

STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)
)
April Tuten,)
)
Plaintiff,)
)
v.)
)
Larry Crosby and Billy Brazzle,)
)
Defendants.)

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO.: 2025-CP-15-

SUMMONS
(Jury Trial Requested)

TO THE DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this Complaint upon the subscriber, at P.O. Box 487 Hampton, SC 29924, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint, judgment by default will be rendered against you for the relief demanded in the Complaint.

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ATTORNEYS FOR PLAINTIFF

December 4, 2025
Hampton, South Carolina

STATE OF SOUTH CAROLINA)
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COUNTY OF COLLETON)
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April Tuten,)
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Plaintiff,)
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Larry Crosby and Billy Brazzle,)
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IN THE COURT OF COMMON PLEAS
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COMPLAINT
(Jury Trial Requested)

Plaintiff alleges:

1. Plaintiff, April Tuten, is a citizen and resident of Hampton County, South Carolina.
2. Defendant, Larry Crosby, is upon information and belief, a citizen and resident of Colleton County, South Carolina and is the owner of the property located at 4742 Cane Branch Road, Walterboro, South Carolina 29488 (“the subject property”).
3. Defendant, Billy Brazzle, is upon information and belief, a citizen and resident of Colleton County, South Carolina and was at the time of the subject incident, a tenant who rented and occupied the subject property located at 4742 Cane Branch Road, Walterboro, South Carolina 29488.
4. The subject incident complained of herein, as well as the acts and omissions alleged to give rise to the incident, occurred within the County of Colleton and therefore, venue and jurisdiction are proper with this Court.
5. On or about December 13, 2023, Defendant Brazzle owned, kept, controlled and cared for a dog at the subject property.
6. At the same date and time, Plaintiff was delivering a package to the delivery box located on the subject property when suddenly and without warning, Defendant Brazzle’s unfenced and unsupervised dogs bit and attacked Plaintiff.

7. As a result of Defendant Bazzle's dogs biting Plaintiff, Plaintiff sustained severe injuries, including personal injuries, physical pain, scarring, fear, emotional distress, and mental anguish.

8. The direct and proximate cause of the subject incident and Plaintiff's damages was due to the negligent and careless conduct of Defendants in the following particulars:

- a. In keeping a vicious and/or dangerous animals, without due concern for the safety of Plaintiff, or other similarly situated persons;
- b. In failing to keep the dog and/or the dog's environment under proper restraints;
- c. In allowing the dogs to attack Plaintiff;
- d. In having the dogs unrestrained when he knew, or should have known, that it had the propensity to bite people;
- e. In allowing the dogs to be unrestrained without concern for the safety and well-being of others, including Plaintiff;
- f. In failing to stop the attack once the dogs attacked Plaintiff;
- g. In failing to properly restrain the dogs;
- h. In failing to keep proper control of the dogs;
- i. In violating the laws, statutes and ordinances of the State of South Carolina, including the dog bite statute;
- j. In failing to exercise proper care in the possession, maintenance and control of the dogs;
- k. In failing to use that degree of care that a reasonable, prudent person would have exercised under the same and similar circumstances; and
- l. In any other particulars as the evidence may show.

SECOND CAUSE OF ACTION
(Strict Liability)

9. Each and every allegation contained in the preceding paragraphs are incorporated as if repeated verbatim herein.

10. Plaintiff was lawfully delivering a package in the designated delivery box located at the front of the premises when Defendant Bazzle's unprovoked dogs left the subject property and bit Plaintiff.

11. Pursuant to S.C. Code Ann. § 47-3-110, Defendant Bazzle is strictly liable for the injuries caused by the aforementioned dog bites.

THIRD CAUSE OF ACTION
(Dangerous Animal – S.C. Code Ann. § 47-3-730)

12. Each and every allegation contained in the preceding paragraphs are incorporated as if repeated verbatim herein.

13. Defendant Bazzle had a duty to keep its animals properly restrained from attacking and biting persons pursuant to S.C. Code Ann. § 47-3-730.

14. Defendant Bazzle failed to keep its dangerous animals properly restrained, resulting in Plaintiff sustaining severe and permanent injuries.

15. As a proximate result of and in consequence of the aforementioned negligent, reckless, careless, willful, wanton and grossly negligent conduct of Defendants, Plaintiff suffered the injuries and losses complained of herein and Defendants are liable to Plaintiff for actual damages and punitive damages, in an appropriate amount and for the costs of this action.

FOURTH CAUSE OF ACTION
(Negligence- Premise Liability)

16. Each and every allegation contained in the preceding paragraphs are incorporated as if repeated verbatim herein.

17. At all times material hereto, Defendant Crosby owned, controlled, and/or maintained the Subject Property.

18. At all times material hereto, Defendant Crosby owed a duty to Plaintiff and to the general public to maintain the Subject Property in a reasonably safe condition and to warn of or protect against dangerous conditions on the Subject Property, including dangerous animals kept thereon.

19. As the owner of the Subject Property, Defendant Crosby had the right and ability to control the conditions of the premises, including the right to regulate what animals could be kept on the property and under what conditions.

20. Defendant Crosby knew or in the exercise of reasonable care should have known that Defendant Bazzle was keeping dangerous dogs on the Subject Property.

21. Defendant Crosby knew or in the exercise of reasonable care should have known of the subject dogs' dangerous propensities and the risk the dogs posed to others.

22. Defendant Crosby breached said duty by one or more of the following acts and/or omissions:

- a. Failing to ensure that the Subject Property was maintained in a reasonably safe condition;
- b. Allowing dangerous dogs to be kept on the Subject Property without adequate safeguards;
- c. Failing to inspect the Subject Property to determine whether dangerous conditions, including dangerous animals, existed;
- d. Failing to require Defendant Bazzle to properly restrain and control the subject dogs;
- e. Failing to require the removal of the dangerous dogs from the Subject Property;
- f. Failing to adopt, implement, or enforce reasonable rules, regulations, or lease provisions regarding the keeping of dogs on the Subject Property;
- g. Failing to warn Plaintiff and others of the presence of dangerous dogs on the Subject Property;
- h. Otherwise acting negligently in the ownership, control, and maintenance of the Subject Property; and
- i. In any other particulars as the evidence may show.

WHEREFORE, Plaintiff prays for judgment against the Defendants for actual damages, together with punitive damages in an appropriate amount, for the costs of this action, and for such other and further relief as the Court may deem just and proper.

