

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS)

COUNTY OF CHARLESTON)

GABRIELLE Z. LEE as guardian ad litem for JANE)
DOE, a minor under the age of fourteen (14) years.)

CIVIL ACTION COVERSHEET)

Plaintiff(s))

2017-CP - 10- 2897

vs.)

IVO FRANCESCO COLUCCI, ALICE M. NORTON)
as Guardian for IVO FRANCESCO COLUCCI, et al.)

Defendant(s))

Submitted By: Mark A. Mason
Address: THE MASON LAW FIRM, PA
Tidewatch Centre on Shem Creek
465 West Coleman Boulevard, Suite 302
Mount Pleasant, SC 29464

SC Bar #: 3676
Telephone #: (843) 884-1444
Fax #: (843) 884-3595
Other: _____
E-mail: mark@masonlawfirm.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

**If Action is Judgment/Settlement do not complete*

- JURY TRIAL** demanded in complaint. **NON-JURY TRIAL** demanded in complaint.
- This case is subject to **ARBITRATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to **MEDIATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|---|--|
| <p>Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Constructions (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> General (130) <input type="checkbox"/> Breach of Contract (140) <input type="checkbox"/> Fraud/Bad Faith (150) <input type="checkbox"/> Failure to Deliver/Warranty (160) <input type="checkbox"/> Employment Discrim (170) <input type="checkbox"/> Employment (180) <input type="checkbox"/> Other (199) _____ | <p>Torts - Professional Malpractice</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dental Malpractice (200) <input type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) Previous Notice of Intent Case #
20 ____ -NI- ____ - ____ <input type="checkbox"/> Notice/ File Med Mal (230) <input type="checkbox"/> Other (299) _____ | <p>Torts - Personal Injury</p> <ul style="list-style-type: none"> <input type="checkbox"/> Conversion (310) <input type="checkbox"/> Motor Vehicle Accident (320) <input type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input checked="" type="checkbox"/> Personal Injury (350) <input type="checkbox"/> Wrongful Death (360) <input type="checkbox"/> Assault/Battery (370) <input type="checkbox"/> Slander/Libel (380) <input type="checkbox"/> Other (399) _____ | <p>Real Property</p> <ul style="list-style-type: none"> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Mechanic's Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Building Code Violation (460) <input type="checkbox"/> Other (499) _____ |
| <p>Inmate Petitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Mandamus (520) <input type="checkbox"/> Habeas Corpus (530) <input type="checkbox"/> Other (599) _____ | <p>Administrative Law/Relief</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reinstate Drv. License (800) <input type="checkbox"/> Judicial Review (810) <input type="checkbox"/> Relief (820) <input type="checkbox"/> Permanent Injunction (830) <input type="checkbox"/> Forfeiture-Petition (840) <input type="checkbox"/> Forfeiture—Consent Order (850) <input type="checkbox"/> Other (899) _____ | <p>Judgments/Settlements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input type="checkbox"/> Magistrate's Judgment (720) <input type="checkbox"/> Minor Settlement (730) <input type="checkbox"/> Transcript Judgment (740) <input type="checkbox"/> Lis Pendens (750) <input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760) <input type="checkbox"/> Confession of Judgment (770) <input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780) <input type="checkbox"/> Other (799) _____ | <p>Appeals</p> <ul style="list-style-type: none"> <input type="checkbox"/> Arbitration (900) <input type="checkbox"/> Magistrate-Civil (910) <input type="checkbox"/> Magistrate-Criminal (920) <input type="checkbox"/> Municipal (930) <input type="checkbox"/> Probate Court (940) <input type="checkbox"/> SCDOT (950) <input type="checkbox"/> Worker's Comp (960) <input type="checkbox"/> Zoning Board (970) <input type="checkbox"/> Public Service Comm. (990) <input type="checkbox"/> Employment Security Comm (991) <input type="checkbox"/> Other (999) _____ |
| <p>Special/Complex /Other</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environmental (600) <input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Medical (620) <input type="checkbox"/> Other (699) _____ <input type="checkbox"/> Sexual Predator (510) | | <ul style="list-style-type: none"> <input type="checkbox"/> Pharmaceuticals (630) <input type="checkbox"/> Unfair Trade Practices (640) <input type="checkbox"/> Out-of State Depositions (650) <input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660) <input type="checkbox"/> Pre-Suit Discovery (670) | |

JULIE J. ARPS-RODRIGUEZ
CLERK OF COURT
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Submitting Party Signature: 

Date: June 6, 2017

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

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

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

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a “Proof of ADR” form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the “Notice of Intent to File Suit” or as the court directs.
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 GABRIELLE Z. LEE as guardian *ad litem* for)
 JANE DOE, a minor under the age of fourteen)
 (14) years,)
)
 Plaintiff,)
)
 vs.)
)
 IVO FRANCESCO COLUCCI, ALICE M.)
 NORTON as Guardian for IVO FRANCESCO)
 COLUCCI, CHRISTA M. YANTIS as Conservator)
 for IVO FRANCESCO COLUCCI and)
 COLCUCCI'S JEWELRY FACTORY, INC.,)
)
 Defendants.)
 _____)

IN THE COURT OF COMMON PLEAS
 FOR THE NINTH JUDICIAL CIRCUIT
 CASE NO. 2017-CP-10-289

FILED
 2017 JUN -6 PM 3:13
 JULIE J. ARMSTRONG
 CLERK OF COURT

SUMMONS
 (Jury Trial Demanded)

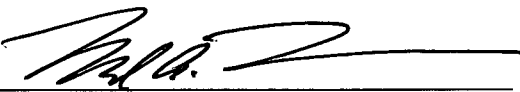
-) Intentional Infliction of Emotional Distress
-) Negligent Infliction of Emotional Distress
-) Negligence
-) Negligent Supervision and Retention
-) Vicarious Liability
-) Action for Document Production
-) Attachment

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 the said Complaint on the subscriber, Mark A. Mason, Esquire, at his office located at 465 W. Coleman Boulevard, Suite 302, Mount Pleasant, South Carolina, 29464, within thirty (30) days after service hereof, exclusive of the day of such service.

YOU ARE HEREBY GIVEN NOTICE FURTHER that if you fail to appear and defend and fail to answer the Complaint as required by this Summons within thirty (30) days after the service hereof, exclusive of the day of such service, judgment by default will be entered against you for the relief demanded in the Complaint.

THE MASON LAW FIRM, P.A.

BY: 

MARK A. MASON

Tidewatch Centre on Shem Creek
465 W. Coleman Boulevard, Suite 302

Mount Pleasant, S.C. 29464

Telephone: (843) 884-1444

Facsimile: (843) 884-3595

E-mail: mark@masonlawfirm.com

Attorney for the Plaintiff

June 6, 2017

Mount Pleasant, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 2017-CP-10-2897

GABRIELLE Z. LEE as guardian *ad litem* for)
JANE DOE, a minor under the age of fourteen)
(14) years,)
)
Plaintiff,)

vs.)

IVO FRANCESCO COLUCCI, ALICE M.)
NORTON as Guardian for IVO FRANCESCO)
COLUCCI, CHRISTA M. YANTIS as Conservator)
for IVO FRANCESCO COLUCCI and)
COLCUCCI'S JEWELRY FACTORY, INC.,)
)
Defendants.)

COMPLAINT

BY

JULIE J. ARMSTRONG
CLERK OF COURT

2017 JUN -6 PM 3:13

FILED

The Plaintiff above-named, complaining of the Defendant herein, would respectfully show unto this Honorable Court, as follows:

1. Plaintiff, Gabrielle Z. Lee, is the duly appointed guardian *ad litem* for Jane Doe, a minor under the age of fourteen (14) years, having been so appointed pursuant to Rule 17 of the South Carolina Rules of Civil Procedure.
2. Plaintiff's ward is a minor child under the age of fourteen (14) years and pursuant to the Order of the Supreme Court of South Carolina (2014-04-15-02) the name of the minor has been redacted.
3. Defendant, Ivo Francesco Colucci ("Colucci"), is a person confined at the Sheriff Al Cannon Detention Center in Charleston County, South Carolina, where, upon information and belief, he is being held without bond, having been charged with the intentional murder of Doris Duane Colucci.

4. Upon information and belief, Defendant Alice M. Norton, is the daughter of Defendant Ivo Francesco Colucci and his guardian having been so appointed by the Probate Court for Dorchester County, and this suit is brought against her in her representative capacity.

5. Upon information and belief, Defendant Christa M. Yantis, is the conservator for Defendant Ivo Francesco Colucci, having been so appointed by the Probate Court for Dorchester County, and this suit is brought against her in her representative capacity. Ms. Yantis' principal place of business is located in Charleston County, South Carolina.

6. Defendant, Colucci's Jewelry Factory, Inc. ("CJF"), is a corporation organized and existing under the laws of South Carolina with its principal place of business being located at 7565-A Rivers Avenue, North Charleston, South Carolina.

7. Service of process of this action upon Defendant Ivo Francesco Colucci was effectuated by personal delivery of a filed copy of the Summon and Complaint to Defendant Ivo Francesco Colucci and by personal delivery of the Summons and Complaint to Defendant Alice M. Norton as his guardian, pursuant to Rule 4(d)(2) of the South Carolina Rules of Civil Procedure.

8. The most substantial part, if not all, of the acts and omissions giving rise to the causes of action hereafter alleged occurred in Charleston County, South Carolina, and venue is proper in this Court pursuant to S.C. Code Ann. §15-7-30 (C) (2).

9. This Court has jurisdiction over the parties and the subject matter of this action.

FACTUAL ALLEGATIONS

10. On April 14, 2017, at approximately 4:19 p.m., Defendant Ivo Francesco Colucci, shot his wife, Doris Duane Colucci, in the back of the head, killing Doris in front of Plaintiff, Jane Doe, Doris' twelve (12) year old granddaughter, who witnessed the entire horrific event.

11. The killing took place at the business premises of Defendant Colucci's Jewelry Factory, Inc. located at 7565-A Rivers Avenue, North Charleston, South Carolina.

12. Upon information and belief, Defendant Ivo Francesco Colucci used a .380 caliber pistol, which he had in his possession at the business premises, to kill Doris Duane Colucci.

13. Upon information and belief, immediately following the killing Defendant Colucci retrieved the shell casing from the bullet he lodged in the back of Doris' head, he concealed the shell casing in his pocket and hid the gun on a counter.

14. Upon information and belief, immediately following the killing, Defendant Colucci stated to police that "It's not what you think . . . I had a reason . . . I suffered a whole (expletive) life."

15. Upon information and belief, Defendant Colucci's Jewelry Factory, Inc. had Defendant Colucci present at the jewelry store premises on the day of the killing "as kind of a figurehead" of the corporation because "he would get confused at home."

16. Upon information and belief, Defendant Colucci had the financial ability to pay for and receive proper care, if the same were needed. Upon information and belief, Defendant Colucci denied he was in need of care. Upon information and belief,

his biological children, seeking to protect their prospective inheritance, opted not to use his assets for that purpose, rather, they sought to block his wife of 42 years from handling his affairs, leaving Defendant Colucci in a situation where it was reasonably foreseeable that he would cause harm to himself and others.

17. Upon information and belief, immediately following the killing, police officers found multiple firearms in the pickup truck Defendant Colucci had driven to the business premises prior to the incident.

18. Upon information and belief, Defendant Colucci regularly possessed firearms.

19. Upon information and belief, Doris' killing was without provocation.

20. At all times relevant hereto, Defendant Colucci was an employee and agent of the corporate Defendant Colucci's Jewelry Factory, Inc. acting as a "figurehead" in the course and scope of his agency and employment.

21. Upon information and belief, prior to and on the day of the killing, Defendant Colucci was routinely present at the business premises where he regularly exhibited violent outbursts and would constantly argue with his wife Doris over business-related matters.

22. Upon information and belief, prior to the killing Defendant Colucci engaged in violent outbursts, including on one occasion when he pointed a gun at Doris during an argument and another occasion when he attacked Doris with a cane.

23. Upon information and belief, police responding to a domestic incident prior to the killing, observed Defendant in an agitated condition and instructed

Defendant Colucci he could not possess firearms when it was discovered he had a cache of rifles in his closet.

24. Upon information and belief, months prior to the day of the killing, medical doctors and two independent examiners appointed by the Dorchester County Probate Court pursuant to S.C. Code Ann. §62-5-303(b) opined Defendant Colucci suffered from some degree of dementia.

25. Upon information and belief, those representing Defendant Colucci's personal, business and financial interests, including those of corporate Defendant Colucci's Jewelry Factory, Inc., argued Defendant Colucci was not incapacitated, that he did not need a guardian or conservator, and did not protect Defendant Colucci from harming himself or others. Rather, upon information and belief, they left Defendant Colucci figuratively in control of the finances and daily operations of Defendant Colucci's Jewelry Factory, Inc. while they orchestrated the changing of his will in their favor and got Defendant Colucci to transfer real property and other assets to them, premised upon their representations he was legally competent to take such actions.

26. Upon information and belief, following the killing, Defendant Colucci, through his lawyers, and recently appointed guardian, now contend he suffers from dementia to such an extent that he is not competent to stand trial for murdering his wife. It is asserted Defendant Colucci's dementia made him unable to suppress his violent tendencies. Defendant's lawyer stated to the Court at his bond hearing that "there's no excuse . . . [but he] didn't know what he was doing." Defendant Colucci's lawyer also stated to the press, "He was a doting husband, but it was deteriorating ... tensions were very, very high between them."

27. Upon information and belief, it was following the killing that the Dorchester County Probate Court appointed Defendant Norton to act as Defendant Colucci's guardian and appointed Defendant Yantis to act as Defendant Colucci's conservator.

28. Upon information and belief, those acting for Defendant Colucci have asserted the claim that Defendant Colucci should profit from his own wrong and that he can inherit property from the Estate of Doris Duane Colucci, contending Defendant Colucci is not a slayer spouse as defined in S.C. Code Ann. §62-2-803. Further, upon information and belief, Defendant Colucci, through his representatives, has taken action to seek to evict Jane Doe from her residence, claiming now that Defendant Colucci has killed her grandmother that Jane Doe can no longer live at the said residence.

29. Given the conflicting conduct and statements relative to Defendant Colucci's mental capacity which make his killing of Doris either intentional cold blooded murder, or the demented act of a man acting under some degree of diminished mental capacity, Plaintiff alternatively pleads the following causes of action as permitted by Rule 8 (a) of the South Carolina Rules of Civil Procedure.

FOR A FIRST CAUSE OF ACTION

(Intentional Infliction of Emotional Distress)

30. Plaintiff hereby repeats and realleges the foregoing allegations of the Complaint as if set forth herein verbatim.

31. Defendant Colucci intentionally or recklessly inflicted severe emotional distress upon Jane Doe, or, in the alternative, a reasonable normal ordinary prudent

man would have known that it was substantially certain that severe emotional distress would result from a minor child observing her grandmother being killed by an execution-style gunshot to the back of the head; and, that such conduct was so extreme and outrageous as to exceed all possible bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community.

32. The actions of Defendant Colucci caused Jane Doe's emotional distress, and that the emotional distress suffered by said minor child was so severe that no reasonable child could be expected to endure it; said emotional distress being manifested by shock, illness or other bodily harm. Defendant Colucci's act will haunt the minor child for the remainder of her life.

33. Defendant Colucci is liable for intentional infliction of emotional distress, even if, as apparently claimed by Defendant Colucci, he inflicted that harm under a mistake or accident induced by a cognitive disability, such as dementia. The weight of legal authority holds the demented or insane are liable for their torts.

34. Plaintiff is informed and believes that she is entitled to recover past, present and future actual damages for emotional distress and punitive damages in an amount to be determined by the trier of fact as to the First Cause of Action.

FOR A SECOND CAUSE OF ACTION

(Negligent Infliction of Emotional Distress)

35. Plaintiff hereby repeats and realleges the foregoing allegations of the Complaint as if set forth herein verbatim.

36. This Second Cause of Action is plead in the alternative to the First Cause of Action as permitted by Rule 8(a) of the South Carolina Rules of Civil Procedure.

37. If Defendant Colucci suffers from dementia to the extent that he was unable to suppress his violent tendencies, as claimed by his lawyers, his conduct was negligent, in that an adult actor's mental or emotional disability is not considered in determining whether conduct is negligent.

38. When one by his acts or omissions, causes injuries to others, his negligence is to be judged by the standard of care usually exercised by the ordinary prudent normal man.

39. Mental illness or deficiency, such as dementia, is not a defense to negligent conduct, because the party that caused the loss should be required to compensate for the resulting harm to his victim.

40. The conduct of Defendant Colucci caused death to Doris Duane Colucci.

41. Jane Doe was in close physical proximity to the killing of Doris Duane Colucci, which she visually witnessed.

42. Jane Doe is the granddaughter of Doris Duane Colucci and as such they are closely related.

43. Jane Doe contemporaneously perceived the killing.

44. The emotional distress experienced by Jane Doe has manifested itself by physical symptoms capable of objective diagnosis.

45. Plaintiff is informed and believes that she is entitled to recover past present and future actual damages for emotional distress and punitive damages in an amount to be determined by the trier of fact as to the Second Cause of Action.

FOR A THIRD CAUSE OF ACTION

(Premises Liability as Against Defendant Colucci's Jewelry Factory, Inc.)

46. Plaintiff hereby repeats and realleges the foregoing allegations of the Complaint as if set forth herein verbatim.

47. Jane Doe was an invitee upon the business premises of Defendant Colucci's Jewelry Factory, Inc. on April 14, 2017.

48. Defendant Colucci's Jewelry Factory, Inc. owed Jane Doe a duty of care to have its business premises in a reasonably safe condition, including having an obligation to protect Jane Doe from reasonably foreseeable criminal, tortious and negligent acts of third persons.

49. Upon information and belief, Defendant Colucci's Jewelry Factory, Inc., through its legal counsel and others advising the business, had actual knowledge that its employee, agent, and figurehead, Defendant Colucci, was mentally disturbed and in need of protection so that he would not harm himself or others, that he had access to and often possessed firearms, that he had a history of violence, and that he was subject to uncontrollable violent outbursts exacerbated by unprovoked heated arguments he initiated at the business premises directly related to the business operations and its finances.

50. Upon information and belief, Defendant Colucci contends that he was suffering from a derangement of his intellect that deprived him of the capacity to govern his conduct in accordance with reason and while in that condition acted on an irrational impulse such that Doris's killing cannot be treated as intentional. Upon information and belief, he claims that at the time of Doris's killing, in the presence of Jane Doe, he lacked the mental capacity to act rationally.

51. The corporate Defendant Colucci's Jewelry Factory, Inc. had the ability to control access to the business premises where the killing took place, and Doris attempted to do so, but her efforts were continuously blocked by a group of Defendant Colucci's children who sought to exert control over the business and assets for their personal financial gain.

52. Upon information and belief, rather than safeguarding the business premises from someone the corporation knew lacked, at least to some degree, the mental capacity to act rationally and which it knew often possessed firearms, Defendant Colucci's Jewelry Factory, Inc. made a corporate decision to position Defendant Colucci at the jewelry store premises as a "figurehead" and continue his futile and frustrating involvement in the business, thereby creating an unreasonably dangerous condition upon the premises. Upon information and belief, Defendant Colucci's presence at the store as a figurehead only added to his level of frustration, which steadily escalated foreseeably leading up to the horrific execution-style killing of Doris that took place in front of Jane Doe.

53. Upon information and belief, there was an extensive history of unprovoked heated arguments initiated by Defendant Colucci at the jewelry store premises that took place in the presence of agents and employees of the business, including an escalating heated argument that took place before the killing, which made it reasonably foreseeable that violent conduct would likely take place upon the premises of the jewelry store on the day of Doris' killing. Also, upon information and belief, there was a known prior history of prior violent conduct, Defendant Colucci's possession of firearms and his unstable mental condition.

54. Upon information and belief, Defendant Colucci's Jewelry Factory, Inc. positioned Defendant Colucci in a situation at the jewelry store premises that regularly set him off placing those upon the premises at great risk.

55. Defendant Colucci's Jewelry Factory, Inc. was negligent, willful, wanton, careless, reckless and grossly negligent, in the following particulars, to wit:

(a) In failing to maintain its business premises in a reasonably safe condition;

(b) In failing to protect invitees from criminal, tortious or negligent acts of Defendant Colucci that were reasonably foreseeable under the circumstances then and there prevailing;

(c) In allowing Defendant Colucci, a person who, upon information and belief, claims he was unable to act rationally, to be present upon the business premises, in possession of a firearm, with actual knowledge that he was demented, with a prior history of uncontrollable violent outbursts, exacerbated by his inability to meaningfully engage in business operations;

(d) In failing to call the police during an escalating heated argument and extreme unprovoked agitation of Defendant Colucci that took place upon the premises prior to the killing;

(e) In failing to take action to safeguard the premises after a situation likely to result in violence arose upon the premises;

(f) In failing to protect an invitee from Defendant Colucci;

(g) In failing to supervise Defendant Colucci;

(h) In holding Defendant Colucci out as competent and fit;

(i) In failing to provide a safe work environment at the business premises;
and,

(j) In failing to act as a reasonable and prudent corporation would act under the same or similar circumstances then and there prevailing in violation of the statutes and laws of South Carolina, in such cases made and provided.

ALL of which was a direct and proximate cause of the injuries and damages sustained by the Plaintiff herein.

56. As a direct and proximate result of the negligence of Defendant Colucci's Jewelry Factory, Inc., Plaintiff sustained severe emotional distress manifested by shock, illness or other bodily harm for which she is entitled to recover past, present and future actual damages and punitive damages in an amount to be determined by the trier of fact as to the Third Cause of Action.

FOR A FOURTH CAUSE OF ACTION

(Negligent Hiring and Supervision and Retention)

57. Plaintiff hereby repeats and realleges the foregoing allegations of the Complaint as if set forth herein verbatim.

58. Defendant Colucci's Jewelry Factory, Inc. was negligent in supervising its employee Defendant Colucci, based on the factual particulars hereinabove alleged.

59. Defendant Colucci's Jewelry Factory, Inc. was negligent in retaining Defendant Colucci as an employee or as a figurehead present upon the business premises, based on the factual particulars hereinabove alleged.

60. As a direct and proximate result of the negligent supervision and negligent retention of Defendant Colucci by Defendant Colucci's Jewelry Factory, Inc.,

Plaintiff sustained severe emotional distress manifested by shock, illness or other bodily harm for which she is entitled to recover past, present and future actual damages and punitive damages in an amount to be determined by the trier of fact as to the Fourth Cause of Action.

FOR A FIFTH CAUSE OF ACTION

(Vicarious Liability)

61. Plaintiff hereby repeats and realleges the foregoing allegations of the Complaint as if set forth herein verbatim.

62. Defendant Colucci was an agent of Defendant Colucci's Jewelry Factory, Inc.

63. Defendant Colucci killed Doris, at the business premises, in the presence of Jane Doe, while acting as a figurehead of Defendant Colucci's Jewelry Factory, Inc. and while engaged in a heated argument with Doris about the business and its finances, and Defendant Colucci is liable to Jane Doe as heretofore alleged.

64. Defendant was acting in the course and scope of his employment at the time he killed Doris.

65. The act of having Defendant Colucci present at the premises of Defendant Colucci's Jewelry Factory, Inc. was done for the purpose of benefitting the company.

66. Upon information and belief, Defendant Colucci's act of killing Doris was perversely motivated to assert Defendant Colucci's will over the conduct of the company's business operations.

67. Defendant Colucci's Jewelry Factory, Inc. is vicariously liable to Plaintiff for her past, present and future actual damages and punitive damages as heretofore alleged.

FOR A SIXTH CAUSE OF ACTION

(Independent Action for Production of Documents by Conservator)

68. Plaintiff hereby repeats and realleges the foregoing allegations of the Complaint as if set forth herein verbatim.

69. Defendant Christa M. Yantis is the conservator of Defendant Ivo Francesco Colucci. As such, she possesses or will possess financial records and control assets of Defendant Ivo Francesco Colucci.

70. Pursuant to Rule 34 (c) of the South Carolina Rules of Civil Procedure Defendant Christa M. Yantis, conservator, is a party to this action, and this cause of action against her is an independent action that seeks to require her to produce all financial records of Defendant Ivo Francesco Colucci, which she now or hereafter possesses, as his net worth is material and relevant to the very substantial punitive damage claim asserted against her ward in this action. This action also seeks to attach the property of Defendant Colucci as security for the satisfaction of such judgment as Plaintiff may obtain in this action, and, as such, Defendant Yantis is a necessary party to this action.

FOR A SEVENTH CAUSE OF ACTION

(Attachment)

71. Plaintiff hereby repeats and realleges the foregoing allegations of the Complaint as if set forth herein verbatim.

73. This is an action for injury to person.

74. Upon information and belief, shortly after Defendant Colucci killed Doris, a group of family members acting on his behalf entered the premises of Defendant Colucci Jewelry Factory, Inc. and removed valuable items having substantial value and to date have not properly accounted for the same. Further, upon information and belief, they accessed and/or tampered with video surveillance equipment and copied or took possession of digitally stored evidence then in place at Defendant Colucci Jewelry Factory, Inc. that should document assets present at the premises, as well as their conduct following the killing.

75. Upon information and belief, Defendant Colucci, and/or those acting on his behalf, have assigned, disposed of or secreted, or are about to assign, dispose of or secrete property with the intent to defraud Jane Doe, who has asserted in this lawsuit a meritorious and substantial personal injury claim against said Defendant and she is entitled to an attachment of Defendant's property as security for the satisfaction of such judgment as the Plaintiff may recover pursuant to S.C. Code Ann. §15-19-10 *et seq.*

WHEREFORE, the Plaintiff prays for judgment as follows:

1. For a judgment against Defendant Ivo Francesco Colucci in an amount of past, present and future actual damages and punitive damages to be determined by the trier of fact as to the First Cause of Action;

2. For a judgment against Defendant Ivo Francesco Colucci in an amount of past, present and future actual damages and punitive damages to be determined by the trier of fact as to the Second Cause of Action;

3. For a judgment against Defendant Colucci's Jewelry Factory, Inc. in an amount of past, present and future actual damages and punitive damages to be determined by the trier of fact as to the Third Cause of Action;

4. For a judgment against Defendant Colucci's Jewelry Factory, Inc. in an amount of past, present and future actual damages and punitive damages to be determined by the trier of fact as to the Fourth Cause of Action;

5. For a judgment against Defendant Colucci's Jewelry Factory, Inc. in an amount of past, present and future actual damages and punitive damages to be determined by the trier of fact as to the Fifth Cause of Action;

6. For the production of documents as to the assets of Defendant Ivo Francesco Colucci from Christa M. Yantis, conservator for Defendant Ivo Francesco Colucci;

7. For an order attaching the property of Defendant Ivo Francesco Colucci as security for such judgment against him as Plaintiff may obtain in this action;

8. For a trial by jury;

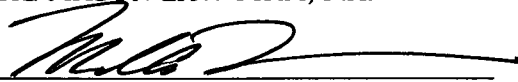
9. For the costs and disbursements of this action; and

10. For such other and further relief as this Court may deem just and proper.

Respectfully Submitted,

THE MASON LAW FIRM, P.A.

BY:



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Attorneys for the Plaintiff

Mount Pleasant, South Carolina
June 6, 2017