

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

Debra Pullets, as Power of Attorney for
Edward Messer,

Plaintiff,

v.

Medical University Hospital Authority
d/b/a MUSC Health Lancaster,

Defendant.

IN THE COURT OF COMMON PLEAS

SIXTH JUDICIAL CIRCUIT

Case No.: 2025-CP-_____

SUMMONS

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 said Plaintiff upon the subscriber at the law offices of Jones Law LLC, 1516 Richland Street, Columbia, South Carolina, 29201, within thirty (30) days after the service hereof, exclusive of the date of 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 demanded in said Complaint, including the rendering of judgment by default against you.

Jones Law LLC

s/ Richard A. Jones III #100654
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Columbia, South Carolina

December 4, 2025

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COMPLAINT

[JURY TRIAL DEMANDED]

Plaintiff Debra Pullets, as Power of Attorney for Edward Messer, by and through her undersigned counsel, brings this Complaint against Defendant and alleges as follows:

PARTIES

1. Plaintiff is a citizen and resident of Lancaster County, South Carolina.
2. Upon information and belief, Defendant Medical University Hospital Authority d/b/a MUSC Health Lancaster (hereinafter “Defendant” or “MUSC”) is incorporated under the laws of South Carolina and maintains its principal places of business in Lancaster County, South Carolina. Defendant MUSC at all times relevant to this Complaint, was the entity employing certain nurses, physicians and other medical staff who were employees and/or agents acting within the scope of their employment with MUSC in the treatment and care provided to Mr. Messer.
3. The negligent acts, omissions and liability of the Defendant includes their agents, principals, employees and/or servants, both directly and vicariously, pursuant to principals of non-delegable duty, corporate liability, apparent authority, agency, ostensible agency and/or respondeat superior.

4. The Defendant delivered health services and care for a fee and had authority, express or implied, to control the means and agents employed to execute care at their medical facility at all times during the treatment of Mr. Messer.

5. The Defendant had the right and power to direct and control their employees and/or agents in the business of delivering care for a fee through their medical facilities and they are personally, jointly and severally liable for the acts and omissions committed with any other Defendants that may be named by way of an Amended Complaint.

JURISDICTION AND VENUE

6. This Court has personal jurisdiction over the Defendant pursuant to S.C. Code Ann. § 36-2-802, because Defendant is organized under the laws of the state of South Carolina, owns property and conducts business within the state of South Carolina.

7. Venue is appropriate pursuant to S.C. Code § 15-7-30 because the most substantial part of the acts giving rise to these claims occurred in Lancaster County, South Carolina.

8. Upon information and belief, Defendant MUSC is a quasi-governmental entity and claims the protections of the South Carolina Tort Claims Act. Out of an abundance of caution, Plaintiff filed a Notice of Intent to File Suit pursuant to SC Code Sections 15-79-120 through 15-79-125 with an affidavit of an expert witness as required by SC Code Section 15-36-100.

FACTUAL ALLEGATIONS

9. In April of 2025, an 88 year-old Edward Messer presented to MUSC Lancaster Hospital with complaints of shortness of breath—which ended up being pneumonia.

10. Mr. Messer suffered from dementia—and as a result, was unable to care for himself and keep himself safe.

11. Mr. Messer was at risk for falls with injury due to his dementia and use of a walker.

12. Mr. Messer required assistance from the staff to prevent falls.
13. Defendant's staff had a duty to address Mr. Messer's risk of falls with injury and implement appropriate fall prevention measures.
14. On April 13, 2025, Mr. Messer was not properly monitored and attempted to get out of his bed without assistance of staff, and without an assistive device, to relieve himself.
15. No alarms were in place and inadequate supervision existed.
16. Mr. Messer suffered an unwitnessed fall, landing hard on his right side and raising concerns for hematoma.
17. A head injury and broken bones were ruled out via CT scans.
18. After the fall, an alarm was applied to Mr. Messer's bed.
19. No further radiology studies were performed between April 14, 2025 and Mr. Messer's discharge on April 23, 2025.
20. Mr. Messer continued to demonstrate clinical indications of hematoma post-fall.



21. Mr. Messer's family made the decision to take him to Piedmont Medical Center in Rock Hill, South Carolina, rather than return to Defendant's hospital.

22. Mr. Messer was admitted to Piedmont Medical Center on April 29, 2025 and was diagnosed with acute blood loss anemia and a lower gastrointestinal bleed post-fall.

23. Mr. Messer required hospitalization, treatment and rehabilitation.

24. Mr. Messer has incurred medical bills for this additional medical treatment in an amount exceeding \$160,000.00.

25. Had Defendant's employees/agents appropriately and safely assisted Mr. Messer while under their care, custody and control, his serious injuries would have been prevented.

FOR A FIRST CAUSE OF ACTION
(Medical Negligence)

26. The Plaintiff re-alleges and reiterates paragraphs one (1) through twenty-five (25) as though fully set forth herein verbatim.

27. At all times relevant to the allegations contained herein, the Defendant owed duties to Mr. Messer and in general to all patients receiving care in this medical facility and/or by their employees and/or agents.

28. The Defendant and its employees/agents did undertake the duty to render care to Mr. Messer in accordance with the prevailing and acceptable professional standard of care in the national community.

29. Notwithstanding said undertaking and while Mr. Messer was under the care of the Defendant, their employees and/or agents departed from the prevailing and acceptable professional standards of care and treatment of Mr. Messer and were thereby negligent, careless, grossly negligent, reckless and in violation of the duties owed to him, directly and proximately causing his

injuries, and are liable for one or more of the following acts or omission or commission, any or all of which are departures from the prevailing and acceptable professional standards of care:

- In failing to appropriately act to prevent avoidable falls;
- In failing to appropriately respond to a patient's need for assistance;
- In failing to appropriately implement fall precautions;
- In failing to appropriately maintain a safe environment;
- In failing to appropriately and safely supervise patients;
- In failing to perform a bedside report and include patient in plan of care;
- In failing to comply with Federal and state regulations; and
- In any other such particulars as may be identified during the course of discovery.

Attached as an Exhibit is an affidavit of expert witness Christina Hall, RN, who will testify as to one or more deviations from the standard of care committed by the Defendant by and through their employees and/or agents.

FOR A SECOND CAUSE OF ACTION
(General Negligence – Hiring, Retention and Supervision)

30. The Plaintiff re-alleges and reiterates paragraphs one (1) through twenty-nine (29) as though fully set forth herein verbatim.

31. The Defendant owed a duty to the patient population, or potential population, to properly investigate, hire, supervise and entrust physicians to patients they serve.

32. The Defendant departed from the prevailing professional standards of care and was thereby negligent, careless, grossly negligent, reckless and acted in violation of the duties owed to the Mr. Messer, and those similar situated, in that they committed one or more of the following acts of omission or commission, any or all of which were departures from the prevailing standards of care:

- a. In failing to have in place policies and procedures for hiring properly qualified nurses to work for their facilities, or if such policies and

procedures were in place, in failing to abide by them in the hiring and/or retention of those employees that provided care to Mr. Messer;

- b. In failing to ensure that the nurses that provided care to Mr. Messer had the proper training and experience to competently provide treatment to patients such as Mr. Messer;
- c. In failing to conduct a proper investigation on the nurses that provided care to Mr. Messer before hiring and/or allowing them to treat patients such as Mr. Messer within MUSC;
- d. In hiring the employees that provided treatment to Mr. Messer as nurses, when the Defendant knew, or should have known, that they were either not qualified, incompetent and/or not fit for the positions;
- e. In either ignoring, or not becoming aware, that their nurses were violating rules of patient care;
- f. In failing to have in place policies and procedures for supervising nurses, or if such policies and procedures were in place, in failing to ensure such employees were properly supervised;
- g. In allowing their nurses to hold themselves out as qualified nurses when they lacked the appropriate ability, training, education and experience;
- h. In retaining these nurses that held themselves out as qualified nurses once they became aware these employees lacked the appropriate ability, training, education and experience;
- i. In generally failing to use the degree of care and caution that reasonably prudent entities would have used under the same or similar circumstances;

j. And in such other particulars as will be proven at trial.

33. As a proximate result of the negligence, carelessness, gross negligence, recklessness and departure from the professional standards of care by agents and/or employees of the Defendant and its agents and/or employees, Mr. Messer suffered permanent and painful injuries, including but not limited to:

- a. Mental anguish, embarrassment, humiliation and ridicule;
- b. Physical pain and suffering;
- c. Medical and health care expenses;
- d. Unnecessary surgery and rehabilitation;
- e. Physical disfigurement; and
- f. Loss of mobility;

for which Plaintiff is entitled to recover an amount of actual, consequential damages, punitive and special damages from the Defendant in an amount to be determined by a jury at trial.

FOR A THIRD CAUSE OF ACTION
(General Negligence – Routine/Non-Medical Care)

34. Plaintiff re-alleges and reiterates paragraphs one (1) through thirty-three (33) as though fully set forth herein verbatim.

35. Defendant and their physicians, nurses, agents, and/or employees, undertook the duty to render medical care to Plaintiff in accordance with the prevailing professional standards in the national community.

36. Upon information and belief, Defendant had a non-delegable duty to provide physicians, nurses, and other administrative staff adequately trained and able to provide any routine and/or non-medical care to patients.

37. Upon information and belief, Defendant had the right or power to direct and control the manner in which its employees and/or agents provide care and operate the business of delivering routine, ministerial and/or non-medical care.

38. “[N]ot every action taken by a medical professional in a hospital or doctor’s office necessarily implicates medical malpractice and, consequently, the requirements of [S.C. Code Ann.] Section 15-79-125.” Dawkins v. Union Hosp. Dist., 408 S.C. 171, 178, 758 S.E.2d 501, 504 (2014).

39. “However, at all times, the medical professional must ‘exercise ordinary and reasonable care to ensure that no unnecessary harm [befalls] the patient.’” Id. at 178, 758 S.E.2d at 504 (further citations omitted).

40. “The statutory definition of medical malpractice found in section 15-79-110(6) does not impact medical providers’ ordinary obligation to reasonably care for patients with respect to nonmedical, administrative, ministerial, or routine care.” Id.

41. “Thus, medical providers are still subject to claims sounding in ordinary negligence.” Id.

42. Notwithstanding said undertaking, and while Mr. Messer was under the care of Defendant, said Defendant and their physicians, nurses and/or employees departed from prevailing and acceptable professional standards of routine, ministerial, administrative, and/or non-medical care and treatment of him and were thereby negligent, careless, grossly negligent, reckless, and in violation of the duties owed to him and are therefore liable for one or more of the following acts of omission or commission:

- a. Defendant’s staff failed to communicate or relay information to specific medical personnel that could act on the information appropriately;

- b. Defendant failed to act in a way that would be appropriate to a member of the general public;
- c. Defendant failed to render proper routine care;
- d. Defendant failed to render proper ministerial care;
- e. Defendant failed to render proper administrative care;
- f. Defendant failed to render proper non-medical care;
- g. Defendant failed to appropriately train its employees on fall prevention;
- h. Defendant failed to appropriately train its employees in patient safety;
- i. Defendant failed to train its employees, nurses, physicians, and/or agents in an appropriate manner; and
- j. In such other particulars as may be ascertained through discovery.

43. As a direct and proximate result of the negligence, gross negligence, recklessness, willful and wanton departure from proper routine, ministerial, administrative or non-medical care by the Defendant, Mr. Messer incurred medical bills, expenses associated with his injuries, and other damages. Plaintiff is therefore entitled to recover from Defendant a sum of money to compensate for these expenses under a general negligence theory.

FOR A FOURTH CAUSE OF ACTION
(Gross Negligence)

44. The Plaintiff re-alleges and reiterates paragraphs one (1) through forty-three (43) as though fully set forth herein verbatim.

45. The Defendant undertook the duty to render medical care and general care to Mr. Messer in accordance with the prevailing professional standards in the national community.

46. Notwithstanding said undertaking, and while Mr. Messer was under the Defendant's care, the Defendant departed from prevailing and acceptable professional standards of medical care, routine general care, and treatment in a grossly negligent and/or reckless manner.

47. As a direct and proximate result of the grossly negligent and reckless departures from proper medical care and routine general care by the Defendant, Mr. Messer suffered debilitating injuries which caused pain and suffering, caused Plaintiff to incur medical bills and ultimately caused Mr. Messer to undergo a preventable surgery and rehabilitation. As a result of the conduct of the Defendant, Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, Plaintiff respectfully prays for judgment against the Defendant for actual damages, special damages, consequential damages, and punitive damages in an amount to be determined by the jury at the trial of this action, for the costs and disbursements of this action and for such other and further relief as this court deems just and proper. Plaintiff specifically avers that the damages at issue in this case are more than \$100,000, such averment made to allow all manner of discovery under South Carolina law.

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