLINA)
 COUNTY OF GREENVILLE)
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 Mother Doe and Father Doe as parents)
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**AMENDED COMPLAINT
 (Jury Trial Demanded)**

The plaintiffs, Mother Doe and Father Doe, as the natural parents and guardian for John Doe, (“Plaintiffs”), complaining of the Defendant, Greenville County School District (sometimes referred to hereinafter as “Defendant” or “District”), would respectfully show unto the court and allege:

PARTIES

1. Plaintiff Father Doe is the father and natural guardian of John Doe, a sixteen (16) year-old minor. Plaintiff Mother Doe is the mother and natural guardian of John Doe, and at all relevant times, John Doe has been enrolled as a student in Greenville County Schools. The Plaintiffs are residents of the County of Greenville, State of South Carolina.
2. Greenville County School System is a governmental agency providing instructional and educational services to the children of Greenville County through the public school system.
3. At the time of the incidents giving rise to the Plaintiffs’ Complaint, District acted by and through its agents, contractors, and employees for the purpose of carrying on its business

as a public school district and therefore, is liable for the negligent acts of its agents, contractors, and employees.

JURISDICTION AND VENUE

4. The facts and circumstances alleged herein and giving rise to John Doe's Complaint occurred in the County of Greenville, State of South Carolina.

5. This action is brought for damages and other appropriate relief pursuant to the statutory and common law of the State of South Carolina and the South Carolina Tort Claims Act codified at § 15-78-10 et seq.

6. Jurisdiction and venue are proper in Greenville County because the acts and omissions occurred in Greenville County.

GENERAL ALLEGATIONS

7. Brian Garrison has, at all relevant times, been employed at Eastside High School ("Eastside") as a tennis coach.

8. Scott Erwin has, at all relevant times, been employed at Eastside High School as a Physical Education teacher, the Head Coach for the baseball team, and the Athletic Director at Eastside High School, and has been responsible for the overseeing all aspects of the athletic programs, including hiring coaches, supervising, compliance, and/or retention of Garrison and other employees involved in the alleged acts and/or omissions.

9. That Brian Garrison and Scott Erwin are reported to be "best friends." Garrison was often at the high school baseball practices and was in the dugout during baseball practices and games at Eastside, which permitted Garrison regular access to the baseball players and other student athletes.

10. That prior to entering 9th Grade at Eastside, John Doe had no prior relationship with Garrison beyond occasionally seeing him in the Eastside weight room when John Doe went to weightlifting as a 7th and 8th grader.

11. That after John Doe began 9th grade, Garrison began an attempt to develop an inappropriate, personal relationship with John Doe, that included providing gifts, a secret cell phone, and JUULs and other vape contraband to John Doe, and offering to purchase alcohol for John Doe.

12. That subsequent conversations between Garrison and John Doe were had were inappropriate and many of which were sexual in nature.

13. That at various times in the time frame of late 2018 to 2019, Garrison engaged in various forms of sexually inappropriate conversations, innuendos, and conduct with John Doe.

14. That further, on at least one occasion, Defendant Garrison secretly met with John Doe while John Doe's parents believed him to be at a specific event.

15. That Garrison communicated via Snapchat with John Doe hundreds of times at all hours of the day and night.

16. That in November 2018, Mother Doe met with an Eastside High School guidance counselor to express concerns about Garrison befriending John Doe on social media and using Snapchat to communicate with John Doe. Mother Doe asked the guidance counselor if there were any District policies prohibiting coaches and other District employees from such behavior. The guidance counselor was unfamiliar the District policy on this matter and stated she would find out and let Mother Doe know. A week or so later, the guidance counselor met with Mother Doe while she was at the school and told Mother Doe that she had spoken with the District and was informed

that there were no policies prohibiting District employees from using social media to communicate with students.

17. That Garrison sent John Doe pictures via Snapchat with comments such as “I miss your face when you go night night... before you go send me a night vid...”

18. That in February 2019, Garrison provided John Doe a secret iPhone to secretly communicate with Garrison, and that secret cell phone contained countless pictures of Eastside High School student athletes engaging in illegal behavior such as vaping and funneling beer, and at least one picture of a teenage boy whose naked teenage boy who was painted with Riverside High School Warriors paint, with his hand placed such that it was covering his genitals.

19. That further, the secret cell phone contained screenshots of highly disturbing Snapchat communications between Garrison and another student athlete who was a Senior at Eastside High School and member of Eastside’s Varsity baseball team.

20. That Erwin permitted Garrison, a single man who lived alone, to regularly attend Eastside’s baseball practices and games, be on the field and in the dugout with the players, while having knowledge that Garrison had developed relationships with students and was spending time with baseball players and other students without any adult supervision.

21. That further, Erwin had knowledge that Garrison provided Eastside students athletes with alcohol, JUULs and other vape contraband.

22. That Erwin maintained a code of silence amongst his baseball players going back years, and would penalize or bench the player of any parent who reported to Erwin concerns, such as Garrison providing the baseball team alcohol while in Myrtle Beach, South Carolina, during a school-sponsored high school baseball tournament.

23. Mother Doe and Father Doe met with Erwin in person the morning of March 13, 2019, to report that they had intercepted a Snapchat message from Garrison to John Doe shortly before midnight the night before that caused Plaintiffs grave concerns that Garrison was a child predator. Plaintiffs showed Erwin a screenshot of the intercepted message where Garrison sent John Doe a picture of Garrison's face with a typed message stating "Ima miss your face when you go night night... before you go send me a night vid..." Further during that meeting, Mother Doe and Father Doe reported to Erwin that they had searched John Doe's room that morning for the device John Doe was using to communicate with Garrison and found the secret phone that Garrison had given John Doe so he could continue manipulate and control John Doe. Mother Doe and Father Doe also reported to Erwin that they found a JUUL and other vape materials that Garrison had given their son. Erwin appeared genuinely concerned and alarmed. Erwin assured Mother Doe and John Doe that he would handle it, leading them to believe that he would immediately follow appropriate protocols to protect John Doe and every other District student any further harm by Garrison. Considering school teachers and administrators are mandatory reporters, Mother Doe and John Doe trusted Erwin would report the allegations to the relevant authorities as required by South Carolina law.

24. That during the meeting on March 13, 2019, Erwin shared with Mother Doe and Father Doe that Garrison had asked him if his own son, who is also on the baseball team, could hang out with Garrison, and that he (Erwin) told Garrison "no, grown men don't hang out with young boys!"

25. That despite Mother Doe and John Doe telling Erwin that they did not ever want Garrison around their son again, and Erwin assuring Plaintiffs that he would handle it, Erwin did nothing.

26. That on the two days following John Doe's parents meeting with Erwin, they attempted to reach Erwin several times via phone calls and text messages, urging him to call them back or to pass them off to someone else if he needed to. Erwin did not reply or return their calls.

27. That on Saturday, March 19, 2020, the Eastside Junior Varsity baseball team had a sanctioned double header against Travelers Rest at Eastside High School during which Erwin knowingly and intentionally allowed Garrison in the dugout with John Doe for the entire double header, deliberately exposing John Doe to further threat of harm and intimidation, causing him emotional and psychological trauma.

28. That on Saturday evening, March 19, 2019, when one of the volunteer baseball coaches notified Erwin that John Doe's parents were calling the police, Erwin immediately contacted Garrison who then sent a Snapchat message to the volunteer coach's son that said "Pretty sure [John Doe's] parents went to Erwin about me. He just sent me a txt that we need to talk tomorrow."

29. That the code of silence Erwin maintained amongst the Eastside High School baseball teams, which the District continues to enable, has created a culture of grossly negligent behavior at Eastside High School, where the District places success in athletics above the safety and wellbeing of the students they are entrusted, and mandated by law, to protect.

30. Upon information and belief, the District, the principal, the assistant principal, the school resource officer, and the athletic director failed to protect John Doe, as well as other past and present students who were victimized by Garrison. Erwin, who was the Athletic Director, teacher, and head baseball coach, and who is still employed by the District as a teacher and head baseball coach at Eastside, neglected to protect John Doe and so many other past and present Eastside students from being abused, manipulated, and otherwise victimized by Garrison, during

a time in John Doe's life and the life of the other students, when at the most vulnerable phase of life.

31. The District's acts and omissions resulted in John Doe being subjected to harassment, ridicule, shame, and accusations that no teenage boy should have to suffer, which caused him to have to change schools, and could have been prevented or at least minimized if the District had responded appropriately.

32. John Doe has suffered significant, lifelong trauma that has caused him harm including, but in no way limited to, severe anxiety, emotional distress, excessive hair loss, insomnia requiring medication, periods of feeling depressed, anger, and self-esteem issues.

FIRST CAUSE OF ACTION
(Negligence and Gross Negligence)

33. The relevant and consistent allegations contained in the above Paragraphs are incorporated by reference as if stated verbatim herein.

34. During all times relevant, the Defendant's acts and omissions amounted to negligence, recklessness and a willful and wanton disregard for the health and wellbeing of John Doe.

35. As a direct and proximate result of the willful and wanton and reckless acts, as well as the gross negligence of the Defendant, John Doe sustained loss of dignity, physical abuse, mental and emotional abuse, and severe injury.

36. John Doe is entitled to recover compensatory damages from the Defendant in an amount to be proven at trial.

37. Following the acceptance of John Doe, as a student, the Defendant was under a continuing duty both under the statutory and common law of South Carolina to exercise reasonable care in their supervision and care of John Doe.

38. The Defendant was negligent, willful, wanton, reckless and grossly negligent and deviated from the expected standards of skill, care, and learning in their supervision of John Doe in the following particulars:

- a. Failing to maintain a protective and safe environment;
- b. Failing to establish policies and procedures which protect students from injury or harmed by those employed by the District and from other students;
- c. Failing to ensure that the staff of District were competent to supervise students, trained in the policies and procedures of the District, and were knowledgeable regarding abuse perpetrated by District employees and students and the appropriate response to any such abuse;
- d. Failing to supervise staff and students;
- e. Failing to protect John Doe and keep him safe from injuries, mental abuse, and emotional abuse;
- f. Failing to supervise District employees while they engaged in inappropriate and illegal behavior toward other students;
- g. Failing to take action to prevent District employees who had engaged in inappropriate and illegal behavior toward other students from engaging in further inappropriate and illegal behavior against other students;
- h. Failing to comply with applicable laws and standards, including but not limited to mandatory reporter laws;

- i. Failing to provide care and supervision necessary to avoid physical harm and mental anguish;
- j. Failing to prevent John Doe from be subjected to physical and emotional abuse;
- k. Failing to prevent District employees from providing vapes and other illegal contraband to John Doe and other students;
- l. Other negligent or grossly negligent acts and/or omissions yet to be determined or defined; and
- m. In such other particulars as may be ascertained through discovery procedures undertaken pursuant to the South Carolina Rules of Civil Procedure.

39. As a direct and proximate result of the negligence, recklessness, and gross negligence of the Defendant, as set forth above, John Doe suffered economic and noneconomic damages, including but not limited to temporary and permanent emotional and physical pain, mental pain, mental anguish, and emotional distress.

40. John Doe is entitled to recover all actual damages available under South Carolina law from the Defendant in an amount as to be determined by the jury.

41. As the above-described incidents involve numerous separate acts and/or omissions pertaining to the failure to train, supervise, and/or terminate the employment of numerous individuals who committed the acts and/or omissions, Plaintiff has alleged multiple “occurrences” pursuant to *Chastain v. Anmed Health Found.*, 388 S.C. 170 (2010) and *Boiter v. SCDOT*, 393 S.C. 123 (2011) for the purpose of calculating the applicable damages caps, if any. The Plaintiffs asks that the number of occurrences be determined by the jury.

SECOND CAUSE OF ACTION
(Freedom of Information Act Violation)

42. Plaintiffs repeat and re-alleges all preceding paragraphs as if fully set forth herein.

43. Defendant is a public body pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 *et seq.*

44. This Court has jurisdiction under the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 *et seq.*, as a citizen of South Carolina may apply to the circuit court for a declaratory judgment, injunctive relief, or both, to enforce the provisions of the South Carolina Freedom of Information Act.

45. This Court has jurisdiction under the Uniform Declaratory Judgments Act, S.C. Code Ann. § 15-53-10 *et seq.*, as any person whose rights are affected by a statute may obtain a declaration of rights thereunder.

46. Plaintiffs sent a valid Freedom of Information Act (FOIA) request to Defendant on behalf of the Plaintiffs seeking materials that are subject to disclosure under FOIA laws.

47. Under FOIA, a public body, upon written request for records shall within ten days notify the person making the request of its determination and the reasons for it. If the request is granted, the record must be furnished or made available for inspection or copying no later than thirty calendar days from the date on which the final determination was provided.

48. Defendant has failed to:

- a. comply with Plaintiffs' request;
- b. make a proper response to Plaintiffs' request;
- c. respond timely that the requested public records would be made available;
- d. actually make the requested records available for copying; and

e. furnish the requested records

49. Many months have passed since the original request for the records. Defendant has failed to make any proper response during that time.

50. The acts and omissions of Defendant are in violation of FOIA.

51. Under FOIA, if the public body fails to comply with the Act, the request must be considered approved.

52. Under FOIA, if the person seeking relief prevails, he may be awarded reasonable attorney's fees and other costs of litigation specific to the request.

53. Due to Defendant's failure to comply with the Act, Plaintiffs seek the following relief:

f. A declaratory judgment that Defendant has violated the South Carolina Freedom of Information Act.

g. A declaratory judgment that the Plaintiffs' FOIA Request is deemed approved;

h. An order enjoining and instructing Defendant to provide a copy of all requested documents;

i. A declaratory judgment that Plaintiffs are entitled to attorney's fees and costs of litigation pursuant to the South Carolina Freedom of Information Act;

j. A declaratory judgment that this violation of the South Carolina FOIA was an irreparable injury for which no adequate remedy at law exists;

k. Equitable relief as the Court considers appropriate; and

l. Such other and further relief as the Court deems just and proper.

WHEREFORE, the Plaintiffs demand a trial by jury and respectfully pray for judgment against the Defendant, for all available damages in an amount to be determined by the jury which

the Plaintiffs allege to be in excess of One Hundred Thousand and No/100 (\$100,000.00) Dollars actual damages, such allegation being made for the purpose set forth in Rule 30(h) of the SCRCF, for the costs of this action, and for such other and further relief as this Court may deem just and proper.

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Anderson, South Carolina
October 29, 2020

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