

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )  
 )  
Tennille M. Nelson )  
 )  
Plaintiff, )  
 )  
VS. )  
 )  
Tropical Winds, Inc. d/b/a Hotel Blue and )  
Michael William Cooley, et al. )  
 )  
Defendants. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
FIFTEENTH JUDICIAL CIRCUIT  
C.A. NO.:

**SUMMONS**

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 the said Complaint on THE DERRICK LAW FIRM, at its office at Post Office Box 28, Conway, South Carolina, 29528, 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 will apply to the Court for the relief demanded in the Complaint and judgment by default will be rendered against you for the relief demanded in the Complaint.

DATED this \_\_\_ day of November, 2025.

*The Derrick Law Firm*

s/Brandon L. Casey

\_\_\_\_\_  
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**COMPLAINT**

(Jury Trial Requested)

The Plaintiff, Tennille M. Nelson, by and through her undersigned counsel, complaining of the above-named Defendants, Tropical Winds, Inc. d/b/a Hotel Blue, and Michael William Cooley, et al, would respectfully show unto this Honorable Court as follows:

**PARTIES, JURISDICTION, AND VENUE**

1. Plaintiff, Tennille M. Nelson, was at all times material hereto a resident of York County, South Carolina.
2. Upon information and belief, Defendant Tropical Winds, Inc. d/b/a Hotel Blue is a South Carolina corporation duly organized and existing under the laws of the State of South Carolina, with its principal place of business located at 705 South Ocean Boulevard, Myrtle Beach, South Carolina 29577, in Horry County, South Carolina.
3. Upon information and belief, Defendant Michael William Cooley, et al is the owner(s) of the real property located at 705 South Ocean Boulevard, Myrtle Beach, South Carolina 29577, and at all times material hereto was a resident of Lexington County, South Carolina.
4. This Court has personal jurisdiction over the parties to and subject matter jurisdiction of this matter. As the occurrence giving rise to this action occurred entirely within the confines of Horry County, South Carolina, this Court is a proper venue to entertain this action.

### **STATEMENT OF FACTS**

5. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as if they were set forth herein verbatim.
6. Upon information and belief, Defendant Tropical Winds, Inc. d/b/a Hotel Blue operates the hotel commonly known as Hotel Blue (also referred to as Hotel Blue Resort) located at 705 South Ocean Boulevard, Myrtle Beach, South Carolina 29577, in Horry County, South Carolina.
7. Upon information and belief, Defendant Michael William Cooley, et al is the owner(s) of the real property located at 705 South Ocean Boulevard, Myrtle Beach, South Carolina 29577.
8. At all times relevant to this action, Defendants were responsible for the oversight, management, control, maintenance, and day-to-day operation of the premises located at 705 South Ocean Boulevard, Myrtle Beach, South Carolina 29577, including but not limited to all elevators, emergency systems, and safety equipment located therein.
9. On or about April 7, 2025, at approximately 11:35 AM, Plaintiff was a paying hotel guest and business invitee at Hotel Blue during checkout.
10. At the time of the incident, Plaintiff was lawfully on the property of Defendants as a paying guest with the right to safely utilize the hotel's elevators and facilities.
11. At the time of the incident, Plaintiff was permissibly using the hotel elevator with her elderly mother for the purpose of checking out of the hotel.
12. On April 7, 2025, at approximately 11:35 AM, Plaintiff and her elderly mother became trapped in a malfunctioning elevator at Hotel Blue when the elevator ceased to function properly.
13. The elevator environment quickly deteriorated, becoming hot, unventilated, and dangerously confined.
14. Both Plaintiff and her elderly mother have pre-existing health conditions, and the rising heat posed a risk of severe medical episodes.
15. The emergency phone system inside the elevator was completely non-functional despite Plaintiff's multiple attempts to use it.

16. The alarm button inside the elevator also failed to summon any response from hotel staff or emergency personnel despite Plaintiff's repeated activation of the alarm.
17. Plaintiff and her mother banged on the elevator doors and held down the alarm button, yelling for help for approximately 20 minutes.
18. The hotel's front desk was unmanned during checkout hours on April 7, 2025.
19. The hotel's front office was locked on April 7, 2025.
20. No emergency contact instructions were posted anywhere accessible to Plaintiff or other guests on April 7, 2025.
21. No hotel staff responded to the emergency despite the activation of the alarm system and the cries for help from Plaintiff and her mother.
22. Eventually, rescue occurred when two cleaning staff members heard Plaintiff's and her mother's calls for help and manually opened the elevator doors from outside.
23. Before the incident on April 7, 2025, agents, representatives, and/or employees of Defendants had observed, identified, recognized, and otherwise obtained actual knowledge of elevator malfunctions at Hotel Blue which they knew presented an immediate threat of danger to hotel guests.
24. Upon information and belief, the elevator at issue and the emergency systems therein had a history of malfunctions and failures prior to April 7, 2025.
26. Before the incident on April 7, 2025, Defendants, by and through their employees, agents, and/or representatives, had actual and/or constructive knowledge and notice of the dangerous and defective condition of the elevator and its emergency systems.
27. The malfunctioning elevator and the complete failure of all emergency safety systems on April 7, 2025, created an unreasonably hazardous and dangerous condition to invitees, guests, and visitors on the Property that day, including but not limited to paying hotel guests like Plaintiff.
28. On April 7, 2025, the malfunctioning elevator and failed emergency systems at Hotel Blue were not in safe operating conditions and therefore violated the recognized standards and requirements

for a reasonably safe hotel environment and functional emergency systems as required by S.C. Code § 41-16-150.

29. As a business deeply entrenched in the hospitality industry and the operation of a multi-story hotel, Defendants knew on and before April 7, 2025, the critical importance of maintaining functional elevator systems and emergency response protocols for the safety of hotel guests.
30. As operators of a hotel, Defendants knew on and before April 7, 2025, that malfunctioning elevators with non-functional emergency communication systems and alarm systems created a latent hazard and unreasonable danger to the safety of hotel guests.
31. Defendants knew on and before April 7, 2025, that allowing elevators to operate with non-functional emergency systems would create unsafe and dangerous conditions that could result in significant injury and harm to hotel guests.
32. Defendants knew on and before April 7, 2025, that failing to staff the front desk during checkout hours and failing to post emergency contact information would prevent guests from obtaining help during emergencies.
33. Defendants were aware of the unreasonably dangerous, unsafe, and hazardous condition created by the malfunctioning elevator and failed emergency systems before Plaintiff encountered it on April 7, 2025, but failed to take reasonable and timely efforts to repair, remediate, eliminate, or otherwise warn of that hazard for the safety of hotel guests, including Plaintiff.
34. The malfunctioning elevator and the complete failure of all emergency safety systems on April 7, 2025, created an unreasonably hazardous latent danger that caused Plaintiff to be trapped in a life-threatening situation for approximately 20 minutes and suffer grievous, painful, and permanent injuries that will forever impact her quality of life.
35. The malfunctioning elevator and failed emergency systems on April 7, 2025, were not highlighted, marked, warned of, or otherwise made conspicuous to hotel guests through any written sign, notice, or other obvious warning which would reasonably alert guests to the impending concealed danger that condition presented.

36. The malfunctioning elevator and failed emergency systems on April 7, 2025, did not constitute an open or obvious hazard that hotel guests could reasonably be expected to discover and/or avoid absent a clear warning from Defendants.
37. Given the nature of a hotel and the necessity for guests to use elevators to access their rooms, Defendants had every reason to expect and anticipate hotel guests like Plaintiff were likely to use the elevators and were likely to encounter, and fall victim to, the unreasonably dangerous, unsafe, and hazardous condition created by the malfunctioning elevator and failed emergency systems.
38. At the time of the incident on April 7, 2025, Plaintiff was invited, expressly or impliedly, to enter onto and remain upon the Property as a paying hotel guest for a purpose for which that property was held open to the public by Defendants—namely, lodging at a hotel.
39. At the time of the incident on April 7, 2025, Plaintiff was an invitee upon the Property to whom Defendants owed the highest duty of care.
40. As a direct and proximate result of Plaintiff becoming entrapped in the malfunctioning elevator, Plaintiff suffered throat pain, severe hoarseness, and vocal cord swelling.

**COUNT I - NEGLIGENCE, GROSS NEGLIGENCE, RECKLESSNESS, AND WILLFULNESS**

41. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as if they were set forth herein verbatim.
42. As owners and operators of Hotel Blue, Defendants owed Plaintiff, a business invitee and paying hotel guest, the highest duty of care to maintain the premises in a reasonably safe condition for the safety and well-being of hotel guests.
43. Defendants owed Plaintiff a duty to maintain functional elevators with working emergency communication systems in compliance with S.C. Code § 41-16-150.
44. Defendants owed Plaintiff a duty to maintain functional emergency alarm systems and emergency response protocols in compliance with S.C. Code § 41-16-150.
45. Defendants owed Plaintiff a duty to conduct reasonable inspection of the premises and elevator

systems to discover and remedy defects that could pose a hazard to invitees lawfully on the subject premises.

46. Defendants owed Plaintiff a duty to adequately staff the hotel during checkout hours to respond to guest emergencies and provide a reasonably safe environment.
47. Defendants owed Plaintiff a duty to implement and follow reasonable emergency response protocols to ensure the safety of hotel guests during foreseeable emergencies.
48. Defendants owed Plaintiff a duty to warn guests of any known or discoverable dangerous conditions, including malfunctioning elevators and non-functional emergency systems.
49. Upon information and belief, Defendant Michael William Cooley, et al, as property owner(s), had a non-delegable duty to ensure proper maintenance and inspection of the elevators and safety systems on the property.
50. Defendants breached these duties and were negligent, grossly negligent, reckless, willful, and wanton in the following particulars, each of which constitutes a separate and independent ground from which Plaintiff's damages proximately flow:
  - (a) In failing to maintain the elevator in safe, working order;
  - (b) In failing to maintain a functional emergency phone system in the elevator;
  - (c) In failing to maintain a functional emergency alarm system in the elevator;
  - (d) In failing to properly inspect and repair the elevator and its safety systems despite having actual or constructive notice of their dangerous condition;
  - (e) In failing to properly inspect and repair the elevator and its safety systems despite having actual or constructive notice from prior invitees;
  - (f) In failing to adequately staff the hotel front desk;
  - (g) In failing to implement and follow reasonable emergency response protocols;
  - (h) In failing to post emergency contact information in accessible locations for guests;
  - (i) In failing to warn guests of the potential for elevator malfunction and the lack of emergency response capabilities;

(j) In creating and allowing dangerous, hazardous, and unsafe conditions to exist and remain on the premises despite having actual and/or constructive knowledge of its existence and the dangers it presented to hotel guests;

(k) In needlessly endangering hotel guests, including but not limited to Plaintiff;

(l) In violating the requirements of S.C. Code § 41-16-150 regarding the maintenance of functional emergency communication systems and alarm systems in elevators;

(m) In demonstrating a complete absence of due care and willful disregard for the safety of hotel guests; and

(n) In such other particulars that may be unearthed throughout litigation or revealed in the evidence presented at trial.

51. As a direct and proximate result of Defendants' negligent, grossly negligent, reckless, willful, and wanton acts and omissions, Plaintiff was trapped in the malfunctioning elevator for approximately 20 minutes and was forced to yell for help, causing her to suffer throat pain, severe hoarseness, vocal cord swelling, loss of voice, difficulty speaking with pain and swelling, fears of confined spaces, and other severe, painful, and permanent injuries to her body and mind for which she is entitled to recover substantial damages from Defendants.

52. As a result of the aforesaid negligent, grossly negligent, reckless, willful, and wanton acts and/or omissions of Defendants as further described hereinabove and to be proven at the trial of this case, Plaintiff has suffered and will in the future continue to suffer substantial and permanent life-altering damages including:

(a) Physical pain and suffering (past and future);

(b) Throat pain, hoarseness, and vocal cord swelling;

(c) Mental anguish and severe emotional distress, including terror and fear of death;

(d) Permanent injuries, including potential permanent vocal cord damage;

(e) Impairment and loss of use of her voice;

(f) Loss of enjoyment of life;

- (g) Past and future medical expenses;
- (h) Lost wages and loss of future earning capacity due to the impact on her job which requires phone work;
- (i) Inconvenience and disruption to daily life; and
- (j) Any other losses that may be unearthed throughout litigation or revealed in the evidence presented at trial.

**WHEREFORE**, Plaintiff prays for an Order of this Court awarding her judgment against Defendants, jointly and severally, for actual and punitive damages in an amount to exceed One Hundred Thousand Dollars as determined by a jury, the costs of this action, and such other and further relief as this Honorable Court deems just and proper.

***The Derrick Law Firm***

s/Brandon L. Casey

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November 14, 2025  
Conway, South Carolina