

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
COUNTY OF CHARLESTON) NINTH JUDICIAL CIRCUIT
)
)

ARIC HUTCHINSON, as Personal) C/A No. 2023-CP-
Representative of THE ESTATE OF)
SAMANTHA MILLER; ARIC)
HUTCHINSON, individually; BENJAMIN)
GARRETT, individually; and ALEXIS)
GARRETT, as Parent and Guardian of her)
Minor child, B.G.;)
)

Plaintiffs,)

SUMMONS

vs.)

JAMIE KOMOROSKI; BEACH FRONT)
BARS, LLC d/b/a SNAPPER JACKS; THE)
FOLLY DELI, LLC d/b/a THE DROP IN)
BAR & DELI; CRAB SHACK, INC. d/b/a)
THE CRAB SHACK; FOLLY)
TACQUERIA, LLC d/b/a TACO BOY;)
SUPERVISOR DOE; EL GALLO BAR)
AND GRILL LLC d/b/a EL GALLO BAR)
AND GRILL; BOTTLE CAP HOLDINGS,)
LLC; BOTTLE CAP MANAGEMENT)
GROUP, LLC; and JOHN or JANE DOES)
1-20)
)

Defendants.)

TO: THE DEFENDANTS ABOVE NAMED:

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 said Complaint upon the Plaintiff or his attorney, Brian Mickelsen, at his office, 25 Society Street, Charleston, South Carolina 29401, within (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,

Plaintiff will apply to the court for the relief demanded in the Complaint.

MICKELSEN DALTON LLC

/s/Daniel R. Dalton

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Brian C. Mickelsen, Esq.

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Charleston, SC 29401

(843) 804-0428

Attorneys for Plaintiff

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
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ARIC HUTCHINSON, as Personal)	C/A No. 2023-CP-
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GARRETT, individually; and ALEXIS)	
GARRETT, as Parent and Guardian of her)	
Minor child, B.G.;)	
)	
Plaintiffs,)	COMPLAINT
)	<i>(Jury Trial Requested)</i>
vs.)	
)	
JAMIE KOMOROSKI; BEACH FRONT)	
BARS, LLC d/b/a SNAPPER JACKS; THE)	
FOLLY DELI, LLC d/b/a THE DROP IN)	
BAR & DELI; CRAB SHACK, INC. d/b/a)	
THE CRAB SHACK; FOLLY)	
TACQUERIA, LLC d/b/a TACO BOY;)	
SUPERVISOR DOE; EL GALLO BAR)	
AND GRILL LLC d/b/a EL GALLO BAR)	
AND GRILL; BOTTLE CAP HOLDINGS,)	
LLC; BOTTLE CAP MANAGEMENT)	
GROUP, LLC; and JOHN or JANE DOES)	
1-20)	
)	
Defendants.)	

COME NOW the above-named Plaintiffs, by and through undersigned counsel and state as follows:

INTRODUCTION

1. April 28, 2023 was supposed to be the happiest day of Samantha’s (“Sam”) and Aric’s lives. Earlier that week, their families and friends had arrived in Charleston for a week of wedding festivities to celebrate Sam and Aric, their love, and the beginning of their next stage of life together as husband and wife.

2. The week culminated with Sam and Aric's marriage on April 28, 2023 on Folly Beach. The day was perfect, and the wedding went off better than either of them could have imagined. Photos from the wedding depict the newlyweds exactly as they were: madly in love, smiling from ear to ear, and filled with all the hope and promise of what would have been a truly beautiful life together. Pictured below is the happy couple:



3. Unbeknownst to Sam, Aric, and their wedding party, Jamie Komoroski and the other Defendants were creating a different kind of day – one that would set in motion a course of events ultimately transforming a fairytale love story into a fateful night of unspeakable tragedy.

4. On Friday, April 28, 2023, Jamie Komoroski set off on a booze-filled day of bar hopping. This was not just any ordinary day of drinking, though. By the time her blood was drawn while in police custody at the end of the night, Jamie Komoroski was so intoxicated that her Blood Alcohol Content was at least 0.261, more than three times the legal limit.

5. On April 28, 2023, Jamie Komoroski visited several bars where she was served and consumed copious amounts of alcohol.

6. Jamie Komoroski began at El Gallo Bar & Grill, located at 2601 Clements Ferry Rd. near Daniel Island.

7. From there, she made her way to Folly Beach where she began bar hopping down Center Street, making stops at The Drop In, The Crab Shack, and Snapper Jacks.

8. Despite being noticeably and visibly intoxicated at each of these establishments, Jamie Komoroski continued to be served, provided, and/or allowed to consume additional and excessive amounts of alcohol at each of them.

9. Over the course of several hours, Jamie Komoroski slurred and staggered her way through each of these bars, consuming an assortment of alcoholic beverages, including beer, tequila shots, shift shots of liquor on the house, etc.

10. By the end of the night, Jamie Komoroski was grossly and dangerously intoxicated.

11. Around that same time, Jamie Komoroski was wrapping up her drunken escapade, Sam and Aric were preparing to leave their wedding reception. Surrounded by family and friends, the newlyweds were sent off on the back of a wedding-themed golf cart driven by Aric's brother-

in-law, Plaintiff Benjamin Garrett, and Aric's nephew, Plaintiff B.G., who was seated in the passenger seat next to Benjamin. They proceeded east on East Ashley Avenue towards the rental the newlyweds had reserved for the night.

12. Meanwhile, Jamie Komoroski was allowed to leave the bars, make her way to her vehicle, and drive on public roadways in her nearly unconscious state.

13. Despite living on James Island, Jamie Komoroski, in the stupor of a drunken haze, mistakenly drove east on East Ashely Avenue in the opposite direction of her home.

14. As she headed east on East Ashely Avenue, Jamie Komoroski accelerated rapidly. Even as she blew through the 25-mph speed limit, Jamie Komoroski continued to accelerate.

15. Reaching speeds of approximately 65-mph, Jamie Komoroski hurtled down Ashely Avenue and slammed into the back of the golf cart in which Plaintiffs were riding.

16. As a result of the violent and catastrophic collision, each of Plaintiffs suffered terrible and permanent injuries and Aric's new bride, Samantha Miller, lost her life.

17. At the time of the wreck, Jamie Komoroski was grossly intoxicated. Her intoxicated state was a direct and proximate cause of the collision that caused the severe injuries suffered by the Plaintiffs, as well as the ultimate death of Samantha Miller.

18. What began as, and should have remained, the happiest day of Sam's and Aric's lives ended in a horrifying and unbelievably devastating, yet altogether preventable, tragedy.

THE PARTIES

19. Plaintiff Aric Hutchinson is a citizen and resident of Charleston County, South Carolina and was the groom / innocent victim severely injured in the incident described above. As a result of Defendants' callousness, deliberate indifference and negligence, Aric has suffered terrible and permanent injuries.

20. Plaintiff Aric Hutchinson is also the duly appointed Personal Representative of the Estate of Samantha Miller, his bride and wife who was tragically killed in the incident described above. Aric was appointed Personal Representative of his wife's estate by the Charleston County Probate Court on May 10, 2023.

21. Plaintiff Benjamin Garrett is a citizen and resident of Morgan County, Utah. He suffered severe and permanent injuries in the incident described above.

22. Plaintiff Alexis Garrett is a citizen and resident of Morgan County, Utah. She is the mother and Guardian of her Minor child, B.G., who was also injured in the incident described above.

23. Upon information and belief, Defendant Jamie Komoroski was, at all times relevant hereto, a citizen and resident of Charleston County, South Carolina.

24. Upon information and belief, Defendant Beach Front Bars, LLC d/b/a Snapper Jacks ("Snapper Jacks") is a South Carolina limited liability company with its principal place of business in Folly Beach, SC. Defendant Snapper Jacks owned, managed, and/or operated the property at 10 Center Street, Folly Beach, SC 29439 at the time of the subject incident. Defendant Beach Front Bars, LLC d/b/a Snapper Jacks and its officers, agents and employees, were involved in the acts and/or omissions in Charleston County, South Carolina which give rise to this lawsuit. Defendant Beach Front Bars, LLC d/b/a Snapper Jacks committed tortious acts and/or omissions in Charleston County and is subject to the jurisdiction and venue of this Court. All allegations contained herein against Defendant Beach Front Bars, LLC d/b/a Snapper Jacks also refer to and include the principals, agents, employees and/or servants of said Defendant, either directly or vicariously, under the principals of corporate liability, the completed and accepted doctrine, apparent authority, agency, ostensible agency, and/or respondeat superior, and that the acts,

practices and omissions of Defendant Beach Front Bars, LLC d/b/a Snapper Jacks employees and/or agents are imputed to their employer, Beach Front Bars, LLC.

25. Upon information and belief, Defendant The Folly Deli, LLC d/b/a The Drop In Bar & Deli (“The Drop In”) is a South Carolina limited liability company with its principal place of business in Folly Beach, SC. Defendant The Drop In owned, managed, and/or operated the property at 32 Center Street #B, Folly Beach, SC 29439 at the time of the subject incident. Defendant The Folly Deli, LLC d/b/a The Drop In and its officers, agents and employees, were involved in the acts and/or omissions in Charleston County, South Carolina which give rise to this lawsuit. Defendant The Folly Deli, LLC d/b/a The Drop In committed tortious acts and/or omissions in Charleston County and is subject to the jurisdiction and venue of this Court. All allegations contained herein against Defendant The Folly Deli, LLC d/b/a The Drop In also refer to and include the principals, agents, employees and/or servants of said Defendant, either directly or vicariously, under the principals of corporate liability, the completed and accepted doctrine, apparent authority, agency, ostensible agency, and/or respondeat superior, and that the acts, practices and omissions of Defendant The Folly Deli, LLC d/b/a The Drop In employees and/or agents are imputed to their employer, The Folly Deli, LLC.

26. Upon information and belief, Defendant Crab Shack, Inc. d/b/a The Crab Shack (“The Crab Shack”) is a South Carolina corporation with its principal place of business in Folly Beach, SC. Defendant Crab Shack owned, managed, and/or operated the property at 26 Center Street, Folly Beach, SC 29439 at the time of the subject incident. Defendant Crab Shack, Inc. d/b/a The Crab Shack and its officers, agents and employees, were involved in the acts and/or omissions in Charleston County, South Carolina which give rise to this lawsuit. Defendant Crab Shack, Inc. d/b/a The Crab Shack committed tortious acts and/or omissions in Charleston County and is

subject to the jurisdiction and venue of this Court. All allegations contained herein against Defendant Crab Shack, Inc. d/b/a The Crab Shack also refer to and include the principals, agents, employees and/or servants of said Defendant, either directly or vicariously, under the principals of corporate liability, the completed and accepted doctrine, apparent authority, agency, ostensible agency, and/or respondeat superior, and that the acts, practices and omissions of Defendant Crab Shack, Inc. d/b/a The Crab Shack employees and/or agents are imputed to their employer, Crab Shack, Inc.

27. Upon information and belief, Defendant Folly Tacqueria, LLC d/b/a Taco Boy – Folly Beach (“Taco Boy”) is a South Carolina limited liability company with its principal place of business in Charleston County, SC. Defendant Taco Boy owned, managed, and/or operated the property at 106 East Ashley Avenue, Folly Beach, SC 29439 at the time of the subject incident. Defendant Folly Tacqueria, LLC d/b/a Taco Boy – Folly Beach and its officers, agents and employees, were involved in the acts and/or omissions in Charleston County, South Carolina which give rise to this lawsuit. Defendant Folly Tacqueria, LLC d/b/a Taco Boy – Folly Beach committed tortious acts and/or omissions in Charleston County and is subject to the jurisdiction and venue of this Court. All allegations contained herein against Defendant Folly Tacqueria, LLC d/b/a Taco Boy – Folly Beach also refer to and include the principals, agents, employees and/or servants of said Defendant, either directly or vicariously, under the principals of corporate liability, the completed and accepted doctrine, apparent authority, agency, ostensible agency, and/or respondeat superior, and that the acts, practices and omissions of Defendant Folly Tacqueria, LLC d/b/a Taco Boy – Folly Beach employees and/or agents are imputed to their employer, Folly Tacqueria, LLC.

28. Upon information and belief, Defendant El Gallo Bar and Grill LLC d/b/a El Gallo Bar & Grill (“El Gallo”) is a South Carolina limited liability company with its principal place of business in Berkeley County, SC. Defendant El Gallo owned, managed, and/or operated the property at 2601 Clements Ferry Rd, Wando, SC 29492 at the time of the subject incident. Defendant El Gallo Bar and Grill LLC d/b/a El Gallo Bar & Grill and its officers, agents and employees, were involved in the acts and/or omissions in Berkeley County, South Carolina which give rise to this lawsuit. Defendant El Gallo Bar and Grill LLC d/b/a El Gallo Bar & Grill committed tortious acts and/or omissions in Berkeley County which were reasonably foreseeable to cause injury in neighboring Charleston County. As such, El Gallo is subject to the jurisdiction and venue of this Court. All allegations contained herein against Defendant El Gallo Bar and Grill LLC d/b/a El Gallo Bar & Grill also refer to and include the principals, agents, employees and/or servants of said Defendant, either directly or vicariously, under the principals of corporate liability, the completed and accepted doctrine, apparent authority, agency, ostensible agency, and/or respondeat superior, and that the acts, practices and omissions of Defendant El Gallo Bar and Grill LLC d/b/a El Gallo Bar & Grill employees and/or agents are imputed to their employer, El Gallo Bar and Grill LLC.

29. Upon information and belief, Defendant Bottle Cap Holdings, LLC is a North Carolina limited liability company with its principal place of business in Charlotte, NC. Defendant Bottle Cap Holdings, LLC owned, managed, and/or operated the property referred to as Snapper Jacks located at 10 Center Street, Folly Beach, SC 29439 at the time of the subject incident. Defendant Bottle Cap Holdings, LLC and its officers, agents and employees, were involved in the acts and/or omissions in Charleston County, South Carolina which give rise to this lawsuit. Defendant Bottle Cap Holdings, LLC committed tortious acts and/or omissions in Charleston

County and is subject to the jurisdiction and venue of this Court. All allegations contained herein against Defendant Bottle Cap Holdings, LLC also refer to and include the principals, agents, employees and/or servants of said Defendant, either directly or vicariously, under the principals of corporate liability, single enterprise theory, the completed and accepted doctrine, apparent authority, agency, ostensible agency, and/or respondeat superior, and that the acts, practices and omissions of Defendant Bottle Cap Holdings, LLC employees and/or agents are imputed to their employer, Bottle Cap Holdings, LLC.

30. Upon information and belief, Defendant Bottle Cap Management Group, LLC is a North Carolina limited liability company with its principal place of business in Charlotte, NC. Defendant Bottle Cap Management Group, LLC owned, managed, and/or operated the property referred to as Snapper Jacks located at 10 Center Street, Folly Beach, SC 29439 at the time of the subject incident. Defendant Bottle Cap Management Group, LLC and its officers, agents and employees, were involved in the acts and/or omissions in Charleston County, South Carolina which give rise to this lawsuit. Defendant Bottle Cap Management Group, LLC committed tortious acts and/or omissions in Charleston County and is subject to the jurisdiction and venue of this Court. All allegations contained herein against Defendant Bottle Cap Management Group, LLC also refer to and include the principals, agents, employees and/or servants of said Defendant, either directly or vicariously, under the principals of corporate liability, single enterprise theory, the completed and accepted doctrine, apparent authority, agency, ostensible agency, and/or respondeat superior, and that the acts, practices and omissions of Defendant Bottle Cap Management Group, LLC employees and/or agents are imputed to their employer, Bottle Cap Management Group, LLC.

31. Upon information and belief, Defendant Supervisor Doe was Defendant Jamie Komoroski's supervisor at her new job – Defendant Folly Tacqueria, LLC d/b/a Taco Boy – Folly Beach during the period of the subject incident. Upon information and belief, Supervisor Doe is a citizen and resident of Charleston County, South Carolina. Supervisor Doe committed negligent and/or tortious acts in Charleston County, and said acts caused or contributed to Plaintiffs' and Decedent's injuries and death.

32. Defendants John or Jane Does 1 through 20 are unknown and unidentifiable at this time but are those entities and/or individuals whose negligence harmed the above-named Plaintiffs and / or Decedent, Samantha Miller. Defendants John or Jane Does 1 through 20 include, but are not limited to, owners, managers, operators, agents, independent contractors, security companies and/or other individuals or companies who had ownership, management or security responsibilities over restaurants / bars whose negligence caused or contributed to Plaintiffs' and / or Decedent's injuries and / or death. Defendants John or Jane Does 1 through 20 also include, but are not limited to, owners managers, operators, agents, designers, manufacturers, wholesalers, retailers, sellers of any defective products which caused or contributed to Plaintiffs' and / or Decedent's injuries and / or death. These persons and/or entities will be served upon identification.

**FIRST CAUSE OF ACTION – Negligence, Negligence *Per Se*,
Gross Negligence and Recklessness**

**Against Defendant:
Jamie Komoroski**

33. Plaintiff incorporates the foregoing paragraphs of this Complaint as if fully set forth herein.

34. At all times relevant to this action, Defendant Jamie Komoroski owed a duty to Plaintiffs, B.G., Plaintiff's Decedent, and the public at large to operate her vehicle in a safe, cautious and careful manner.

35. Defendant Jamie Komoroski undertook a course and pattern of conduct that she knew or should have known was likely to create a dangerous condition for the public, including Plaintiffs, B.G., and Plaintiff's Decedent, Samantha Miller.

36. Defendant Jamie Komoroski knew or should have known that she was grossly intoxicated and was unable to safely operate a motor vehicle.

37. Defendant Jamie Komoroski was negligent, grossly negligent, reckless, willful and wanton in the following particulars, to wit:

- a. In consuming alcohol to excess on the premises of El Gallo, The Drop In, The Crab Shack, Snapper Jacks, and John or Jane Does 1 through 20, and with the intent to continue to consume alcohol elsewhere;
- b. In consuming alcohol on the premises of El Gallo, The Drop In, The Crab Shack, Snapper Jack, and John or Jane Does 1 through 20 when she knew or should have known she was already intoxicated;
- c. In choosing to operate a motor vehicle while intoxicated;
- d. In failing to observe Plaintiffs, B.G. and Plaintiff's Decedent traveling in the same lane of travel that she was traveling in;
- e. In failing to maintain a proper lookout;
- f. In failing to keep her vehicle under control;
- g. In violating applicable state traffic laws so as to constitute negligence *per se*;

- h. In failing to yield the right of way in the lane to Plaintiffs, B.G. and Plaintiff's Decedent;
- i. In failing to slow down or stop to avoid a collision;
- j. In failing to properly maintain her brakes, or in the alternative, to apply them in sufficient time to avoid striking Plaintiffs, B.G. and Plaintiff's Decedent;
- k. In failing to monitor road and traffic conditions;
- l. In driving at a grossly excessive rate of speed;
- m. In traveling too fast for the conditions then and there controlling; and
- n. In such other and further particulars as may become known after full discovery has been conducted in this matter

38. As a direct and proximate result of Defendant Jamie Komoroski's negligence, recklessness, willfulness and wantonness, which was singularly, jointly, severally, in combination and concurring with, the negligence, gross negligence, recklessness, willfulness and wantonness of the other(s), Plaintiffs and B.G. suffered severe and painful injuries which resulted in severe, conscious, pain and anguish.

39. As a direct and proximate result of Defendant Jamie Komoroski's negligence, recklessness, willfulness and wantonness, which was singularly, jointly, severally, in combination and concurring with, the negligence, gross negligence, recklessness, willfulness and wantonness of the other(s), Plaintiff's Decedent, Samantha Miller, suffered severe and painful injuries which resulted in severe, conscious, pain and anguish, and ultimately her death.

**SECOND CAUSE OF ACTION – Negligence, Negligence *Per Se*,
Gross Negligence, Recklessness, Dram Shop and
Violations of S.C. Code §§ 61-4-580 and 61-6-2220**

**Against Defendants:
Beach Front Bars, LLC; The Folly Deli, LLC; Crab Shack, Inc.;**

El Gallo Bar and Grill LLC; and John or Jane Does 1 through 20

40. Plaintiff incorporates the foregoing paragraphs of this Complaint as if fully set forth herein.

41. At all relevant times herein these Defendants (Defendants Beach Front Bars, LLC; The Folly Deli, LLC; Crab Shack, Inc.; El Gallo Bar and Grill LLC; and John or Jane Does 1 through 20), as licensed sellers of beer, wine, and liquor for consumption pursuant to South Carolina law, had a duty to obey all laws and regulations regarding the sale of alcoholic beverages and to exercise due care in the sale of alcoholic beverages.

42. These Defendants owed Plaintiffs, B.G., Plaintiff's Decedent and other members of the public, a duty of care to not allow patrons to become intoxicated, to not serve alcohol to intoxicated patrons, and to protect Plaintiffs, B.G., Plaintiff's Decedent and the general public from the consequences of patrons' intoxication.

43. Each of these Defendants, individually or by and through their respective employees, agents, and legal representatives, breached these duties by allowing Defendant Jamie Komoroski to become intoxicated on each of their premises and/or continuing to serve her alcohol after each of them knew, or should have known, she was intoxicated.

44. Upon information and belief, these Defendants did knowingly sell and provide alcoholic beverages to Defendant Jamie Komoroski when these Defendants knew or should have known she was already noticeably and visibly intoxicated.

45. Despite Defendant Jamie Komoroski's intoxicated condition, these Defendants continued to sell alcoholic beverages to her, further worsening her already inebriated state.

46. These Defendants were negligent, grossly negligent, wanton, willful, and careless in one or more of the following particulars:

- a. In serving alcohol to a visibly intoxicated person, namely Defendant Jamie Komoroski;
- b. In failing to observe the intoxicated condition of Defendant Jamie Komoroski;
- c. In allowing Defendant Jamie Komoroski to consume sufficient amounts of alcohol to cause her to become severely intoxicated;
- d. In serving Defendant Jamie Komoroski to the point of intoxication, and/or by continuing to serve her alcohol after each of them knew, or should have known, she was intoxicated in violation of S.C. Code §§ 61-6-2220 and 61-4-580;
- e. In promoting excessive, irresponsible, and/or unlawful alcohol consumption tending to create a foreseeable danger to the public;
- f. In failing to provide appropriate training, guidance, monitoring, and/or supervision to staff responsible for selling alcohol and supervising alcohol sales;
- g. In failing to adequately train each of their employees on responsible alcohol service practices;
- h. In negligently supervising each of their employees;
- i. In permitting Defendant Jamie Komoroski to leave the premises in a grossly intoxicated state when these Defendants knew or should have known Defendant Jamie Komoroski intended to drive; and
- j. In failing to exercise due care in the selling of alcohol to Defendant Jamie Komoroski – all of which are contrary to the laws and statutes of the State of South Carolina and were a direct and proximate cause of the injuries sustained by Plaintiffs and B.G. and the death suffered by the Decedent, Samantha Miller.

47. As a direct and proximate result of these Defendants' negligence, recklessness, willfulness and wantonness, which was singularly, jointly, severally, in combination and concurring with, the negligence, gross negligence, recklessness, willfulness and wantonness of the other(s), Plaintiffs and B.G. suffered severe and painful injuries which resulted in severe, conscious, pain and anguish.

48. As a direct and proximate result of these Defendants' negligence, recklessness, willfulness and wantonness, which was singularly, jointly, severally, in combination and concurring with, the negligence, gross negligence, recklessness, willfulness and wantonness of the other(s), Plaintiff's Decedent, Samantha Miller, suffered severe and painful injuries which resulted in severe, conscious, pain and anguish, and ultimately her death.

THIRD CAUSE OF ACTION – Negligence, Gross Negligence and Recklessness / Negligent, Grossly Negligent and/or Reckless Hiring, Supervision, Training and Retention

**Against Defendants Folly Tacqueria, LLC; Supervisor Doe; and
John or Jane Does 1 through 20**

49. Plaintiff incorporates the foregoing paragraphs of this Complaint as if fully set forth herein.

50. At the time of the subject incident, Defendant Folly Tacqueria, LLC employed Defendant Jamie Komoroski as a bartender, server and/or hostess. Defendant Folly Tacqueria also employed Supervisor Doe as a supervisor and manager.

51. At the time of the subject incident, Defendant Jamie Komoroski had only been employed by Defendant Folly Tacqueria, LLC for a short period of time.

52. Upon information and belief, Defendant Folly Tacqueria, LLC, through its Supervisors and Managers, including Defendant Supervisor Doe, made a regular practice of

conducting functions / meetings with team members / employees under them, at local bars in the immediate area, including, The Drop In, The Crab Shack and/or Snapper Jacks.

53. Upon information and belief, promotion in the company (Defendant Folly Tacqueria, LLC), getting the most and / or best work shifts and / or hours, getting the best tables for the best tips, etc. were, at least implicitly, conditioned upon Defendant Jamie Komoroski's relationship with management, including Supervisor Doe, attendance at these functions / meetings, and participation in them, including the consumption of alcohol.

54. At all times relevant to this action, Defendant Folly Tacqueria, LLC and its employees, including Supervisor Doe, owed a duty to Plaintiffs, B.G., Plaintiff's Decedent, and the public at large to not act negligently or tortiously in their role as employer and supervisor of Defendant Komoroski.

55. Defendant Folly Tacqueria, LLC and Supervisor Doe breached this duty and were negligent by:

- a) Organizing, arranging, and supervising an employee function / meeting knowing that excessive amounts of alcoholic beverages would be purchased for, served to, and / or consumed by the employees attending the function / meeting;
- b) Pressuring Defendant Komoroski to attend the function / meeting by creating the impression that her inclusion in and advancement in the company depended on Defendant Supervisor Doe liking her, and that if she refused these invitations that she would be less likely to obtain desired inclusion or positions within the company;
- c) In failing to warn Defendant Komoroski that excessive amounts of alcoholic beverages would be purchased for, served to, and / or expected to be consumed by the employees attending the function / meeting;

- d) In permitting Defendant Supervisor Doe to organize, arrange, and supervise work-related activities / meetings away from the work site at establishments where alcoholic beverages were served, when Defendant Folly Tacqueria, LLC knew, or in the exercise of reasonable care should have known, that excessive amounts of alcoholic beverages would be consumed;
- e) In failing to adequately train Defendant Supervisor Doe in terms of proper methods of enhancing and improving work and employee relationships, and instructing Supervisor Doe that such methods should not involve leaving work, proceeding to establishments where alcoholic beverages would be served, purchasing excessive amounts of alcoholic beverages for employees, and encouraging employees to actively participate in those types of activities;
- f) In inviting, encouraging, pressuring, and ultimately coercing Defendant Komoroski to drink alcohol beyond the point of visible intoxication, despite knowledge that Defendant Komoroski had a previous history of alcohol abuse;
- g) In failing to recognize and supervise Defendant Komoroski's severely intoxicated state and allowing her to simply leave and drive away after having consumed a dangerous amount of alcohol.

56. At all times relevant, Defendants Folly Tacqueria, LLC and Supervisor Doe were responsible for the supervision of their respective agents, servants, or employees, including Defendant Komoroski.

57. Defendants Folly Tacqueria, LLC and Supervisor Doe owed statutory and common law duties to Plaintiffs, B.G., Decedent Samantha Miller, and others not to negligently supervise their respective employees, agents, servants or representatives, including Defendant Komoroski.

58. At all times relevant, Defendants Folly Tacqueria, LLC and Supervisor Doe knew or should have known that they had the authority and obligation to supervise their respective employees, agents, or servants, including Defendant Komoroski at company functions / meetings involving alcohol such that third persons would not be placed at a heightened risk of incurring serious injury or death.

59. Despite knowing or having reason to know of these regular functions / meetings held by supervisors or managers with the employees under them, Defendants Folly Tacqueria, LLC and Supervisor Doe still negligently, carelessly and recklessly supervised their employees, agents or servants, including on April 28, 2023.

60. In the performance of their employment duties during the function / meeting held on April 28, 2023, Defendants Folly Tacqueria, LLC and Supervisor Doe knew or had reason to know that Defendant Jamie Komoroski was under the influence of alcohol, and therefore in no condition to drive.

61. Despite this knowledge, Defendants Folly Tacqueria, LLC and Supervisor Doe allowed Defendant Komoroski to leave and drive away after having consumed a dangerous amount of alcohol, thereby putting the general public, including Plaintiffs, B.G. and Plaintiff's Decedent, in danger.

62. As a direct and proximate result of these Defendants' negligence, recklessness, willfulness and wantonness, and as a direct and proximate result of these Defendants' negligent, careless, grossly negligent, and reckless supervision of their employees, agents or servants, Plaintiffs and B.G. suffered severe and painful injuries which resulted in severe, conscious, pain and anguish.

63. As a direct and proximate result of these Defendants' negligence, recklessness, willfulness and wantonness, and as a direct and proximate result of these Defendants' negligent, careless, grossly negligent, and reckless supervision of their employees, agents or servants, Plaintiff's Decedent, Samantha Miller, suffered severe and painful injuries which resulted in severe, conscious, pain and anguish, and her untimely death.

**FOURTH CAUSE OF ACTION – Single Business Enterprise and
Voluntary Undertaking of a Duty**

**Against Defendants:
Beach Front Bars, LLC; Bottle Cap Holdings, LLC;
Bottle Cap Management Group, LLC; and John or Jane Does 1 through 20**

64. Plaintiff incorporates the foregoing paragraphs of this Complaint as if fully set forth herein.

65. Beach Front Bars, LLC; Bottle Cap Holdings, LLC; and Bottle Cap Management Group, LLC are three related organizations that owned and operated the Snapper Jacks on Folly Beach, among other restaurants throughout the Carolinas, under their restaurant group, Bottle Cap Group.

66. Beach Front Bars, LLC; Bottle Cap Holdings, LLC; and Bottle Cap Management Group, LLC – collectively, Bottle Cap Group – share owners and corporate officers.

67. Beach Front Bars, LLC; Bottle Cap Holdings, LLC; and Bottle Cap Management Group, LLC each share the same registered agent, who maintains a residence and / or place of business in Hilton Head Island, South Carolina, as well as his law office in Charlotte, North Carolina.

68. Beach Front Bars, LLC; Bottle Cap Holdings, LLC; and Bottle Cap Management Group, LLC – collectively, Bottle Cap Group – maintains a common website to advertise the

restaurants under its management and control, including the subject Snapper Jacks located at 10 Center Street in Folly Beach.¹

69. On the “About Us” section of their website, Bottle Cap Group refers to itself as a single company – “Our company” – and states that it is behind restaurant concepts of a number of restaurants, including Snapper Jacks.²

70. On its main webpage, Bottle Cap Group boasts their involvement behind each of their individual establishments, including Snapper Jacks on Folly Beach. The main page also states that Bottle Cap Group is involved in the customer experience at each of their establishments.

71. Each of the restaurants under the Bottle Cap Group umbrella – including Snapper Jacks on Folly Beach – are featured with a large picture / logo on the main webpage.

72. Beach Front Bars, LLC; Bottle Cap Holdings, LLC; and Bottle Cap Management Group, LLC – collectively, Bottle Cap Group – jointly oversees the ownership, management, and operation of Snapper Jacks on Folly Beach, including, but not limited to, the innovative concept, the food and beverage, and the customer experience.

73. Upon information and belief, Bottle Cap Group’s management of the Snapper Jacks on Folly Beach also includes the hiring, training, supervision and retention of employees, managers, supervisors, servers, bartenders, agents, etc. there.

74. Beach Front Bars, LLC; Bottle Cap Holdings, LLC; and Bottle Cap Management Group, LLC – collectively, Bottle Cap Group – are an amalgamation of company interests, entities and activities so as to blur the legal distinction between the companies and their activities.

75. At the very least, Bottle Cap Holdings, LLC and Bottle Cap Management Group, LLC, together with Beach Front Bars, LLC, each voluntarily undertook a duty to render services

¹ See <https://www.bottlecapgroup.com/>

² See <https://www.bottlecapgroup.com/about-us/>

to patrons at Snapper Jacks, as well as to those with whom Snapper Jacks' patrons would foreseeably come into contact, to provide a safe environment, including safe alcohol service practices.

76. Bottle Cap Holdings, LLC and Bottle Cap Management Group, LLC, together with Beach Front Bars, LLC, recognized, or should have recognized, the necessity of providing safe alcohol service practices at Snapper Jacks for the safety and protection of patrons, as well as the general public with whom Snapper Jacks' patrons would foreseeably come into contact, including Plaintiffs, B.G. and the Decedent, Samantha Miller.

77. Bottle Cap Holdings, LLC and Bottle Cap Management Group, LLC, together with Beach Front Bars, LLC, failed to exercise reasonable care in the duty each of them undertook to provide safe alcohol service practices at Snapper Jacks.

78. These Defendants were negligent, grossly negligent, wanton, willful, and careless in one or more of the following particulars:

- a. In serving alcohol to a visibly intoxicated person, namely Defendant Jamie Komoroski;
- b. In failing to observe the intoxicated condition of Defendant Jamie Komoroski;
- c. In allowing Defendant Jamie Komoroski to consume sufficient amounts of alcohol to cause her to become severely intoxicated;
- d. In serving Defendant Jamie Komoroski to the point of intoxication, and/or by continuing to serve her alcohol after each of them knew, or should have known, she was intoxicated;
- e. In promoting excessive, irresponsible, and/or unlawful alcohol consumption tending to create a foreseeable danger to the public;

- f. In failing to provide appropriate training, guidance, monitoring, and/or supervision to staff responsible for selling alcohol and supervising alcohol sales;
- g. In failing to adequately train each of their employees on responsible alcohol service practices;
- h. In negligently supervising each of their employees;
- i. In permitting Defendant Jamie Komoroski to leave the premises in a grossly intoxicated state when these Defendants knew or should have known Defendant Jamie Komoroski intended to drive; and
- j. In failing to exercise due care in the selling of alcohol to Defendant Jamie Komoroski – all of which are contrary to the laws and statutes of the State of South Carolina and were a direct and proximate cause of the injuries sustained by Plaintiffs and B.G. and the death suffered by the Decedent, Samantha Miller.

79. As a proximate result of each of these Defendants negligent, careless, grossly negligent, and reckless operation of their single business enterprise – namely, Bottle Cap Group, or, at the very least, their voluntary undertaking of a duty to provide safe alcohol service practices, Defendant Jamie Komoroski was allowed to go to her vehicle shortly before the fatal collision.

80. As a proximate result of each of these Defendants negligent, careless, grossly negligent, and reckless operation of their single business enterprise – namely, Bottle Cap Group, or, at the very least, their voluntary undertaking of a duty to provide safe alcohol service practices, Samantha Miller lost her life, and Plaintiffs Aric Hutchinson, Benjamin Garrett and B.G. suffered terrible and permanent injuries.

FIFTH CAUSE OF ACTION – Negligent, Grossly Negligent and/or Reckless Hiring, Supervision, Training and Retention

Against Defendants:

**Beach Front Bars, LLC; The Folly Deli, LLC; Crab Shack, Inc.;
El Gallo Bar and Grill LLC; Folly Tacqueria, LLC; Bottle Cap Holdings, LLC; Bottle Cap
Management Group, LLC; and John or Jane Does 1 through 20**

81. Plaintiff incorporates the foregoing paragraphs of this Complaint as if fully set forth herein.

82. At all times relevant, each of these Defendants (Beach Front Bars, LLC; The Folly Deli, LLC; Crab Shack, Inc.; El Gallo Bar and Grill LLC; Folly Tacqueria, LLC; Bottle Cap Holdings, LLC; Bottle Cap Management Group, LLC; and John or Jane Does 1 through 20) were responsible for the hiring, retention, and supervision of their respective agents, servants, or employees.

83. Each of these Defendants owed statutory and common law duties to Plaintiffs, B.G., Decedent Samantha Miller, and others not to negligently hire, train, supervise and retain their respective employees, agents, servants or representatives.

84. At all times relevant, each of these Defendants knew or should have known that they had the authority and obligation to train, control, and supervise their respective employees, agents, or servants, including any bartenders, servers or any other employee, on the hazards of overserving alcohol to patrons and / or irresponsible alcohol service practices such that third persons would not be placed at a heightened risk of incurring serious injury or death.

85. Each of these Defendants failed to provide their respective employees, agents, servants, or representatives with adequate training on proper alcohol service practices.

86. Despite knowing or having reason to know of the irresponsible alcohol services provided at each of their respective establishments, these Defendants still negligently, carelessly, and recklessly hired, trained, retained and supervised their respective employees, agents or servants in the conduct and performance of their employment duties, including on April 28, 2023.

87. In the performance of their respective employees' duties on April 28, 2023, each of these Defendants' employees knew or had reason to know that Defendant Jamie Komoroski was under the influence of alcohol, and therefore in no condition to drive.

88. As a proximate result of each of these Defendants negligent, careless, grossly negligent, and reckless hiring, training, retention, and supervision of their respective employees, agents or servants, Defendant Jamie Komoroski was allowed to go to her vehicle shortly before the fatal collision.

89. As a direct, foreseeable, and proximate result of the negligent, grossly negligent, and/or reckless hiring, supervision, training, and retention of these Defendants' respective employees, agents or servants, Samantha Miller lost her life, and Plaintiffs Aric Hutchinson, Benjamin Garrett and B.G. suffered terrible and permanent injuries.

SIXTH CAUSE OF ACTION – Negligent Infliction of Emotional Distress

Against All Defendants

90. Plaintiff incorporates the foregoing paragraphs of this Complaint as if fully set forth herein.

91. Plaintiff Aric Hutchinson was the husband of Decedent, Samantha Miller.

92. Plaintiff Benjamin Garrett is the father of B.G.

93. B.G. is the son of Plaintiff Benjamin Garrett.

94. All Defendants acted wrongfully as detailed above.

95. Each Defendants' wrongful conduct was a proximate cause of the collision that resulted in the serious bodily injuries to Plaintiff Benjamin Garrett, B.G. and the death of Decedent Samantha Miller.

96. Plaintiff Aric Hutchinson has suffered traumatic physical injury as a result of severe emotional distress and psychological trauma he endured as a result of being in close proximity to, and witnessing, the death of his wife Samantha Miller.

97. Plaintiff Benjamin Garrett has suffered traumatic physical injury as a result of severe emotional distress and psychological trauma he endured as a result of being in close proximity to, and witnessing, the serious bodily injury to his son, B.G.

98. B.G. has suffered traumatic physical injury as a result of severe emotional distress and psychological trauma he endured as a result of being in close proximity to, and witnessing, the serious bodily injury of his father, Benjamin Garrett.

SEVENTH CAUSE OF ACTION – Wrongful Death

Against All Defendants

99. Plaintiff incorporates the foregoing paragraphs of this Complaint as if fully set forth herein.

100. As a direct and proximate result of one or more of the aforesaid acts of negligence, recklessness, willfulness, and wantonness of Defendants singularly, jointly, severally and in combination and concurring with the negligence, gross negligence, recklessness, willfulness, and wantonness of the other(s), Plaintiff's Decedent, Samantha Miller, has suffered the loss of her life.

101. By reason of the acts of Defendants as set forth above, the Personal Representative for Samantha Miller's Estate is informed and believes that pursuant to the provisions of §15- 51- 10 of the 1976 South Carolina Code of Laws, as amended, the beneficiary of Samantha Miller's Estate is entitled to actual and punitive damages against all Defendants for the wrongful death of Samantha Miller in an amount to be determined by a jury at trial.

EIGHTH CAUSE OF ACTION – Survival
Against All Defendants

102. Plaintiff incorporates the foregoing paragraphs of this Complaint as if fully set forth herein.

103. The Personal Representative for Samantha Miller’s Estate brings this action pursuant to the South Carolina Survival Action statutes for the benefit Samantha Miller’s Estate.

104. He is informed and believes that as a direct and proximate result of the negligent, grossly negligent, reckless, willful, and wanton acts and omissions of these Defendants, in combination or to the exclusion of each other, Samantha Miller experienced conscious physical pain and suffering, conscious mental anguish and conscious emotional distress prior to her death. Further, her Estate incurred funeral and burial expenses.

105. He is also informed and believes that the Estate is entitled to recover actual and punitive damages from these Defendants as allowed by law and for the injuries described above.

WHEREFORE, the Plaintiff prays for judgment against all Defendants for actual damages and punitive damages in an amount to be determined by the jury at trial, for the costs of this action, and for such other and further relief as this Court may deem just and proper.

Respectfully Submitted,

MICKELSEN DALTON LLC

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