

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

DANIEL JESSIE DEW,)
)
Plaintiff,)
)
-versus-)
)
ANDREW D. LANIER and)
D T TRANSPORT. LLC,)
)
Defendants.)
_____)

IN THE COURT OF COMMON PLEAS
CASE NO.: 2022-CP-40-_____

SUMMONS
JURY TRIAL DEMANDED

TO: THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your Answer to said Complaint on the below subscribed attorney at his office at 665 Coleman Blvd., Mount Pleasant, SC 29465 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, the Plaintiff in this action will apply to the Court for the relief demand in this action.

ATTORNEY FOR THE PLAINTIFF
MAX SPARWASSER LAW FIRM, LLC

s/ Max C. Sparwasser
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Mount Pleasant, South Carolina
March 1, 2022

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF RICHLAND)	CASE NO.: 2022-CP-40-_____
)	
DANIEL JESSIE DEW,)	
)	
Plaintiff,)	
)	
-versus-)	<u>COMPLAINT</u>
)	JURY TRIAL DEMANDED
ANDREW D. LANIER and)	
D T TRANSPORT. LLC,)	
)	
Defendants,)	
_____)	

THE PLAINTIFF complaining of the Defendants, alleges and says as follows:

1. The Plaintiff is a citizen and resident of the State of South Carolina, County of Berkeley.
2. Upon information and belief, Defendant Andrew Lanier is a citizen and resident of the State of South Carolina, County of Richland.
3. Upon information and belief, Defendant Andrew D. Lanier, at all times relevant to this action, is the owner/registered agent of D T Transport. LLC.
4. Upon information and belief, Defendant D T Transport. LLC, is a business, in good standing, registered in the State of South Carolina.
5. The accident, which is the subject of this action, occurred in the County of Berkeley, State of South Carolina.
6. On September 24, 2020, Daniel Jessie Dew was operating a moped and traveling North on Hwy 17A in the far-right lane.
7. At the aforementioned date and time, Defendant Andrew D. Lanier was operating a tractor-trailer also traveling North on Hwy 17A in the far-right lane.
8. Defendant Andrew D. Lanier, in his tractor-trailer, attempted to pass Plaintiff Daniel Jessie Dew, on his moped.

9. Defendant Andrew D. Lanier knew or should have known the location of Plaintiff Daniel Jessie Dew's moped at all times while in the vicinity of Plaintiff's moped.
10. Defendant Andrew D. Lanier's tractor-trailer struck Plaintiff Daniel Jessie Dew, and Plaintiff's moped.
11. Defendant Andrew D. Lanier knew, or should have known, that he struck Plaintiff and Plaintiff's moped causing Plaintiff to crash.
12. Defendant Andrew D. Lanier then fled the scene of the collision without stopping to render aid.
13. Defendant Andrew D. Lanier was ticketed under S.C. Code § 56-5-1900 for unsafe lane change.
14. Defendant Andrew D. Lanier pled guilty, on February 8, 2022, in State v. Andrew Lanier, case number: 20202350211360, to the ticket issued for violating S.C. Code § 56-5-1900.
15. As a result of the collision, Plaintiff Daniel Jessie Dew suffered extensive injuries, and continues to suffer from injuries, including but not limited to concussion, traumatic brain injury, broken jaw, other broken bones, road rash, and other injuries.

FOR A FIRST CAUSE OF ACTION
AS TO THE DEFENDANT ANDREW D. LANIER
(NEGLIGENCE)

16. Plaintiff incorporates Paragraphs 1-15 as if the allegations were set forth fully herein.
17. Defendant Andrew D. Lanier had a duty to Plaintiff Daniel Jessie Dew to act reasonably and use due care while driving.
18. Defendant Andrew D. Lanier breached his duty to Plaintiff Daniel Jessie Dew, and Defendant Andrew D. Lanier's acts and omissions, were negligent, grossly negligent, negligent per se, careless, reckless, willful and wanton in more or one of the following particulars:

- a. In failing to maintain proper control of his tractor-trailer;
- b. In failing to maintain his vehicle in a single lane and moving from one lane to another before it could be ascertained that such movement could be made safely, in contravention of S.C. Code § 56-5-1900.
- c. In driving into another vehicle;
- d. In failing to maintain a proper lookout;
- e. In failing to properly use his brakes;
- f. In fleeing the scene after striking Plaintiff's moped;
- g. In failing to avoid colliding into the moped being operated by Plaintiff;
- h. In failing to take advantage of any last clear chance to avoid striking Plaintiff Daniel Jessie Dew, when Defendant Andrew D. Lanier saw or should have seen Plaintiff Daniel Jessie Dew's moped;
- i. In operating a motor vehicle with a reckless disregard for the rights and safety of others, and especially the rights and safety of Plaintiff;
- j. In failing to exercise that degree of care and caution which a reasonable and prudent person would have exercised under the same or similar conditions.

FOR A THIRD CAUSE OF ACTION
AS TO THE DEFENDANT D T TRANSPORT. LLC
(NEGLIGENT HIRING AND RETENTION)

19. Plaintiff incorporates Paragraphs 1-18 as if the allegations were set forth fully herein.
20. Defendant D T Transport. LLC, had a duty to use reasonable care to select an employee who was competent and fit to perform the duties required as an employee. Such duty to Plaintiff was breached.
21. Defendant D T Transport. LLC, knew, or should have known, that Defendant Andrew D. Lanier would be likely to operate a motor vehicle in a negligent and reckless manner.
22. Defendant D T Transport. LLC, knew, or should have known, that Defendant Andrew D. Lanier, was not competent or fit for the duties required of him as an employee.

23. Defendant D T Transport. LLC, breached their duty to use reasonable care to select and retain an employee that was competent and fit for the position.
24. As a result of such negligence in hiring and retaining Defendant Andrew D. Lanier, Plaintiff Daniel Jessie Dew was injured as alleged.
25. As a direct and proximate result of the negligence, negligence per se, gross negligence, carelessness, recklessness, willfulness, and wantonness, negligent entrustment, and negligent hiring and retention of the Defendant Jamal Nicholas Rice, Plaintiff Daniel Jessie Dew has suffered great physical harm. Such physical harm has caused Plaintiff to suffer physical pain, suffering and mental anguish, bills on medicine and medical services and has caused loss of income.

WHEREFORE, the Plaintiff demands judgment against the Defendants for actual and punitive damages, for the costs of this action, and for such other and further relief that this Court deems just, equitable, and proper.

ATTORNEY FOR THE PLAINTIFF
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