

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

IN THE COURT OF COMMON PLEAS
FOR FOURTEENTH JUDICIAL CIRCUIT

MANUEL SANTIS-CRISTIANI,)
)
Plaintiff,)

Case No.: 2022-CP-25-_____

vs.)
)

RICHARD ALEXANDER "Alex")
MURDAUGH, RONNIE L. CROSBY,)
WILLIAM F. BARNES, III, RUSSELL)
LAFFITTE, PALMETTO STATE BANK,)
BANK, PETERS, MURDAUGH, PARKER,))
ELTZROTH & DETRICK, P.A.,)
)
Defendants.)
_____)

SUMMONS
(JURY TRIAL DEMANDED)

TO: THE ABOVE – NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your answer to the said Complaint on the undersigned Attorney for the Plaintiff, at Post Office Box 1346, Orangeburg, SC 29116, 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 this Complaint.

Dated: October 7, 2022, 2022

At Orangeburg, SC

/s/ Glenn Walters, Sr. Esquire
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Lead Attorney for Plaintiff

Co-Counsel:

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BANK, PETERS, MURDAUGH, PARKER,))
ELTZROTH & DETRICK, P.A.,)

COMPLAINT
(JURY TRIAL DEMANDED)

Defendants.)
)
_____)

NOW COMES the PLAINTIFF, Manuel Santis-Cristiani, by and through his attorneys, stating and alleging the following claims against the Defendants, jointly and severally, as follows:

GENERAL ALLEGATIONS:

1. Plaintiff, Manuel Santiz-Cristiani is a citizen and resident of Chiapas, Mexico.
2. At the times relevant to this lawsuit, Defendant Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. (hereinafter referred to as “Defendant PMPED”) was doing business as a professional association of lawyers, and it was registered as a corporate entity with the Secretary of State for the State of South Carolina on November 27, 1990. **The Registered Agent for Defendant PMPED is John E. Parker, whose service address is 101 Mulberry Street East, Hampton, SC 29924.**

3. Upon information and belief, the Defendant Richard Alexander “Alex” Murdaugh (hereinafter referred to as “Defendant Murdaugh”) is a citizen and resident of the County of Hampton, State of South Carolina, now and at all times relevant to this lawsuit.

4. Upon information and belief, Defendant Ronnie L. Crosby (hereinafter referred to as “Defendant Crosby”) is a citizen and resident of the County of Hampton, State of South Carolina.

5. At all times relevant to this lawsuit, Defendants Crosby and Murdaugh were employees and shareholders of Defendant PMPED, and they were acting within the scope of their employment for Defendant PMPED.

6. Upon information and belief, the Defendant William F. Barnes, III (hereinafter referred to as “Defendant Barnes”) is a citizen and resident of the County of Hampton, State of South Carolina. At all times relevant to this lawsuit, Defendant Barnes was an employee of Defendant PMPED and was acting within the scope of his employment for Defendant PMPED.

7. That upon information and belief, Defendant Palmetto State Bank (hereinafter referred to as “Defendant Palmetto”) is a South Carolina corporation and a federally chartered banking institution, with its principal place of business located in Hampton County at 601 First Street, Hampton, South Carolina 29924. Defendant Palmetto has **Charles A. Laffitte, Jr.** as its registered agent listed with the South Carolina Secretary of State. Defendant Palmetto’s registered agent is listed **at 601 First Street W, Hampton, South Carolina 29924.**

8. Upon information and belief, Defendant Russell Laffitte (hereinafter referred to as “Defendant Laffitte”) is a citizen and resident of the County of Hampton, State of South Carolina.

9. At all times relevant to this lawsuit, Defendant Laffitte was Chief Executive Officer (“CEO”) of Defendant Palmetto.

10. At all times relevant to this lawsuit, Defendant Murdaugh was a named partner and shareholder at Defendant PMPED.

11. This Court has jurisdiction over the parties to and the subject matter of this litigation.

12. Venue of this litigation is proper in this Court.in that the allegations occurred in the County of Hampton, State of South Carolina

FIRST CLAIM FOR RELIEF:

For an Accounting
Against All Defendant

13. Allegations set forth in paragraphs 1 through 12 above are incorporated herein this First Claim for Relief by reference as if fully set out herein.

14. On or about November 4, 2008, the Plaintiff was a passenger in a vehicle traveling along Interstate 95 in Colleton County, South Carolina when the tread separated from the right rear tire of the vehicle causing it to overturn with the Plaintiff inside.

15. Soon after the crash, the Plaintiff retained Defendant PMPED to represent him against the driver, the maker of the tire, and the maker of the vehicle.

16. On August 30, 2011, Defendant PMPED, by Defendants Murdaugh, Crosby, and Barnes, filed a product liability lawsuit against the driver, the maker of the vehicle, and the maker of the tire. The lawsuit was filed in Colleton County, State of South Carolina, and it bore the caption *Manuel Santiz-Cristian vs. Hilario Ruiz Garcia, Ford Motor Co. and Michelin North America, Inc., Case No. 11-CP-15-764* (hereinafter referred to as “The Product Liability Case”).

17. On or about September 24, 2013, Defendant PMPED, through its attorneys, negotiated a settlement of Plaintiff’s case with Ford Motor Company and Michelin North America, Inc. for a

sum amount unknown to the Plaintiff, and it agreed to dismiss the Plaintiff's Product Liability Case with prejudice.

18. Defendant Crosby, on behalf of Defendant PMPED, signed the stipulation of dismissal which dismissed the Plaintiff's case with prejudice on September 24, 2013.

19. Defendant PMPED deposited Plaintiff's settlement funds in the banks owned by Defendant Palmetto.

20. Defendants failed to inform Plaintiff of the amount of funds recovered on his behalf and to this date, the Plaintiff has never received the funds from the Product Liability Case.

21. Upon information and belief, Defendant Russell, working as an employee for Defendant Palmetto, served as a conservator for Plaintiff and received the funds from the Product Liability Case for deposit in Defendant Palmetto Bank.

22. Upon information and belief, some of the funds were also deposited by the Defendant attorneys in Defendant Palmetto Bank.

23. Plaintiff is entitled to an accounting of all funds recovered as a result of Civil Action No.: 2011-CP-15-764 and/or any other claim, action, or settlement involving the automobile accident on November 4, 2008.

24. Defendants, and each of them, owe a duty to provide the Plaintiff with such an accounting.

25. Plaintiff has never received an accounting from any Defendant.

26. Therefore, Plaintiff hereby demands from the Defendants an immediate, full, complete, and accurate accounting of any and all funds, costs, and expenses from Civil Action No.: 2011-CP-15-764 and/or from any other claim, action, or settlement involving the automobile accident on November 4, 2008, as well as all supporting documentation for the same.

SECOND CLAIM FOR RELIEF:

Breach of Fiduciary Duty
Against all Defendants

27. Allegations set forth in paragraphs 1 through 26 above are incorporated herein this Second Claim for Relief by reference as if fully set out herein.
28. As attorneys and or conservators, Plaintiff reposed special confidence in Defendants Laffitte and Palmetto, and in the other Defendants, so that in equity and good conscience, all Defendants were bound to act in good faith and with due regard to the Plaintiff's interests in Civil Action No.: 2011-CP-15-764 and the funds emanating therefrom.
29. As of the filing of this Complaint, the Plaintiff has received no money as a result of the settlement of Civil Action No.: 2011-CP-15-764.
30. As is described above, all Defendants breached their fiduciary duties to the Plaintiff.
31. Defendants Murdaugh, Barnes, Crosby, and PMPED aided and abetted Defendants Laffitte and Palmetto in the breach of their/its fiduciary duties.
32. For example, Defendants Barnes, Crosby, and PMPED owed duties to the Plaintiff and they aided and abetted Defendants Laffitte and Palmetto in the breach of fiduciary duties by participating in a scheme through which the Plaintiff would not receive the proceeds of any settlement(s) following the automobile accident on November 4, 2008.
33. As a direct and proximate result of the Defendants breach of its/their fiduciary duty, Plaintiff suffered a substantial sum of actual damages, including intangible damages such as humiliation, emotional distress, pain and suffering, not all inclusive, in an amount to be determined at trial.
34. Defendants' conduct of breaching their/its fiduciary duties owed to the Plaintiff were reckless, egregious, deliberate, or done in a grossly negligent manner. Therefore,

Plaintiff is entitled to an award of punitive damages, all in an amount to be proved at trial.

35. Further, Plaintiff is entitled a joint and several judgments against the Defendants in the amount to be determined by the facts at trial.

THIRD CLAIM FOR RELIEF:

Civil Conspiracy
Against All Defendants

36. Allegations set forth in paragraphs 1 through 35 above are incorporated herein this Third Claim for Relief by reference as if fully set out herein.
37. Defendants, and perhaps other unnamed third parties, combined for the purpose of injuring the Plaintiff.
38. The Plaintiff has suffered special damages in that he has been forced to incur legal expenses to stop these unlawful actions and he has suffered a total loss of his settlement proceeds.
39. Plaintiff's damages are different and unique as compared to their other causes of action listed herein. Moreover, the lost of the settlement proceeds are special damages.
40. The Plaintiff is entitled to and prays for an award of damages against the Defendants and perhaps other unnamed third parties for all losses suffered herein, including special damages, as well as an award of punitive damages in an amount deemed sufficient by a jury to impress upon these Defendants the seriousness of their conduct and to deter such similar conduct in the future.

FOURTH CLAIM FOR RELIEF:

Conversion
Against All Defendants

41. Allegations set forth in paragraphs 1 through 40 above are incorporated herein this Fourth Claim for Relief by reference as if fully set out herein.

42. Plaintiff is the lawful and sole owner of the settlement funds from the Product Liability case.
43. Upon information and belief, the Defendants have unlawfully converted the Plaintiff's the settlement funds from Civil Action No.: 2011-CP-15-764, and their actions have combined to permanently deprive the Plaintiff of the settlement funds.
44. Defendants have no lawful right or authority to deprive the Plaintiff of the settlement proceeds from the Product Liability Case.
45. The Plaintiff is entitled to statutory prejudgment interest to the sum certain settlement amount from Civil Action No.: 2011-CP-15-764.
46. As a direct and proximate result of the conduct of the Defendants, the Plaintiff has been injured as described above and is entitled to actual damages in an amount determined by a jury sufficient to compensate him fully for the harm he suffered.
47. Additionally, the Defendants' actions were reckless, egregious, deliberate, which entitles the Plaintiff to an award of punitive damages, in an amount to be determined by the Court, including prejudgment interest in accordance with S.C. Code Ann. §34-31-20.

FIFTH CLAIM FOR RELIEF
Negligent Retention, hiring, training and supervision
Against Defendants Palmetto and PMPED

48. Allegations set forth in paragraphs 1 through 47 above are incorporated herein this Fifth Claim for Relief by reference as if fully set out herein.
49. At all times relevant hereto, Defendants Palmetto and PMPED (hereinafter referred collectively in this claim for relief as the "Defendants") owed a duty of reasonable care in the operation of its business, including specifically a duty of reasonable care to ensure its

employees who performed fiduciary duties such as attorneys and or conservators did in accordance with the laws of the State of South Carolina.

50. Additionally, Defendants owed the Plaintiff the duty to exercise reasonable care in the retention, hiring, training, and supervision of all attorneys and conservators who represented the Plaintiff in a fiduciary capacity as it relates to his settlement funds.

51. Defendants breached their duty of care and otherwise acted in a negligent, grossly negligent, willful, wanton, and reckless manner in several particulars, including but not limited to some or all the following:

- a. Failing to adopt adequate policies and procedures regarding fiduciaries;
- b. Failing to hire, train, and supervise its employees to perform fiduciary duties such as acting as attorneys, fiduciaries, or conservators adequately and properly.
- c. By failing to supervise their employees in a manner that would have discovered their misconduct.
- d. By failing to audit Plaintiff's settlement funds on a periodic basis.
- e. By failing to discover the misconduct of its employees due to a lack of supervision.
- f. Other particulars as the evidence in this case may demonstrate.

52. But for the grossly negligent conduct of the Defendants, the Plaintiff suffered actual and punitive damages, all in an amount to be proved at trial as heretofore alleged.

53. Plaintiff is entitled to an award of actual and punitive damages, jointly and severally, in an amount to be proved at trial.

WHEREFORE, having asserted his claims against the Defendants, Plaintiff prays for the following relief:

- a. For judgment of accounting against all Defendants.
- b. For a judgment of actual and punitive damages against all Defendants, jointly and severally, in an amount to be proved at trial.
- c. For such further relief as the Court deems just and proper.

Dated: October 7, 2022

At Orangeburg, SC

/s/ Glenn Walters, Sr. Esquire
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