

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CASE NO.: 2019-CP-25-00111

RENEE S. BEACH, as Personal)
Representative of the Estate of)
MALLORY BEACH,)

Plaintiff,)

v.)

GREGORY M. PARKER, INC. d/b/a)
PARKER'S CORPORATION,)
RICHARD ALEXANDER MURDAUGH,)
RICHARD ALEXANDER MURDAUGH,)
JR., JOHN MARVIN MURDAUGH, AS)
P.R. OF THE ESTATE OF MARGARET)
KENNEDY BRANSTETTER)
MURDAUGH, AND RANDOLPH)
MURDAUGH, IV, AS P.R. OF THE)
ESTATE OF PAUL TERRY)
MURDAUGH,)

Defendants.)

**THIRD
AMENDED SUMMONS
Wrongful Death**

(Jury Trial Demanded)

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Complaint upon the subscriber at his office at 265 Barnwell Highway, Allendale, 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, Plaintiffs will apply to the Court for the relief demanded in the Complaint and judgment by default will be rendered against you for the relief demanded in the Complaint.

GOODING AND GOODING, P.A.

By: s/Mark B. Tinsley

Mark B. Tinsley – S.C. Bar # 15597

P.O. Box 1000

Allendale, SC 29810

803-584-7676

Attorneys for Plaintiff

mark@goodingandgooding.com

February 22, 2022

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CASE NO.: 2019-CP-25-00111

RENEE S. BEACH, as Personal)
Representative of the Estate of)
MALLORY BEACH,)

Plaintiff,)

v.)

**THIRD
AMENDED COMPLAINT
Wrongful Death**

GREGORY M. PARKER, INC. d/b/a)
PARKER’S CORPORATION,)
RICHARD ALEXANDER MURDAUGH,)
RICHARD ALEXANDER MURDAUGH,)
JR., JOHN MARVIN MURDAUGH, AS)
P.R. OF THE ESTATE OF MARGARET)
KENNEDY BRANSTETTER)
MURDAUGH, AND RANDOLPH)
MURDAUGH, IV, AS P.R. OF THE)
ESTATE OF PAUL TERRY)
MURDAUGH,)

Defendants.)
_____)

The Plaintiff alleges:

1. That she is the duly appointed Personal Representative of the Estate of Mallory Beach and that she is a beneficiary of the Estate.
2. That she and decedent were at all times relevant herein residents of the State of South Carolina.
3. Upon information and belief, Defendant Gregory M. Parker, Inc. d/b/a Parker’s Corporation (hereinafter “Parker’s”) is a foreign corporate entity which maintains agents and employees, transacts business, owns and/or manages real estate, and otherwise is connected by

ownership and operation to a gas station and convenience stores located South Carolina and for whose benefit a beer and wine sales permits were issued for their business.

4. Upon information and belief, Parker's has undertaken and is charged with duties of care at law by reason of their ownership, operation, marketing, management, maintenance, alcohol sales and other exercises of control over the subject Parker's gas stations and convenience stores, including the one located at 7021 Okatie Highway, Ridgeland, South Carolina.

5. That Parker's is a for-profit corporate entity and derives substantial revenues and profits from the sale of alcohol and, as such, is responsible for training and supervising its employees so as to not allow the illegal purchase of alcohol by minors or by people using the identification of others.

6. That, at all pertinent times herein, Defendant Richard Alexander Murdaugh was a citizen and resident of Hampton County, South Carolina.

7. That, at all pertinent times herein, Defendant Richard Alexander Murdaugh, Jr. was a citizen and resident of the Hampton County, South Carolina

8. That, at all pertinent times herein, Defendant John Marvin Murdaugh, as Personal Representative of the Estate of Margaret Kenney Brandstetter Murdaugh, was a citizen and resident of South Carolina, and the Decedent was a citizen and resident of Hampton County, South Carolina.

9. That, at all pertinent times herein, Defendant Randolph Murdaugh, IV, as Personal Representative of the Estate of Paul Terry Murdaugh, was a citizen and resident of Hampton County, South Carolina, and the Decedent was a citizen and resident of Hampton County, South Carolina.

10. That this Court has jurisdiction over the parties hereto and in the subject matter hereof.

11. That at all pertinent times herein, Defendant Richard Alexander Murdaugh, Jr. was over twenty-one (21) years of age and knowingly, willfully, and illegally allowed his younger brother Paul Murdaugh, who was under the age of twenty-one (21) at the time, to use his driver's license in order to illegally purchase and consume alcohol. Further, it was foreseeable that his minor brother would use the license to purchase alcohol for consumption by other minors and this defendant had constructive and actual knowledge that the license was so used.

12. That, at all pertinent times herein, Defendant Richard Alexander Murdaugh and Margaret Kennedy Branstetter Murdaugh had knowledge or should have known that their minor son Paul Murdaugh was illegally purchasing and consuming alcohol on a regular basis by using or displaying the driver's license of their adult son, Defendant Richard Alexander Murdaugh, Jr. Defendant Richard Alexander Murdaugh and Margaret Kennedy Branstetter Murdaugh also had actual and constructive knowledge that Paul Murdaugh would consume alcohol and operate vehicles provided to Paul Murdaugh for his use for the convenience of Richard Alexander Murdaugh and Margaret Kennedy Branstetter Murdaugh. Further, Richard Alexander Murdaugh and Margaret Kennedy Branstetter Murdaugh knew Paul Murdaugh would drink to excess and drive vehicles, including Richard Alexander Murdaugh and Margaret Kennedy Branstetter Murdaugh's boats, all of which are dangerous instrumentalities, and therefore knew or should have known of Paul Murdaugh's condition and proclivities including that Paul Murdaugh was incompetent, unfit, and/or reckless based on his almost constant consumption of alcohol. Many times prior to February 23, 2019, Margaret Kennedy Branstetter Murdaugh had actual knowledge that Paul Murdaugh was consuming alcohol while operating the family vehicles and otherwise as

evidenced by the fact she “liked” social media posts depicting Paul Murdaugh consuming alcohol as a minor. Paul Murdaugh’s consumption of alcohol was condoned, encouraged and facilitated by Richard Alexander Murdaugh and Margaret Kennedy Branstetter Murdaugh. Further, Paul Murdaugh was provided with and used his mother’s credit card to purchase alcohol, including the alcohol he purchased from Parker’s on February 23, 2019.

13. By condoning and facilitating Paul Murdaugh’s alcohol purchases and consumption, while entrusting the boat to Paul Murdaugh when they knew or reasonably should have known Paul Murdaugh would be consuming alcohol and operating the boat, Defendants Richard Alexander Murdaugh and Margaret Kennedy Branstetter Murdaugh created an appreciable risk of harm to others including Mallory Beach and owed a duty of care to Mallory Beach and others endangered by their entrustment of the boat and facilitation of Paul Murdaugh’s purchase of alcohol.

14. That, at all pertinent times herein, Defendants Richard Alexander Murdaugh and Margaret Kennedy Branstetter Murdaugh knowingly and willfully allowed their minor son to illegally purchase and consume alcohol, including but not limited to allowing Paul Murdaugh to use Defendant Richard Alexander Murdaugh, Jr.’s driver license to purchase and consume alcohol. Defendants Richard Alexander Murdaugh and Margaret Kennedy Branstetter Murdaugh provided Paul Murdaugh with a family credit card in his mother’s name, Margaret Kennedy Branstetter Murdaugh, in order to facilitate Paul Murdaugh’s purchases of alcohol and allowed Paul Murdaugh to use their vehicles while operating them under the influence of alcohol. It also was known to them Paul Murdaugh in fact was purchasing or was foreseeable that Paul Murdaugh would purchase alcohol for consumption and drive their boat while under the influence. Further, in the early morning of February 24, 2019, prior to the boat crash, Margaret Kennedy Branstetter

Murdaugh actually spoke to an intoxicated Paul Murdaugh by telephone. However, she failed to stop Paul despite knowing he was intoxicated after having paid for the alcohol he consumed earlier.

15. That on or about the 23rd day of February 2019, Parker's knowingly and willfully sold alcoholic beverages to Paul Murdaugh who was under the age of twenty-one (21), while using a means of identification that was obviously not his own but instead belonged to his adult brother, Defendant Richard Alexander Murdaugh, Jr. Paul Murdaugh then consumed the beverages purchased from Parker's and became grossly intoxicated. The agent, servant or employee of Parker's who made the sale knew or should have known that the license used by the minor to make the purchase was not his, or in the exercise of any care, could have looked at the license and ascertained it did not belong to the boy making the purchase. Further, prior to the sale, Parker's knew or should have known that its training program of its employees regarding the identification of restricted alcohol sales was deficient and that the actual cashier who made the sale had not been properly trained.

16. That it was foreseeable to Parker's that a minor who illegally purchased alcohol would become intoxicated and operate a vehicle, including a boat.

17. That Paul Murdaugh consumed the alcohol obtained from Parker's throughout the evening of February 23, 2019, becoming grossly intoxicated, and was operating Richard Alexander Murdaugh and Margaret Kennedy Branstetter Murdaugh's boat with several passengers in Archer's Creek when the boat collided with a bridge, thereby ejecting Mallory Beach from the boat and causing catastrophic injuries to her person, which ultimately led to her death.

18. That at the time of the collision, Paul Murdaugh, who was operating the boat, was intoxicated from alcohol that was illegally sold by Parker's.

19. That Defendants were negligent, negligent per se, careless, reckless, grossly

negligent, willful and wanton and acted intentionally at the times and places above mentioned in the following particulars:

As to Defendant Parker's

- a. In making an illegal sale of alcohol to Paul Murdaugh;
- b. In selling alcoholic beverages to a patron they knew or should have known was under the age of twenty-one (21);
- c. In failing to recognize other persons on the premises with Paul Murdaugh;
- d. In failing to consider the volume of alcohol purchased by Paul Murdaugh in deciding to make the sale to him;
- e. In failing to verify that the identification used by Paul Murdaugh matched the name on the credit card he used to pay for the alcohol;
- f. In failing to verify the composition of the license used by Paul Murdaugh matched him;
- g. In failing to adequately train, supervise or monitor their employees;
- h. In hiring employees who were insufficiently trained or qualified for the responsibilities of their employment;
- i. In failing to implement policies and standards regarding the responsible sale and service of alcoholic beverages or, if so implemented, in failing to insure that those policies and standards were followed by their employees;
- j. In failing to follow generally accepted standards of care applicable to the sale and service of alcoholic beverages to members of the public;
- k. In training its employees that they could merely rely on the POS scanner;
- l. In failing to even look at the identification presented by the patron to verify that it belonged to the person making the purchase;
- m. In failing to look at the height and weight on the license;
- n. In failing to question Paul Murdaugh about the identification being presented given the tremendous disparity in height and weight between the person making the purchase and the information on the license;

- o. In failing to update either the training program or the training of individual employees after Parker's knew or should have known they were inefficient and not working;
- p. In failing to use the degree of care and caution that a reasonable and prudent person would have exercised under the same or similar circumstances; and
- q. In such other and further particulars as the evidence in trial may show;

As to Defendant Richard Alexander Murdaugh

- r. In knowingly and willfully allowing his minor son, under the age of twenty-one (21), to use Richard Alexander Murdaugh, Jr.'s driver's license to purchase and consume alcohol;
- s. In failing to supervise his son when he knew or should have known that Paul Murdaugh was using another's license to purchase and consume alcohol;
- t. In providing a credit card to Paul Murdaugh for him to illegally purchase alcohol;
- u. In entrusting a vehicle, a dangerous instrumentality, including the boat used in the crash, for Paul Murdaugh to use and operate when he knew or should have known that Paul Murdaugh was drinking and driving and drinking to excess and that Paul Murdaugh was incompetent, unfit, inexperienced, or reckless, thereby creating an appreciable risk of harm to others, including Mallory Beach and;
- v. In such other and further particulars as the evidence in trial may show;

As to Defendant Richard Alexander Murdaugh, Jr.

- w. In knowingly and willfully providing his minor brother, who was under the age of twenty-one (21), with his driver's license for the purpose of purchasing and consuming alcohol;
- x. In obtaining a duplicate identification to allow his underage brother to purchase and consume alcohol;
- y. In misrepresenting facts to the Department of Motor Vehicles in order to obtain a duplicate identification to allow Paul Murdaugh to purchase and consume alcohol;
- z. In failing to return his old license to the Department of Motor Vehicles after finding it if the license was ever actually lost;
- aa. In such other and further particulars as the evidence in trial may show;

**As to Defendant John Marvin Murdaugh as P.R. of the
Estate of Margaret Kennedy Branstetter Murdaugh**

- bb. In knowingly and willfully allowing her minor son, under the age of twenty-one (21), to use Richard Alexander Murdaugh, Jr.'s driver's license to purchase and consume alcohol;
- cc. In failing to supervise her son when she knew or should have known that Paul Murdaugh was using another's license to purchase and consume alcohol;
- dd. In providing a credit card to Paul Murdaugh for him to illegally purchase alcohol;
- ee. In entrusting the use of the boat to Paul Murdaugh when she new or should have known his consumption of alcohol posed a significant and unreasonable risk of harm;
- ff. In failing to take action to stop Paul Murdaugh from operating the boat after she learned that Paul Murdaugh was intoxicated during their telephone conversation some two (2) hours prior to the crash;
- gg. In such other and further particulars as the evidence in trial may show;

**As to Defendant Randolph Murdaugh, IV as P.R. of the
Estate of Paul Terry Murdaugh**

- hh. In failing to maintain a proper lookout;
- ii. In failing to maintain proper control of the boat;
- jj. In failing to take evasive action to avoid the collision;
- kk. In traveling too fast for the conditions then and there existing;
- ll. In operating a boat while under the influence of alcohol or other intoxicating substances;
- mm. In operating a boat in utter disregard for the safety of others;
- nn. In operating a boat in a reckless and unsafe manner;
- oo. In refusing to stop the boat at the passengers' request so they could safely get off the boat;
- pp. In failing to exercise the degree of care and caution that a reasonable person would have exercised under the same or similar circumstances; and

qq. In such other and further particulars as the evidence in trial may show; all of which combined and concurred as a direct and proximate cause of the injuries and damages suffered by Plaintiff herein, said acts being in violation of the statute and common laws of the State of South Carolina.

20. That the Defendants owed Mallory Beach and the public at large common law and/or statutory duties of care or undertook these duties of care.

21. That the Defendants breached their duties as stated above.

22. That as a result of her death the beneficiaries of Ms. Beach have endured grief, sorrow, shock, wounded feelings, mental anguish, the loss of support, love and companionship, along with other damages as allowed by law.

23. That as a direct and proximate result of the acts and/or omissions of the Defendants, Mallory Beach met an untimely death and her beneficiaries have endured grief, sorrow, shock, wounded feelings, mental and emotional anguish and anxiety, and loss of the decedent's support, love, companionship and consortium.

WHEREFORE, Plaintiff prays for a joint and several award against the Defendants for actual and punitive damages, costs and attorneys' fees.

GOODING AND GOODING, P.A.

By: s/Mark B. Tinsley
Mark B. Tinsley – S.C. Bar #15597
P.O. Box 1000
Allendale, SC 29810
803-584-7676
Attorneys for Plaintiff
mark@goodingandgooding.com

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