

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

Casey Gillespie, individually and as guardian
of *minor child*,

Plaintiff,

vs.

Spartanburg County School District 2,

Defendant.

IN THE COURT OF COMMON PLEAS

CASE NO.: 2022-CP-42-

SUMMONS

A lawsuit has been filed against you. YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, of which a copy is hereby served upon you, and to serve a copy of your answer to the Complaint to said Plaintiff's attorney the address listed below within thirty (30) days after such service. If you fail to do so, judgment by default will be rendered against you for the relief demanded in the Complaint. You also must file your Answer or Motion with the court.

LAW OFFICE OF TYLER RODY, LLC

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June 7, 2022

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COMPLAINT

(Jury Trial Requested)

The Plaintiff complaining of the Defendant would respectfully show unto the Court as follows:

PARTIES

1. Plaintiff Casey Gillespie is the mother and guardian of Plaintiff *minor child*, and both are residents of Spartanburg County, South Carolina.
2. Upon information and belief, Defendant Spartanburg County School District #2 is a body politically organized and existing under the laws of the State of South Carolina, and has one of its schools, Shoally Creek Elementary School (Shoally Creek), located in Spartanburg County, South Carolina.

JURISDICTION AND VENUE

3. Jurisdiction and venue in this Court are proper, as the acts and/or omissions giving rise to this action were committed, either in whole or in part, in Spartanburg County, South Carolina.

FACTUAL BACKGROUND

4. The above allegations are hereby incorporated as if stated herein.
5. At all times relevant herein, Plaintiff *minor child* was a second-grade student at Shoally Creek and was at all times mentioned herein under the care, custody, and/or control of the Defendant and/or its employees and/or agents.
6. On or about Friday November 5, 2021, *minor child* was sexually assaulted by his classmate, *minor child 2*, while in the computer lab at Shoally Creek. On this day, *minor child 2* also sexually assaulted another student in the class.
7. On Sunday November 7, 2021, Plaintiff Gillespie sent an email to Shoally Creek Principal Laura Meyer, Shoally Creek Guidance Counselor Rebekah Robinson (Randolph), and the students' second grade teacher at Shoally Creek, Erin Watson, notifying them that *minor child 2* sexually assaulted *minor child* and Ansley Lane's son, who was also a student in the class.
8. Erin Watson responded to Mrs. Gillespie's email by emailing Principal Meyer, Ms. Robinson (Randolph), Ansley Lane, and Casey Gillespie and stating, among other things, that *minor child* and Ansley Lane's child did inform her that *minor child 2* could not keep his hands to himself, but that she had no idea he had touched them in private parts.
9. Principal Meyer and Ms. Robinson (Randolph) did not respond to Mrs. Gillespie's November 7, 2021 email.
10. Upon information and belief, in November of 2021, Mrs. Watson was pregnant, and she knew she would be leaving the school for maternity leave on or about February of 2022.

11. Upon information and belief, Principal Meyer knew Mrs. Watson was pregnant in November of 2021 and knew she would be leaving the school for maternity leave on or about February of 2022.
12. On or about February 2, 2022, Mrs. Watson went on maternity leave, and Cara Thompson took over as the substitute teacher in the classroom on or about February 3, 2022.
13. On or about February of 2022, *minor child 2 and minor child 3* held a pencil near their crotches and stroked the pencil in a sexually suggestive manner while looking at *minor child* and Ansley Lane's child.
14. On February 8, 2022, Plaintiff Gillespie messaged Cara Thompson, expressing concerns about the behavior of several students in the class, including *minor child 2 and minor child 3*. Plaintiff Gillespie requested that *minor child* be seated away from *minor child 2 and minor child 3*.
15. On February 9, 2022, Plaintiff Gillespie, Ansley Lane's fiancé Josh Johnson, and Principal Meyer had a phone conference meeting where they discussed the sexual assault incidents occurring in the classroom and the behavior of the minor children demonstrating sexually suggestive and disruptive acts in the classroom.
16. In the February 9, 2022 meeting, Principal Meyer informed the parents that she would take appropriate action to end the sexual assaults and disruptive behavior occurring in the classroom.
17. On March 1, 2022, *minor child 4* sexually assaulted Ansley Lane's child on the playground by grabbing his penis, and Ansley Lane's child reported the incident to his classroom teacher, Cara Thompson.

18. Upon information and belief, Cara Thompson resigned from her position as substitute teacher on or about March 11, 2022, and Ms. Nicholson took over as substitute teacher for Mrs. Watson's classroom on or about March 14, 2022.
19. On or about March of 2022, *minor child 4* sexually assaulted *minor child* on the playground by grabbing his penis.
20. Upon information and belief, Ms. Nicholson resigned on or about March 28, 2022.
21. Upon information and belief, Mrs. Watson returned from maternity leave on or about April 13, 2022.
22. On or about April 18, 2022, *minor child* was assigned a seat next to *minor child 4*, who had sexually assaulted him weeks earlier.
23. On or about April 19, 2022, Plaintiff Gillespie sent a message to Mrs. Watson requesting that *minor child* be seated away from *minor child 4*.

FOR A FIRST CAUSE OF ACTION
Negligence/ Gross Negligence/ Recklessness

24. The previous paragraphs are incorporated as if fully stated herein.
25. Defendant owed *minor child* a duty of care, and it breached that duty through its agents, employees, and/or servants, by the following negligent and grossly negligent acts:
 - a. In choosing not to relay crucial information about student-on-student sexual assaults to *minor child's* teachers and/or substitute teachers;
 - b. In choosing not to correct a dangerous situation of which it was specifically aware;
 - c. In failing to properly monitor the students in the classrooms at Shoally Creek;
 - d. In allowing *minor child* to sit next to *minor child 4* in the classroom despite being on notice that *minor child 4* has sexually assaulted other students;

- e. In failing to have appropriate policies and protocols in place to provide for the safety and wellbeing of the student population at Shoally Creek Elementary School;
 - f. In failing to correct sexually suggestive and inappropriate behavior of second grade students being perpetrated on other second grade students;
 - g. In failing to follow and adhere to protocols of Spartanburg County School Districts;
 - h. In failing to protect Plaintiff *minor child*;
 - i. In failing to provide any level protection or care to *minor child* after multiple events indicating danger;
 - j. In failing to recognize a clearly dangerous situation after being provided notice;
 - k. In failing to take any action to prevent further sexual assaults after being provided notice of past sexual assaults;
26. As a direct result of Defendant's negligence and gross negligence (by and through the employees, agents and/ or servants of this Defendant), Plaintiffs have suffered significant damages, including but not limited to physical injury, pain and suffering, mental anguish, loss of enjoyment of life, behavioral problems, alteration of lifestyle, embarrassment, humiliation, loss of human dignity, medical expenses, educational expenses, and other damages, in an amount to be determined at the trial of this action. Plaintiffs are entitled to actual and consequential damages from Defendant.

FOR A SECOND CAUSE OF ACTION
Negligent Supervision

27. The previous paragraphs are incorporated as if fully stated herein.
28. Defendant owed a duty to Plaintiffs and others to supervise students that were known to have committed sexual assaults and to supervise students known to be victims of sexual assault, as to prevent further sexual assaults from occurring.

29. Defendant also owed a duty to Plaintiffs to supervise its personnel and to not allow these persons to place Plaintiff *minor child* and others at risk of being sexually assaulted.
30. Defendant, by and through its agents, employees, or servants, breached that duty and was grossly negligent in the following ways:
- a. By choosing not to supervise personnel, allowing them to place Plaintiff *minor child* in harm's way;
 - b. By choosing not to supervise *minor child 4* after being on notice of the minor's past sexual assault on the playground, weeks earlier;
 - c. By choosing not to supervise *minor child*, allowing him to be sexually assaulted by *minor child 4* after the minor assaulted another child weeks earlier;
 - d. By failing to supervise the students in the classrooms and on the playground;
31. As a result of Defendant's conduct, Plaintiffs have suffered damages as outlined in this complaint and incorporated into this cause of action.

FOR A THIRD CAUSE OF ACTION
Negligent Hiring

32. The previous paragraphs are incorporated as if fully stated herein.
33. Defendant owed a duty to Plaintiffs and others to hire only personnel who were appropriate to act as principals, teachers, and employees and not to hire personnel who placed Plaintiff *minor child* and others at risk of being sexually assaulted.
34. Defendant breached that duty and was grossly negligent by continually by hiring personnel who committed the acts described herein, allowing sexual assaults to continue to occur despite knowledge of past assaults, and Defendant knew that this continued to occur, and failed to remedy the situation.

35. As a result of Defendant's conduct, Plaintiffs have suffered damages as outlined in this complaint and incorporated into this cause of action.

FOR A FOURTH CAUSE OF ACTION
Negligent Training

36. The previous paragraphs are incorporated herein as if fully stated herein.

37. Defendant owed a duty to Plaintiffs and others to properly train its personnel, agents, employees, and/or servants.

38. Defendant breached that duty and was grossly negligent by failing to properly train its personnel, agents, employees, and/or servants about how to respond to student-on-student sexual assaults and how to prevent such assaults from happening in the future.

39. As a result of Defendant's breach, Plaintiffs have suffered damages as outlined in this Complaint and incorporated into this cause of action.

FOR A FIFTH CAUSE OF ACTION
Intentional Infliction of Emotional Distress

40. The previous paragraphs are incorporated herein as if restated verbatim.

41. Defendant knowingly or recklessly violated its own policies regarding responding to sexual assaults.

42. Defendant knew Plaintiff *minor child* was at risk of being sexually assaulted again, yet chose not to take any action to prevent further assaults. As a result, Plaintiff *minor child* was sexually assaulted more than once.

43. Defendant intentionally or recklessly inflicted emotional distress on these particularly susceptible Plaintiffs, or it was certain or substantially certain that such distress would result from its conduct.

44. Defendant's 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.

45. Defendant caused Plaintiffs' emotional distress, which was so severe that no reasonable person could be expected to endure it.

WHEREFORE, the Plaintiffs pray judgment against the Defendant as follows:

- A. actual damages found to be just and equitable within the discretion of the fact finder;
- B. punitive damages if proven by clear and convincing evidence and found to be fair and equitable within the discretion of the fact finder;
- C. for the costs and disbursements of this action;
- D. for prejudgment interest at the rate authorized by the Supreme Court of South Carolina;
- E. for such other and further relief as this Court may deem just and proper.

Respectfully submitted,

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