

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY) IN THE COURT OF COMMON PLEAS
) FIFTEENTH JUDICIAL CIRCUIT
) CIVIL ACTION NO.: 2019-CP-26-_____

Kennedy Neiderer,)
)
) Plaintiff,)
)
) -vs-)
)
) Thomas Real Estate, Incorporated, and)
) James H. Benson, Sr.,)
)
) Defendants.)

S U M M O N S

TO: ABOVE-NAMED DEFENDANT

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 responsive pleading to said Complaint upon the subscriber, Harris & Leonard, P.A., located at 12303 Highway 707, Suite C, Murrells' Inlet SC 29576, within thirty (30) days of service hereof upon you, exclusive of the day of such service, and, should you fail to answer the Complaint within the time aforesaid, the Plaintiff shall apply to the Court for the relief sought in the Complaint.

HARRIS & LEONARD, P.A.

s/Charles V. Leonard
SC Bar No.: 64072
Attorney for Plaintiff
12303 Highway 707, Suite C
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Date: October 25, 2019

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Kennedy Neiderer,)
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COMPLAINT

(Negligence)

*** Jury Trial Requested ***

NOW COMES the Plaintiff, above-named, complaining of the Defendants, above-named, and does allege and show unto this Honorable Court as follows:

PARTIES

- 1. That the Plaintiff is a citizen and resident of the County of Horry, State of South Carolina.
- 2. That Defendant, Thomas Real Estate Incorporated, is upon and information and belief, a corporation organized and existing pursuant to South Carolina law, and at all times relevant hereto, conducted business within the County of Horry, State of South Carolina.
- 3. That Defendant, James H. Benson, Sr., is, upon information and belief, a citizen and resident of the City of Little River, State of South Carolina, and owns property in Horry County, South Carolina.

JURISDICTION

- 4. That this Honorable Court has jurisdiction of the parties and the subject matter herein set forth.

FACTS

5. That Defendant Thomas Real Estate, Incorporated is the rental agency for the house located at 205 12th Avenue North, North Myrtle Beach SC 29582 (hereinafter referred to as “property”).

6. That Defendant James H. Benson, Sr. is the owner of the property.

7. That on or about 7th of June 2017, the Plaintiff and her family rented the property through Thomas Real Estate, Incorporated for a week long stay.

8. That during the Plaintiff’s stay at the property, she found numerous dead and dying bats in the entryway beside the living room.

9. That Plaintiff came into contact with possibly rabies-infected bats while she slept in the living room area of the property.

10. That Defendants knew of the dangerous condition of the property at which the Plaintiff was staying, as a prior renter reported the bat infestation, a colony exceeding 200 live bats, to DHEC and at least one of the bats was found to have rabies.

11. That Defendants have a duty to inspect and maintain the property and took no action to remove the bats prior to the Plaintiff’s stay.

12. That Plaintiff had to undergo numerous painful and disruptive rabies vaccinations.

FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANTS
-NEGLIGENCE-

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

a. In allowing a renter into the property when Defendants knew there was a bat

infestation;

- b. In failing to inspect the property prior to renting it to the Plaintiff;
- c. In failing to warn the Plaintiff of the potential danger of staying in the rental property.
- d. In failing to maintain the property; and
- e. In failing to use the degree of care and caution that a reasonable and prudent person would have used under the circumstances then and there prevailing - all of which were the direct and proximate cause of the damages and injuries suffered by the Plaintiff herein, said acts being in violation of the statutory and common laws of the State of South Carolina.

14. That as a result of the aforesaid incident, the Plaintiff, suffered great physical harm and injury - all of which have and will in the future cause the Plaintiff to undergo much physical pain and suffering; has caused the Plaintiff to have to spend large amounts of money for medical treatment and services; has caused the Plaintiff to suffer lost wages; and has and will in the future cause the Plaintiff to suffer trauma, anxiety, annoyance, whole body impairment, inconvenience, and travel -- all to the Plaintiff's general damage and detriment.

15. That by reason of the acts of the Defendants as set forth above, the Plaintiff is informed and believes that she is entitled to an award of actual damages in a reasonable amount, together with punitive damages in an appropriate amount, and for the costs of this action.

PRAYER

WHEREFORE, the Plaintiff prays for judgment against the Defendants for actual damages,

for punitive damages in an appropriate amount, for the costs of this action, and for such other and further relief as this Court might deem just and proper.

Respectfully submitted,

HARRIS & LEONARD, P.A.

s/Charles V. Leonard

SC Bar No.: 64072

Attorney for Plaintiff

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