

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF GEORGETOWN)	CASE NO.: 2025-CP-22-
)	
DOUGLAS GAINY and)	
CONNIE GAINY,)	
)	
Plaintiffs,)	
)	SUMMONS
-vs-)	(Jury Trial Requested)
)	
DOLLAR TREE STORES, INC., BOB)	
TESTER, and BROOKSIDE)	
PROPERTIES, INC.,)	
)	
)	
Defendants.)	

TO THE 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 Answer to the Complaint upon the undersigned at 1109 Church Street, Georgetown, SC, 29440, within thirty (30) days after the service hereof, exclusive of the day of such service. If you fail to answer within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

HARMON AND FELTS, PA

s/James R. Felts, IV
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STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
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COUNTY OF GEORGETOWN)	CASE NO.: 2025-CP-22-
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DOUGLAS GAINEY and)	
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)	COMPLAINT
-vs-)	(Jury Trial Requested)
)	
DOLLAR TREE STORES, INC., BOB)	
TESTER and BROOKSIDE PROPERTIES,)	
INC.,)	
)	
)	
Defendants.)	

The Plaintiffs, complaining of the above-named Defendants, would respectfully show:

PARTIES AND JURISDICTION

1. That the Plaintiff Douglas Gainey (hereinafter referred to as Plaintiff Douglas) and Plaintiff Connie Gainey (hereinafter referred to as Plaintiff Connie) are husband and wife and are residents of the County of Georgetown, State of South Carolina.

2. Upon information and belief, Defendant Dollar Tree Stores, Inc. (hereinafter referred to as Defendant Dollar Tree) is a foreign corporation registered to do business in South Carolina and operates retail stores, including the Georgetown, South Carolina location where the incident occurred.

3. Defendant Bob Tester (hereinafter referred to as Defendant Tester), upon information and belief, is a citizen and resident of the County of Georgetown, State of South Carolina. Upon information and belief, at all times relevant to the facts of this Complaint, Defendant Tester was working as a store manager within the course and scope of his employment with Defendant Dollar Tree, and Defendant Tester is liable for these acts or omissions under the doctrine(s) of respondent superior, agency, or other negligence.

4. Upon information and belief, Defendant Brookside Properties, Inc. (hereinafter referred to as Defendant Brookside) owns, manages, or maintains the premises leased to Defendant Dollar Tree at the Georgetown, South Carolina location.

5. Venue is proper in Georgetown County pursuant to the South Carolina Code and the rules of civil procedure. Jurisdiction is proper over the parties and subject matter.

BACKGROUND FACTS

6. On February 28, 2024, Plaintiff Douglas entered the Defendant Dollar Tree store located at 1293 N. Fraser St., Georgetown, SC 29440, as a lawful business invitee.

7. While inside the store, Plaintiff Douglas fell over a box of inventory left unattended in the direct path of customer foot traffic.

8. There were no warning signs, barriers, cones, or employee supervision alerting Plaintiff Douglas to the hazard in the aisle where Plaintiff Douglas fell.

9. As a result, Plaintiff Douglas suffered a violent fall, tearing his right rotator cuff, requiring extensive and ongoing medical treatment, including shoulder surgery, physical therapy, and long-term pain management.

FOR A FIRST CAUSE OF ACTION **(Negligence as to Defendant Dollar Tree)**

10. Plaintiff Douglas realleges and incorporates the foregoing paragraphs.

11. Defendant Dollar Tree owed Plaintiffs a duty to maintain its premises in a safe condition, free of foreseeable hazards to invitees.

12. Defendant Dollar Tree breached its duty by:

- a. Leaving boxes of merchandise unattended in an active customer aisle;
- b. Failing to place warning signs or restrict customer access;
- c. Failing to monitor employee stocking activity;
- d. Failing to inspect or remedy a dangerous condition that it knew or should have known existed;

- e. In creating a dangerous condition that it knew or should have known existed;
- f. In violating relevant State and Federal consumer safety regulations/guidelines;
- g. In violating Defendant Dollar Tree's safety policies and procedures;
- h. In such other particulars as discovery may reveal.

13. As a direct and proximate result of Defendant Dollar Tree's negligence, Plaintiff Douglas suffered permanent injuries, including a traumatic rotator cuff tear, requiring surgery, rehabilitation, and ongoing treatment.

FOR A SECOND CAUSE OF ACTION
(Negligence as to Defendant Tester)

14. Upon information and belief, at all relevant times, Defendant Tester was the on-duty store manager of Dollar Tree Stores, Inc., located at 1293 N. Fraser St., Georgetown, SC 29440, responsible for ensuring the safety and maintenance of the store premises.

15. Upon information and belief, Defendant Tester exercised daily supervisory authority over Defendant Dollar Tree employees, including directing their floor hazard inspection, hazard identification and maintenance duties in general.

16. Upon information and belief, Defendant Tester had the authority and responsibility to enforce Defendant Dollar Tree's policies and procedures regarding floor inspections, hazard identification, and spill response within the store.

17. Upon information and belief, Defendant Tester was responsible for scheduling, supervising, and training employees tasked with keeping the store aisles free of debris, foreign substances, and other fall hazards.

18. Upon information and belief, Defendant Tester had the duty to ensure that inspection logs, safety checklists, and hazard reports were accurately completed and followed in accordance with Defendant Dollar Tree's internal safety standards.

19. Upon information and belief, Defendant Tester had actual and constructive knowledge of recurring trip hazards in the store, including the presence of boxes on the floor, and failed to take reasonable measures to prevent such conditions.

20. Upon information and belief, Defendant Tester personally oversaw the inspection and maintenance routines for the store and possessed the authority to direct immediate cleanup or hazard remediation when needed.

21. Upon information and belief, Defendant Tester had the power and responsibility to remove or discipline employees who failed to comply with Defendant Dollar Tree's safety protocols regarding slip and fall prevention and floor inspection.

22. Upon information and belief, Defendant Tester was required, as part of his managerial duties, to ensure that all customer-accessible areas were reasonably safe for business invitees, including Plaintiff Douglas.

23. Upon information and belief, Defendant Tester negligently failed to ensure that the floor was properly inspected and maintained on February 28, 2024, allowing a multitude of boxes on the floor in a location known to be a recurring hazard area.

24. Upon information and belief, Defendant Tester knew or should have known that unsafe conditions in the store could cause serious injuries to customers and failed to act with due care to prevent foreseeable harm.

25. Upon information and belief, by virtue of his direct authority, supervisory control, and responsibility over the store and store safety operations, Defendant Tester owed an independent duty to Plaintiff Douglas to maintain safe premises and prevent hazards within his area of control.

26. Defendant Tester breached his duty by:

- a. Leaving boxes of merchandise unattended in an active customer aisle;
- b. Failing to place warning signs or restrict customer access;
- c. Failing to monitor employee stocking activity;
- d. Failing to inspect or remedy a dangerous condition that it knew or should have known existed;
- e. In creating a dangerous condition that hw knew or should have known existed;
- f. In violating relevant State and Federal consumer safety regulations/guidelines;
- g. In violating Defendant Dollar Tree's safety policies and procedures;
- h. In such other particulars as discovery may reveal.

27. As a direct and proximate result of Defendant Tester's negligence, Plaintiff Douglas suffered permanent injuries, including a traumatic rotator cuff tear, requiring surgery, rehabilitation, and ongoing treatment.

FOR A THIRD CAUSE OF ACTION
(Negligence as to Defendant Brookside)

28. The Paragraphs set forth above are reiterated and realleged as though set forth verbatim.

29. Defendant Brookside, as property owner and/or manager, had a non-delegable duty to inspect, maintain, and ensure the safety of the premises leased to Defendant Dollar Tree.

30. Upon information and belief, Defendant Brookside was negligent in failing to:

- a. Regularly inspect the premises leased to Defendant Dollar Tree;
- b. Ensure that Defendant Dollar Tree's use of the leased premises was in compliance with safety standards;
- c. Warn Defendant Dollar Tree of or correct foreseeable hazards under its control.
- d. In such other circumstances as discovery may reveal.

31. Upon information and belief, Defendant Brookside's negligence was a direct and proximate cause of Plaintiff Douglas's injuries.

32. As a direct and proximate result of Defendant Brookside's negligence, Plaintiff Douglas suffered permanent injuries, including a traumatic rotator cuff tear, requiring surgery, rehabilitation, and ongoing treatment.

FOR A FOURTH CAUSE OF ACTION
(Loss of Consortium)

33. Plaintiffs reallege each and every allegation contained above as if set forth herein verbatim.

34. A spousal relationship existed between Plaintiff Douglas and Plaintiff Connie.

35. That as a direct and proximate result of the negligence, gross negligence, reckless, willful and wanton acts of all of the Defendants set out above, Plaintiff Douglas was injured, and consequently, Plaintiff Connie has lost the use and enjoyment of the companionship, aid, society, and services of her spouse, Plaintiff Douglas.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against the Defendants jointly and severally for actual damages, plus punitive damages to be determined by a competent jury, for the costs of this action, and such other and further relief as this Court might deem just and proper.

Respectfully submitted,

HARMON AND FELTS, PA

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