

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GEORGETOWN	)	FIFTEENTH JUDICIAL CIRCUIT
	)	
Jane Doe, individually and as Parent,	)	Civil Action No.: 2026-CP-22-_____
Guardian, and Next Friend of R.K., a	)	
minor under the age of five (5) years,	)	
	)	
Plaintiff,	)	<u>SUMMONS</u>
	)	
v.	)	<u>(Jury Trial Demanded)</u>
	)	
Pawleys Island Community Church;	)	
Pawleys Island Christian Academy; Don	)	
Williams; Ginny Williams; Niki Howard;	)	
John Doe Elders 1–10, individually and in	)	
their representative capacities as members of	)	
the Elder Board of Pawleys Island	)	
Community Church; and Warren Spence	)	
Perry,	)	
	)	
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 the said Complaint upon the subscriber at his office at 1539 Health Care Drive, Rock Hill, South Carolina 29732, within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

MCGOWAN, HOOD, FELDER & PHILLIPS,
LLC

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ATTORNEYS FOR PLAINTIFF

July 21, 2026
Rock Hill, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF GEORGETOWN

Jane Doe, individually and as Parent,
Guardian, and Next Friend of R.K., a
minor under the age of five (5) years,

Plaintiff,

v.

Pawleys Island Community Church;
Pawleys Island Christian Academy; Don
Williams; Ginny Williams; Niki Howard;
John Doe Elders 1–10, individually and in
their representative capacities as members of
the Elder Board of Pawleys Island
Community Church; and Warren Spence
Perry,

Defendants.

IN THE COURT OF COMMON PLEAS

FIFTEENTH JUDICIAL CIRCUIT

Civil Action No.: 2026-CP-22-_____

COMPLAINT(Jury Trial Demanded)

Plaintiff Jane Doe, individually and as Parent, Guardian, and Next Friend of R.K., a minor under the age of five (5) years, complaining of the Defendants above-named, respectfully shows unto this Honorable Court and alleges as follows:

SUMMARY OF ACTION

1. A church that operates a nursery, a preschool, and a Christian academy for children as young as six weeks old holds itself out to parents as a place of safety, and it assumes a corresponding duty to protect the children entrusted to its care from foreseeable harm.

2. That duty is at its highest where, as here, the child is a toddler who cannot yet speak for himself, who cannot tell his mother what he sees or what is done to him, and who depends entirely on the adults around him to keep him safe.

3. Pawleys Island Community Church, an independent, elder-governed church in Georgetown County, South Carolina, operates Pawleys Island Christian Academy, a licensed childcare and educational ministry serving children from six weeks of age through kindergarten.

4. For approximately three years, the Church and the Academy knowingly permitted Warren Spence Perry, a registered sex offender convicted in 2023 of the sexual exploitation of a minor, to occupy a volunteer position of unrestricted daily access to the children enrolled at the Academy, including R.K.

5. Perry was not hidden in a back office.

6. He worked as a custodian in the same building as the children.

7. He was there, in the words of a former four-year-old-kindergarten teacher, “every single day” and “all the time.”

8. The children drew him pictures and gave him gifts.

9. The Church and the Academy did not merely tolerate Perry’s presence.

10. Upon information and belief, the Senior Pastor of the Church personally provided a character reference to the South Carolina Department of Probation, Parole, and Pardon Services in order to obtain approval for Perry to work at the Church.

11. Upon information and belief, the Academy affirmatively advertised an auction in which a child could win the “prize” of spending a workday assisting the school’s two custodians, one of whom was Perry, the registered sex offender.

12. When a teacher at the Academy raised the alarm and confronted school administration about a registered sex offender working among the children, the administration did not remove Perry.

13. Instead, upon information and belief, the administration told the teacher that Perry “has rehabilitated himself” and that judging him was “not a Christian thing to do” and the teacher who raised the concern was forced out of her position.

14. This was not the first time.

15. Nearly twenty years earlier, in 2005, the same church, then operating under its former name, Pawleys Island Baptist Church, and Don Williams were sued for negligence in connection with a youth director who was later accused of sexually assaulting a minor.

16. This case was settled.

17. The Church has been on notice for two decades that a failure to screen and supervise those it places around children produces exactly this danger.

18. The Academy’s failure to protect children was documented by the State itself.

19. Upon information and belief, the South Carolina Division of Early Care and Education cited the Academy for failing to complete required background checks on staff prior to hire in February 2024, in March 2024, and again in March 2026.

20. While all of this was occurring, the Church represented to parents on its own website, in black and white, that “[a]ll PICC Kids volunteers are background checked and trained,” and that its preschool is “safe” for “your child.”

21. Those representations were false.

22. In reliance on those representations of safety, Plaintiff Jane Doe enrolled her then three year old son, R.K., at the Academy, and she paid tuition and enrollment fees for his care throughout his enrollment.

23. R.K. was, upon information and belief, enrolled at the Academy from no later than September 2025 through July 2026, in the Academy's three-year-old program, during the very period in which Perry occupied his position of daily access to the children.

24. Because of R.K.'s age, Doe, cannot determine what he saw, or what, if anything, was done to him during the years a registered sex offender had daily access to him, Jane Doe may never know.

25. That not-knowing is its own permanent injury: a wound that no verdict can close and that no parent should ever have to carry.

26. The harm to R.K. and to his mother was not random and was foreseeable.

27. It was the direct, foreseeable, and predictable product of the Defendants' negligent, grossly negligent, and reckless decision to place and keep a known registered sex offender in a position of unrestricted access to the children in their care, to conceal that danger from the parents who paid them, and to represent to those parents that their children were safe.

28. This action does not require this Court to resolve any question of religious doctrine.

29. It asks only that the Church and the Academy be held to the same secular, neutral principles of law governing the operation of a licensed childcare facility, the screening and supervision of those placed around children, and the truthfulness of representations made to paying parents that apply to every other institution that accepts custody of children for a fee.

PARTIES

Plaintiff

30. Plaintiff R.K. is a minor child under the age of five (5) years who, at all times relevant to this Complaint, was a citizen and resident of Georgetown County, South Carolina, and a child enrolled at Pawleys Island Christian Academy.

31. Plaintiff Jane Doe is the biological mother, natural guardian, and Next Friend of R.K., and is a citizen and resident of Georgetown County, South Carolina.

32. Jane Doe brings this action individually and in her representative capacity as parent, guardian, and next friend of her minor child R.K.

33. Plaintiffs are proceeding anonymously, under the pseudonyms Jane Doe and R.K., because this action concerns the exposure of a minor child to a registered sex offender, and because the subject matter of this litigation would subject the minor child to humiliation, embarrassment, and amplified injury if his identity were publicly disclosed.

34. The public interest in disclosure of the Plaintiffs' identities is minimal and is substantially outweighed by the harm that public identification would inflict upon the minor child.

35. The Defendants are not prejudiced by the Plaintiffs' use of pseudonyms, in that the Plaintiffs' identities will be disclosed to the Defendants in a confidential manner upon service and the retention of counsel, if not already known. Plaintiff will, contemporaneously with or promptly after the filing of this action, seek leave of Court to proceed under pseudonym to the extent such leave is required.

Defendants

36. Defendant Pawleys Island Community Church (hereinafter "the Church" or "PICC") is, and at all relevant times has been, a non-profit religious corporation organized and existing under the laws of the State of South Carolina, with its principal place of business in Georgetown County, South Carolina.

37. Upon information and belief, the Church is exempt from taxation under § 501(c)(3) of the Internal Revenue Code, was formerly known as Pawleys Island Baptist Church,

and is an independent, self-governing, elder-led congregation that is not subject to the control of any parent denomination or hierarchical body.

38. Defendant Pawleys Island Christian Academy (hereinafter “the Academy” or “PICA”) is, and at all relevant times has been, a licensed childcare and educational ministry operated by, and under the corporate umbrella of, Pawleys Island Community Church, serving children ages six weeks through kindergarten, with its principal place of business in Georgetown County, South Carolina.

39. To the extent the Academy is separately organized or licensed, it is named separately; to the extent it is a division, program, or ministry of the Church, the Church is liable for its acts and omissions.

40. The Church and the Academy are referred to collectively herein as “PICC,” “the Church and Academy,” or the “Institutional Defendants.”

41. Defendant Don Williams (hereinafter “Pastor Williams”) is, and at all relevant times was, the Senior Pastor of Pawleys Island Community Church, having served in that capacity for approximately twenty-seven (27) years, and is a citizen and resident of Georgetown County, South Carolina.

42. Pastor Williams was responsible for the leadership, governance, oversight, and supervision of the Church and the Academy, including the persons placed in positions of access to the children entrusted to their care.

43. Upon information and belief, Perry’s conviction and status as a registered sex offender were known to Pastor Williams for years, and Pastor Williams personally provided a character reference on Perry’s behalf to the South Carolina Department of Probation, Parole, and Pardon Services.

44. Defendant Ginny Williams is, and at all relevant times was, the Guest Services Director of Pawleys Island Community Church, having served the Church for approximately twenty-seven (27) years, is the spouse of Pastor Williams, and is a citizen and resident of Georgetown County, South Carolina.

45. Upon information and belief, Ginny Williams was a member of the leadership of the Church with knowledge of who, in the exercise of reasonable care, should have had knowledge of the matters alleged herein.

46. Defendant Niki Howard is, and at all relevant times was, the Director of Pawleys Island Christian Academy, and is, upon information and belief, a citizen and resident of South Carolina.

47. Defendant Howard was responsible for the day-to-day operation of the Academy, including the screening, placement, supervision, and monitoring of staff and volunteers, the receipt and remediation of complaints concerning staff and volunteer conduct, the safety of the children enrolled at the Academy, and the representations made to enrolling and prospective parents.

48. Upon information and belief, Defendant Howard had actual knowledge that Perry was a registered sex offender and permitted him to remain in a position of access to the children.

49. Defendants John Doe Elders 1–10 are the individual members of the Elder Board (or Session) of Pawleys Island Community Church, whose true identities are presently unknown to Plaintiff and will be ascertained through discovery, and who are sued herein both individually and in their representative capacities as members of the Elder Board, which is the highest governing and corporate-control body of the Church.

50. Because Pawleys Island Community Church is an independent, self-governing congregation answerable to no parent denomination, its Elder Board is the single, continuous, self-perpetuating body in which the ultimate corporate governing authority of the Church resides.

51. The Elder Board answers, in the operational sense, only to itself.

52. Pastors, directors, and staff come and go; the Elder Board remains, and with it the continuous institutional knowledge and non-delegable corporate duty to protect the children in the Church's and Academy's care.

53. Defendant Warren Spence Perry (hereinafter "Perry") is, upon information and belief, an adult citizen and resident of Georgetown County, South Carolina.

54. Perry was convicted in Georgetown County in 2023 of the sexual exploitation of a minor and is a registered sex offender.

55. At all relevant times, Perry occupied a volunteer position as a custodian and maintenance worker at the Academy, with unrestricted daily access to the children enrolled there, and acted within the course and scope of, and under the guise of performing, the duties of the volunteer position in which the Church and the Academy placed him.

56. Whenever in this Complaint reference is made to any act or omission of the Church, the Academy, or any Institutional Defendant, such reference includes the acts and omissions of the officers, elders, agents, servants, employees, volunteers, and personnel of that Defendant acting within the course and scope of their employment, agency, or engagement, both directly and vicariously, under the doctrines of respondeat superior, agency, ostensible agency, non-delegable duty, and corporate and institutional liability.

JURISDICTION AND VENUE

57. The parties hereto, the subject matter hereof, and all matters and things hereinafter alleged are within the jurisdiction of this Honorable Court.

58. Each Defendant has present, continuous, and substantial contacts with the State of South Carolina by virtue of residence, employment, agency, trusteeship, the operation of a church and a licensed childcare facility, the transaction of business, ownership of land, and the enrollment of children within the State, such that this Court may exercise personal jurisdiction over each Defendant consistent with traditional notions of fair play and substantial justice.

59. Venue is proper in Georgetown County, South Carolina pursuant to S.C. Code Ann. § 15-7-30, in that the Institutional Defendants maintain their principal place of business in Georgetown County, the Academy is located in Georgetown County, one or more Defendants reside in Georgetown County, and the most substantial part of the acts and omissions alleged herein occurred in Georgetown County.

JOINT AND SEVERAL LIABILITY

60. The Defendants are jointly and severally liable, to the extent permitted by law, for the damages alleged herein, in that their negligent, grossly negligent, reckless, willful, and wanton acts and omissions, singularly and in combination, are the direct and proximate contributing causes of the Plaintiffs' injuries, damages, and losses.

61. The negligent, grossly negligent, reckless, willful, and wanton acts, omissions, and liability of the Defendants include those of their officers, elders, agents, principals, employees, servants, and volunteers, both directly and vicariously, pursuant to the principles of non-delegable duty, corporate liability, apparent authority, agency, ostensible agency, and respondeat superior.

**NEUTRAL PRINCIPLES OF LAW AND
THE ABSENCE OF ANY ECCLESIASTICAL BAR**

62. The First Amendment to the United States Constitution guarantees religious organizations independence in matters of faith, doctrine, and internal church governance.

63. It does not license a church to operate a licensed childcare facility for profit, to place a registered sex offender among toddlers, to conceal that danger from paying parents, and to escape all civil accountability by invoking religion.

64. South Carolina courts may adjudicate disputes touching upon religious organizations where the dispute may be resolved entirely by neutral principles of law, without deciding any question of religious doctrine, discipline, or administration.

65. The screening, hiring, retention, placement, training, monitoring, and supervision of a custodian and volunteer with access to children; the operation of a licensed childcare facility in compliance with State licensing and background-check requirements; the duty to protect children in custodial care from a known danger; and the truthfulness of representations of safety made to paying parents are all secular, non-ecclesiastical matters governed by neutral principles of law.

66. Whether the Church and the Academy exercised reasonable care in placing and keeping a registered sex offender in a position of access to the children in their care requires no inquiry into religious doctrine.

67. It requires only the application of the ordinary, secular standard of care that governs every institution that accepts custody of children.

68. That a member of the Academy's administration invoked religion, telling a teacher who raised concerns that judging Perry was "not a Christian thing to do," does not convert a secular safety failure into an ecclesiastical question.

69. A church may not weaponize religious language to shield conduct that endangers children and thereby oust the civil courts of jurisdiction.

**THE SPECIAL RELATIONSHIP, THE VULNERABLE POPULATION,
AND THE DUTIES OF CARE**

70. A church and school that operate a licensed childcare facility and that accept custody of minor children from their parents stand in a special relationship to those children, and to the parents who entrust and pay them, giving rise to an affirmative, non-delegable duty to supervise, protect, and safeguard those children from reasonably foreseeable harm.

71. That duty is heightened where, as here, the children are infants, toddlers, and preschoolers, the most vulnerable population imaginable, and where the particular child, R.K., is a young child who cannot speak for himself, cannot report mistreatment, and cannot protect himself.

72. The Institutional Defendants further voluntarily undertook the duty to protect the children in their care through their public representations, their website, their marketing and admissions communications, their enrollment agreements, and their assumption of responsibility for the children entrusted to them.

73. Under Section 323 of the Restatement (Second) of Torts, recognized as the common law of South Carolina, having undertaken those duties, the Institutional Defendants were required to perform them with reasonable care, and are liable where their failure to exercise reasonable care increased the risk of harm and where Jane Doe relied upon those undertakings to her detriment.

74. R.K. (through his mother, Jane Doe) was at all relevant times a paying enrollee and a business invitee upon the premises of the Church and the Academy, and was owed the highest duty of care recognized under South Carolina premises-liability law, including the duty to exercise reasonable care for his safety and the duty to protect and warn against latent or hidden dangers

known, or which in the exercise of reasonable care should have been known, to the Institutional Defendants.

75. The presence of a registered sex offender with daily access to the children was such a danger.

76. The specific duties owed to R.K. and to Jane Doe by the Institutional Defendants and, as applicable, by the individual Defendants include, without limitation, the following:

- a. The duty to screen, investigate, and complete criminal-history and sex-offender-registry background checks on every person, whether employee or volunteer, placed in a position of access to the children, before and during that placement, as required by South Carolina childcare licensing law;
- b. The duty to refrain from placing, and to refrain from retaining, a known registered sex offender in any position of access to the children in the Institutional Defendants' care;
- c. The duty to supervise and monitor the interactions between adults and children on the premises, and to prohibit unrestricted or unsupervised access to children by a person known to pose a danger;
- d. The duty to receive, investigate, document, report, and remediate complaints and concerns regarding the safety of the children, including the concern raised by a teacher regarding Perry, and to report suspected child abuse and neglect to the appropriate authorities as required by S.C. Code Ann. § 63-7-310;
- e. The duty to disclose to enrolling and prospective parents, including Jane Doe, material facts within the Institutional Defendants' knowledge concerning known risks to the safety of the children, including the presence of a registered sex offender on the premises and the Academy's documented history of background-check failures; and,
- f. The duty to refrain from making false representations of safety, including the representation that all volunteers are background checked and trained, to induce parents to enroll their children and to pay tuition.

77. Each of these duties is non-delegable, is secular in nature, and is governed by neutral principles of law.

THE INSTITUTIONAL DEFENDANTS' REPRESENTATIONS OF SAFETY

78. The Institutional Defendants induced parents, including Jane Doe, to entrust and pay them for the care of their children by representing that those children would be safe.

79. On the Church's own website, under the heading "Safety at PICC Kids," the Institutional Defendants represented, without qualification, that "[a]ll PICC Kids volunteers are background checked and trained," and that children and parents receive matching name and pick-up tags with security codes "to ensure their safety in our ministries."

80. On the same website, the Institutional Defendants represented that the preschool ministry "strive[s] to create an environment that is safe and fun for your child," and that the nursery ministry lovingly cares for "every baby & toddler entrusted to our care."

81. The Academy, in turn, represented that its administration and faculty are "committed to fulfilling [its] mission to assist parents in the education of their children" in a "Christ-centered environment."

82. These representations were false.

83. All volunteers were not background checked and trained.

84. A registered sex offender occupied a volunteer position of unrestricted daily access to the children.

85. The Academy had been cited by the State on multiple occasions for failing to complete required background checks.

86. And the environment the Institutional Defendants represented as "safe" was one in which a convicted child-sex offender was permitted to work among, and interact daily with, infants, toddlers, and preschoolers.

87. The Institutional Defendants made these representations with knowledge of their falsity, or with reckless disregard for whether they were true, and with the intent that parents, including Jane Doe, would rely upon them in enrolling their children and paying tuition. Jane Doe did so rely.

PRIOR NOTICE, ACTUAL KNOWLEDGE, AND THE TOTAL ABSENCE OF CARE

88. The harm to R.K. and to Jane Doe was foreseeable because the Institutional Defendants and the individual Defendants had actual knowledge of the very danger that caused it.

89. Nearly twenty years before the events giving rise to this action, in or about August 2005, the Church, then operating under its former name, Pawleys Island Baptist Church, and its then-pastor were named as defendants in a civil action alleging negligence in connection with a youth director who was later accused of sexually assaulting a minor.

90. Upon information and belief, that action alleged that the Church failed to conduct background checks and failed to contact the youth director's prior employers before placing him in a position of access to children.

91. The 2005 action placed the Church on direct and unmistakable notice, two decades ago, that a failure to screen and supervise the persons it places around children produces the foreseeable risk of the sexual exploitation of those children.

92. Upon information and belief, the South Carolina Division of Early Care and Education cited Pawleys Island Christian Academy for failing to comply with staff background-check requirements in three separate reviews, in February 2024, in March 2024, and again in March 2026, including findings that unqualified caregivers lacked required SLED/FBI and Central Registry background checks prior to hire.

93. Those repeated State citations placed the Institutional Defendants on direct and particularized notice that their background-check and screening practices were deficient and that children were being placed in the care of unscreened adults.

94. Warren Perry was convicted in Georgetown County in 2023 of the sexual exploitation of a minor, for conduct committed in 2020, and became, and remains, a registered sex offender.

95. Upon information and belief, Perry occupied his custodial position at the Academy beginning in or about 2021 and continuing through July 2026, and had unrestricted, daily, in-person access to the children enrolled at the Academy throughout that period.

96. Upon information and belief, Perry's conviction and status as a registered sex offender were actually known to the leadership of the Church and the Academy, including Pastor Williams and Director Howard, for years.

97. Upon information and belief, Pastor Williams personally provided a character reference on Perry's behalf to the South Carolina Department of Probation, Parole, and Pardon Services, and Perry was approved to work at the Church based in part upon that pastoral reference, an affirmative act by which the Church's own senior pastor facilitated the placement of a registered sex offender among the children.

98. Upon information and belief, the Academy affirmatively advertised, by an email distributed to families, an auction in which a child could win the opportunity to spend a workday assisting the Academy's two custodians, one of whom was Perry, thereby offering a child's unsupervised time with a registered sex offender as a prize.

99. Upon information and belief, a teacher at the Academy confronted school administration about a registered sex offender working among the children.

100. Rather than remove Perry, the administration responded that Perry “has rehabilitated himself” and that judging him was “not a Christian thing to do,” and the teacher who raised the concern was thereafter forced out of her position.

101. The response of the Institutional Defendants and the individual Defendants to actual knowledge of a registered sex offender among the children, to keep him in place, to vouch for him, to advertise a child’s time with him as a prize, to invoke religion to deflect a teacher’s warning, and to force out the person who raised the alarm, was not mere negligence.

102. It was a conscious failure to exercise even slight care for the safety of the children, amounting to gross negligence, recklessness, and a total absence of care.

103. Had the Institutional Defendants and the individual Defendants, at any point across the years Perry occupied his position, removed him, restricted his access, completed the background checks required by law, heeded the teacher’s warning, or disclosed the danger to the parents, the harm to R.K. and to Jane Doe would not have occurred.

FACTUAL ALLEGATIONS AS TO R.K. AND JANE DOE

104. Upon information and belief, Jane Doe enrolled her son R.K. at Pawleys Island Christian Academy no later than September 2025, when R.K. was three years old, in reliance on the Institutional Defendants’ representations that the Academy was a safe environment and that all of those placed around the children were background checked and trained.

105. R.K. turned four years old in early 2026, and was, upon information and belief, enrolled in the Academy’s program for three-year-old children through the time this scandal became public in July 2026.

106. Throughout the period of R.K.'s enrollment, Perry, a registered sex offender, occupied his custodial position at the Academy and had unrestricted, daily access to the children, including R.K.

107. Jane Doe paid tuition and enrollment fees to the Institutional Defendants for the care and education of R.K. throughout the period of his enrollment.

108. Neither the Church, nor the Academy, nor Pastor Williams, nor Ginny Williams, nor Director Howard, nor any Elder disclosed to Jane Doe, at the time of R.K.'s enrollment or at any time thereafter, that a registered sex offender occupied a position of daily access to the children of the Academy, or that the Academy had been repeatedly cited by the State for background-check failures.

109. As a direct and proximate result of the Defendants' negligent, grossly negligent, and reckless acts and omissions, R.K. was exposed, daily and over a period of years, to a registered sex offender in the very place his mother was told he would be safe.

110. As a further direct and proximate result of the Defendants' acts and omissions, and of the abrupt collapse of the Academy environment when the scandal became public, including the resignations of the Senior Pastor, his wife, the Academy Director, and members of the Church leadership, R.K.'s routine, stability, and sense of security were destroyed, and he has suffered and will continue to suffer developmental disruption, emotional dysregulation, behavioral regression, and psychological harm.

111. Because of R.K.'s age, the full extent of what was done to him, or in his presence, during the years a registered sex offender had daily access to him cannot be known, and he requires, and will require, specialized forensic, developmental, and psychological evaluation and treatment to assess and address the harm he has sustained.

112. As a direct and proximate result of the Defendants' negligent, grossly negligent and reckless acts and omissions, Jane Doe has suffered and will continue to suffer severe emotional distress, including the permanent anguish of never being able to know what her defenseless child was exposed to, or subjected to, in the care of those she trusted and paid to keep him safe.

CHARITABLE IMMUNITY, RECKLESSNESS, AND MULTIPLE OCCURRENCES

113. Upon information and belief, the Institutional Defendants will claim to be charitable organizations entitled to the limited charitable immunity provided by the South Carolina Solicitation of Charitable Funds Act, S.C. Code Ann. § 33-56-180, which incorporates the limitations on liability set forth in the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-10, et seq.

114. Any such charitable immunity does not bar or cap the recovery sought herein, for multiple, independent reasons.

115. First, under S.C. Code Ann. § 33-56-180, the bar on recovery against an employee, officer, or agent of a charitable organization is removed, and the individual is subject to liability, where it is alleged and proved that the individual acted in a reckless, willful, or grossly negligent manner.

116. Plaintiff alleges that each individual Defendant, Pastor Williams, Ginny Williams, Director Howard, and each Elder, acted in a reckless, willful, and grossly negligent manner, and each is therefore individually liable without limitation.

117. Second, the conduct alleged herein, knowingly placing and keeping a registered sex offender in a position of daily access to children, vouching for him to probation authorities, advertising a child's time with him as a prize, invoking religion to deflect a teacher's warning, forcing out the teacher who raised the alarm, and falsely representing to parents that the children

were safe, is not conduct undertaken in furtherance of any legitimate charitable purpose, and falls outside the protection of the charitable immunity statute.

118. Third, under S.C. Code Ann. § 15-78-30, an “occurrence” is defined as “an unfolding sequence of events which proximately flow from a single act of negligence.”

119. Each separate negligent, grossly negligent, and reckless act or omission that contributed to the harm alleged herein constitutes a separate occurrence, within the meaning of the Tort Claims Act as incorporated by the Charitable Immunity Act and within the meaning of any applicable liability insurance policy or policies, supporting separate recoveries that may be stacked in the aggregate.

120. The separate occurrences pled herein include, without limitation, the following, each of which is a separate unfolding sequence of events proximately flowing from a distinct act of negligence, gross negligence, or recklessness:

- a. The placement of Perry, a registered sex offender, in a position of access to the children;
- b. The retention of Perry in that position after actual knowledge of his conviction and registry status;
- c. The provision by Pastor Williams of a character reference facilitating Perry’s approval to work at the Church;
- d. The repeated failures to complete the background checks required by State childcare-licensing law, as cited in February 2024, March 2024, and March 2026;
- e. The advertising of an auction offering a child’s workday with the custodians, including Perry;
- f. The failure to act upon, and the deflection of, the teacher’s warning about Perry, and the forcing out of that teacher;
- g. The failure to disclose to Jane Doe and other parents the presence of a registered sex offender and the Academy’s background-check failures; and,
- h. Each separate false representation of safety made to Jane Doe and other parents.

121. Plaintiff has identified multiple breaches of duty presently known, and discovery will reveal others.

122. Plaintiff reserves the right to prove, and to have the finder of fact determine, the number of occurrences.

**FIRST CAUSE OF ACTION
(Negligence, Gross Negligence, and Recklessness — As to All Defendants)**

123. Plaintiff repeats and realleges each preceding paragraph of this Complaint as if fully set forth herein verbatim.

124. At all relevant times, the Defendants owed R.K. and Jane Doe the duties of care set forth above, including the affirmative, non-delegable duty to supervise, protect, and safeguard R.K. from foreseeable harm while he was in the Institutional Defendants' custody and care.

125. Defendant Perry, as a person vested by the Institutional Defendants with a position of access to the children, owed the children, including R.K., a duty to exercise reasonable care in the performance of that role, including the duty to disclose his status, to decline access to children he was prohibited from being near, and to refrain from the improper, boundary-violating conduct of a registered sex offender accepting unrestricted access to infants and toddlers.

126. Perry, acting within the course and scope of, and under the guise of performing, the volunteer duties in which the Institutional Defendants placed him, performed that role in a negligent, grossly negligent, and reckless manner.

127. The Institutional Defendants and the individual Defendants breached the duties owed to R.K. and Jane Doe in a negligent, grossly negligent, and reckless manner, amounting to a conscious failure to exercise even slight care, in one or more of the following respects, each of which was a direct and proximate contributing cause of the injuries sustained:

- a. In placing a known registered sex offender in a position of unrestricted daily access to the children in their care;
- b. In retaining that registered sex offender in that position after actual knowledge of his conviction and registry status;
- c. In failing to complete the criminal-history and sex-offender-registry background checks required by South Carolina childcare-licensing law;
- d. In failing to supervise, monitor, or restrict the access of Perry, or any adult on the premises, to the children;
- e. In failing to protect R.K., a vulnerable child, from exposure to a known danger;
- f. In failing to receive, investigate, and act upon the teacher's warning concerning Perry, and in retaliating against her instead;
- g. In failing to report the presence of a registered sex offender among the children to the appropriate authorities, and in failing to report suspected child abuse and neglect as required by S.C. Code Ann. § 63-7-310;
- h. In failing to disclose the danger to Jane Doe and other parents; and,
- i. In such other particulars as the evidence may reveal through discovery.

128. The failures of the Defendants, in their cumulative effect and in light of the actual prior notice set forth above, amounted to a total absence of care for the safety of R.K.

129. As a direct and proximate result of the negligence, gross negligence, and recklessness of the Defendants, R.K. and Jane Doe have suffered and will continue to suffer the injuries and damages set forth herein.

130. Plaintiff is entitled to judgment against the Institutional Defendants for all actual, compensatory, and consequential damages, and against Defendants Don Williams, Ginny Williams, Niki Howard, each Elder, and Warren Perry for actual, compensatory, consequential, and punitive damages, in amounts to be determined by the finder of fact.

SECOND CAUSE OF ACTION
(Negligence, Gross Negligence, and Recklessness — Negligent Hiring, Retention,
Supervision, and Training —
As to the Institutional Defendants, Don Williams, Niki Howard, and the Elder Defendants)

131. Plaintiff repeats and realleges each preceding paragraph of this Complaint as if fully set forth herein verbatim.

132. Under South Carolina law, an institution owes a duty of reasonable care in the screening, hiring, placement, retention, supervision, and training of those, whether employees or volunteers, whom it places in positions of access to and authority over others.

133. That duty is at its highest where those subject to the placement are infants, toddlers, and preschoolers entrusted to a licensed childcare facility.

134. The Institutional Defendants, Pastor Williams, Director Howard, and the Elder Defendants breached that duty in a negligent, grossly negligent, and reckless manner, in one or more of the following respects:

- a. In failing to conduct, and in repeatedly failing to complete, the criminal-history and sex-offender-registry background checks required by law, as cited by the State in February 2024, March 2024, and March 2026;
- b. In placing and retaining Perry, a registered sex offender, in a position of access to the children;
- c. In affirmatively facilitating Perry's placement, including by the Senior Pastor's provision of a character reference to probation authorities on Perry's behalf;
- d. In failing to supervise and monitor Perry's access to and interactions with the children;
- e. In failing to train staff and volunteers in the recognition and reporting of danger to children, in mandatory-reporting obligations, and in child-protection practices;
- f. In retaining Perry after the teacher's warning, and in forcing out the teacher who warned; and,
- g. In such other particulars as the evidence may reveal through discovery.

135. The retention and supervision failures alleged herein were made with actual or constructive knowledge of the danger Perry posed and of the Institutional Defendants' own screening deficiencies, and constitute negligence, gross negligence, recklessness, and willful and wanton conduct.

136. As a direct and proximate result, R.K. and Jane Doe have suffered and will continue to suffer the injuries and damages set forth herein.

137. Plaintiff is entitled to judgment against the Institutional Defendants for actual, compensatory, and consequential damages, and against Don Williams, Niki Howard, and each Elder individually for actual, compensatory, consequential, and punitive damages, in amounts to be determined by the finder of fact.

THIRD CAUSE OF ACTION
(Negligent Misrepresentation — As to the Institutional Defendants, Don Williams, and Niki Howard)

138. Plaintiff repeats and realleges each preceding paragraph of this Complaint as if fully set forth herein verbatim.

139. The Institutional Defendants, Pastor Williams, and Director Howard, in the course of their operation of a tuition-based childcare and educational enterprise and in transactions in which they had a pecuniary interest, made affirmative representations to Jane Doe and to other enrolling and prospective parents concerning the safety of the children and the screening of those placed around them, including the representation that “[a]ll PICC Kids volunteers are background checked and trained” and that the environment was “safe” for “your child.”

140. Those representations were false in material respects, in that all volunteers were not background checked and trained, a registered sex offender occupied a position of daily access to the children, and the Academy had been repeatedly cited for background-check failures.

141. The Institutional Defendants, Pastor Williams, and Director Howard made those representations without exercising the reasonable care or competence expected of an institution operating a licensed childcare facility for infants, toddlers, and preschoolers, in obtaining or communicating the true state of their screening and safety practices.

142. The Institutional Defendants, Pastor Williams, and Director Howard intended that Jane Doe, and other parents would rely on those representations in deciding whether to enroll their children and to pay tuition.

143. Jane Doe justifiably and reasonably relied on those representations in enrolling R.K. and in paying tuition and enrollment fees.

144. But for those representations, Jane Doe would not have enrolled R.K. at the Academy.

145. As a direct and proximate result of the negligent misrepresentations, Plaintiff has suffered pecuniary loss, including the tuition and fees paid to the Institutional Defendants, the cost of past and future evaluation and care for R.K., and other consequential and special damages.

146. Plaintiff is entitled to judgment against the Institutional Defendants, Don Williams, and Niki Howard for actual, compensatory, and consequential damages in amounts to be determined by the finder of fact.

FOURTH CAUSE OF ACTION
(Breach of Contract and Breach of the Implied Covenant of Good Faith and Fair Dealing
As to the Institutional Defendants, On Behalf of Jane Doe)

147. Plaintiff repeats and realleges each preceding paragraph of this Complaint as if fully set forth herein verbatim.

148. Plaintiff Jane Doe, on behalf of and for the benefit of her minor child R.K., entered into an agreement with the Institutional Defendants for the enrollment, care, supervision, protection, and education of R.K. in exchange for the payment of tuition and enrollment fees.

149. The agreement is reflected in, and includes, the Institutional Defendants' written enrollment documents, parent handbooks and policies, website representations, admissions communications, and the implied covenant of good faith and fair dealing inherent in the contractual relationship.

150. Under the terms of the agreement, the Institutional Defendants were required to provide a safe environment for R.K., to screen and background-check those placed around him, to supervise and protect him, and to comply with the safety representations they made to induce enrollment.

151. Jane Doe fully performed her obligations under the agreement by paying all tuition and fees as required.

152. The Institutional Defendants breached the agreement by, among other things, placing and retaining a registered sex offender in a position of access to R.K., failing to complete required background checks, failing to provide the safe environment they promised, failing to supervise and protect R.K., deviating from the standards of care and service as represented to and understood by Jane Doe, and breaching the implied covenant of good faith and fair dealing.

153. As a direct and proximate result of the breach, Jane Doe has suffered injury and damages, including the tuition and fees paid to the Institutional Defendants and the consequential damages flowing from the breach.

154. Plaintiff Jane Doe is entitled to judgment against the Institutional Defendants for actual and consequential damages in amounts to be determined by the finder of fact.

FIFTH CAUSE OF ACTION
(Violation of the South Carolina Unfair Trade Practices Act
S.C. Code Ann. § 39-5-10, et seq.
As to the Institutional Defendants)

155. Plaintiff repeats and realleges each preceding paragraph of this Complaint as if fully set forth herein verbatim.

156. The Institutional Defendants are engaged in trade or commerce within the meaning of the South Carolina Unfair Trade Practices Act, in that they sell childcare, custodial, and educational services to families in exchange for tuition and fees, and market those services to the public through their website, marketing materials, and admissions communications.

157. The Institutional Defendants engaged in unfair and deceptive acts or practices in the conduct of that trade or commerce, including, without limitation:

- a. Representing that their childcare and educational services have characteristics and benefits they do not have, specifically, representing that the environment is “safe” and that “[a]ll PICC Kids volunteers are background checked and trained,” when a registered sex offender occupied a position of daily access to the children and the Academy had been repeatedly cited for background-check failures; and,
- b. Engaging in deceptive conduct creating a likelihood of confusion or misunderstanding by representing that appropriate safeguards and screening protected the children when they did not.

158. The unfair and deceptive conduct of the Institutional Defendants adversely affects the public interest, in that the same representations were made to all enrolling and prospective families, the conduct is capable of repetition, and it has the capacity to harm the public at large.

159. As a direct and proximate result, Plaintiff has suffered an ascertainable loss of money and property, and is entitled to recover actual damages, treble damages, and reasonable attorney fees and costs pursuant to S.C. Code Ann. § 39-5-140.

SIXTH CAUSE OF ACTION
(Reckless Infliction of Emotional Distress
As to the Institutional Defendants, Don Williams, Niki Howard, the Elder Defendants, and
Warren Perry)

160. Plaintiff repeats and realleges each preceding paragraph of this Complaint as if fully set forth herein verbatim.

161. The Defendants recklessly inflicted severe emotional distress upon R.K. and upon Jane Doe by their conduct alleged herein, and it was reckless, and substantially certain, that severe emotional distress would result from that conduct.

162. The conduct of the Defendants, knowingly placing and keeping a registered sex offender in a position of daily access to infants, toddlers, and preschoolers; the Senior Pastor's vouching for that offender to probation authorities; advertising a child's workday with that offender as an auction prize; invoking religion to deflect a teacher's warning and forcing out the teacher who raised it; and representing to paying parents that their children were safe, is extreme and outrageous and exceeds all possible bounds of decency.

163. The Defendants' conduct caused R.K. severe emotional distress, manifesting in objectively verifiable psychological and behavioral symptoms, and caused Jane Doe severe emotional distress, including the permanent anguish of never being able to know what her defenseless child was exposed or subjected to in the Defendants' care, distress so severe that no reasonable person could be expected to endure it.

164. As a direct and proximate result, Plaintiff is entitled to judgment against the Institutional Defendants for actual and compensatory damages, and against Don Williams, Niki Howard, each Elder, and Warren Perry for actual, compensatory, and punitive damages, in amounts to be determined by the finder of fact.

**SEVENTH CAUSE OF ACTION
(Direct Corporate and Institutional Negligence, Malfeasance, and Ratification
As to the Institutional Defendants and the Elder Defendants)**

165. Plaintiff repeats and realleges each preceding paragraph of this Complaint as if fully set forth herein verbatim.

166. The harm to R.K. and Jane Doe was not caused by the acts or omissions of any single actor in isolation.

167. It was caused by an institution-wide failure at the governance level of the Church and the Academy to identify, disclose, and remediate a known and recurring danger to the children in their care.

168. A non-profit corporation that operates a licensed childcare facility for minor children owes those children, and their parents, a non-delegable corporate duty, exercised through its Elder Board, its officers, and its institutional policymakers, to identify, evaluate, disclose, and remediate known and foreseeable risks of harm within the institution.

169. Under S.C. Code Ann. § 33-31-830, each director of a non-profit corporation owes the duties of good faith and ordinary care in the discharge of that governance role.

170. The Institutional Defendants and the Elder Defendants have been on actual, repeated, and unmistakable notice of the danger that caused the harm alleged herein, including through the 2005 Pawleys Island Baptist Church negligence action, the repeated State background-check citations of 2024 and 2026, the actual knowledge within Church leadership of Perry's conviction and registry status, and the teacher's direct warning.

171. Despite that notice, the Institutional Defendants and the Elder Defendants failed to conduct any meaningful governance-level investigation, failed to complete the background checks required by law, failed to remove or restrict Perry, failed to disclose the danger to parents, and

failed to remediate the institutional practices that permitted a registered sex offender to remain among the children.

172. The Institutional Defendants' and the Elder Defendants' continuing course of conduct, including their continued representation that the environment was "safe" and their continued failure to disclose and remediate the danger, amounts to a ratification, by the corporate entity and by the governing body that exercises continuous corporate control over it, of the very acts and omissions that caused the harm.

173. The conduct of the Elder Defendants alleged herein is grossly negligent, reckless, willful, and wanton, undertaken in flagrant indifference to the rights and safety of R.K. and the other children entrusted to the Institutional Defendants' care, and is not immunized by the South Carolina Nonprofit Corporation Act.

174. As a direct and proximate result, R.K. and Jane Doe have suffered and will continue to suffer the injuries and damages set forth herein, and the corporate and governance conduct alleged supports an award of punitive damages sufficient to deter the Institutional Defendants, the Elder Defendants, and other similarly situated institutions from operating childcare facilities for children without remediating known and recurring dangers.

175. Plaintiff is entitled to judgment against the Institutional Defendants for actual and compensatory damages, and against each Elder individually and in his or her representative capacity for actual, compensatory, and punitive damages, in amounts to be determined by the finder of fact.

EIGHTH CAUSE OF ACTION
(Necessaries As to All Defendants On Behalf of Jane Doe, Individually)

176. Plaintiff repeats and realleges each preceding paragraph of this Complaint as if fully set forth herein verbatim.

177. As the parent of R.K., Plaintiff Jane Doe is, and has been, legally responsible for the care, medical treatment, evaluation, counseling, and necessities of her minor child during his minority.

178. As a direct and proximate result of the negligent, grossly negligent, and reckless acts and omissions of the Defendants alleged herein, Jane Doe has incurred, and will continue to incur, substantial expenses for the specialized forensic, developmental, psychological, and medical evaluation and treatment of R.K., together with related expenses for transportation, lost time and wages, and the provision of extraordinary care.

179. If R.K. is under a disability, Jane Doe may be required to provide such care for an undetermined length of time after R.K. reaches the age of majority.

180. Plaintiff Jane Doe is entitled to recover from the Defendants, jointly and severally to the extent permitted by law, all economic damages flowing from her necessities obligation, in an amount to be determined by the finder of fact.

DAMAGES

181. As a direct and proximate result of the acts and omissions of the Defendants alleged herein, R.K. has suffered and will continue to suffer damages including, without limitation: substantial psychiatric, psychological, developmental, and evaluation expenses; disability requiring ongoing care; developmental disruption and regression; substantial injury to his psyche and emotional state; and loss of enjoyment of life.

182. As a direct and proximate result of the acts and omissions of the Defendants alleged herein, Jane Doe has suffered and will continue to suffer damages including, without limitation: the tuition and fees paid to the Institutional Defendants; the past and future evaluation,

psychological, and medical expenses for R.K.; the severe emotional distress and permanent anguish described herein; transportation and related expenses; and lost wages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for judgment against the Defendants as follows:

- a. For actual, compensatory, and consequential damages against all Defendants, in amounts to be determined by the finder of fact, with the number of occurrences to be determined as alleged herein;
- b. For punitive damages against Defendants Don Williams, Ginny Williams, Niki Howard, each Elder Defendant, and Warren Perry, in amounts to be determined by the finder of fact;
- c. For treble damages and reasonable attorney's fees and costs pursuant to the South Carolina Unfair Trade Practices Act, S.C. Code Ann. § 39-5-140;
- d. For the economic damages of Plaintiff Jane Doe on her individual claim for necessities;
- e. For the costs and disbursements of this action; and,
- f. For such other and further relief as this Honorable Court may deem just and proper.

Plaintiff hereby demands a trial by jury on all issues so triable.

MCGOWAN, HOOD, FELDER & PHILLIPS,
LLC

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July 21, 2026
Rock Hill, South Carolina

FITSNEWS