

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL DISTRICT

CASE NO: 2023 -CP-07-_____

KAYE MILOT,

Plaintiff,

vs.

S.A. SPORTS, INC.,

Defendant.

SUMMONS

(Jury Trial Requested)

TO: THE ABOVE-NAMED DEFENDANT AND ITS ATTORNEY:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, which is herewith served upon you, or to otherwise appear and defend, and to serve a copy of your Answer to said Complaint upon the subscribers at their office, 11915 Plaza Drive, Suite 301 Murrells Inlet, SC 29576, or to otherwise appear and defend the action pursuant to applicable court rules, within thirty (30) days after service hereof, exclusive of the day of such service; except that the United States of America, if named, shall have sixty (60) days to answer after the service hereof, exclusive of such service; and if you fail to answer the Complaint or otherwise appear and defend within the time aforesaid, the Plaintiff in this action will apply to the Court for relief demanded therein and judgment by default will be rendered against you for the relief demanded in the Complaint.

YOU WILL ALSO TAKE NOTICE that pursuant to Rule 53(b) of the South Carolina Rules of Civil Procedure, as amended effective September 1, 2002, the Plaintiff will move for a general Order of Reference to the Master in Equity for Beaufort County, which Order shall, pursuant Rule 53(b) of the SCRCPP, specifically provided that the said Master in Equity is authorized and empowered to enter a final judgment in this action.

MORGAN & MORGAN

/s/ Joseph Sandefur

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November 14, 2023
Murrells Inlet, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

KAYE MILOT,

Plaintiff,

vs.

S.A. SPORTS, INC.,

Defendant.

COURT OF COMMON PLEAS
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COMPLAINT

(Jury Trial Requested)

NOW COMES Plaintiff, above-named, complaining of Defendant above named, and does allege and show unto this Honorable Court as follows:

1. Plaintiff is a citizen and resident of the County of Beaufort, State of South Carolina.
2. That upon information and belief, Defendant S.A. Sports, Inc. is a domestic corporation organized and existing under the laws of the State of South Carolina and maintains agents and servants in the County of Beaufort, State of South Carolina for the purpose of carrying on its business.
3. That upon information and belief, Defendant S.A. Sports, Inc. owned and operated a bicycle store located at 200 Okatie Village Drive, Bluffton, South Carolina 29909 referred to as "Sports Addiction."

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this action and the allegations set forth herein.

Kaye Milot v. S.A. Sports, Inc.
COMPLAINT

5. This Court has general and specific personal jurisdiction over Defendant because it maintains significant and continuous contacts in Beaufort County, South Carolina and the acts and omissions that are at issue in the present action occurred at a Sports Addiction located in Beaufort County, South Carolina.

6. Venue is proper because the most substantial part of the alleged acts or omissions giving rise to the cause of action occurred in Beaufort County, South Carolina.

FACTS

7. On or about August 2, 2023, Plaintiff came to Sports Addiction to purchase a bicycle.

8. Plaintiff sought the assistance of Jim Buser, the owner and agent of Sports Addiction, to select a bike that would properly fit Plaintiff.

9. Mr. Buser, as agent of Defendant, led Plaintiff outside to where the bicycles were lined up and selected a bike for Plaintiff to try.

10. Mr. Buser moved the bicycle so it was positioned on the sidewalk facing parallel to the street.

11. Mr. Buser directed Plaintiff to mount the bicycle.

12. At Mr. Buser's direction, Plaintiff mounted the bicycle.

13. Once on the bicycle, Plaintiff informed Mr. Buser that the seat was too high for her to properly maintain her balance.

14. While Plaintiff was sitting on the seat of the bicycle, Mr. Buser attempted to adjust the bicycle seat and while doing so knocked Plaintiff off balance.

15. Due to Mr. Buser's actions, Plaintiff fell from the bicycle onto the road.

16. As a result of the fall, Plaintiff suffered significant injuries to her body, including a fractured left ulna and fractured left radius, and a concussion.

17. As a result of these injuries, Plaintiff has incurred, and will continue to incur in the future, medical treatment and expenses, and has suffered and will continue to suffer in the future, physical and mental pain and suffering, permanent disability and impairment, emotional anguish, and loss of enjoyment of life.

FIRST CAUSE OF ACTION
(Negligence)

18. Plaintiff incorporates by reference the allegations of the paragraphs above as if fully repeated herein.

19. At all times of the incident described herein, Plaintiff was a customer of Defendant's store.

20. Defendant owed Plaintiff a duty to assist Plaintiff in the selection, fitting, and adjusting of the bicycle in such a manner as to not cause harm to Plaintiff.

21. Defendant, by and through its agents, servants, and employees, breached its duty and acted negligently, willfully, wantonly, and grossly negligently in one or more of the following particulars:

- a. In failing to properly maintain the bicycle in a reasonably safe condition;
- b. In failing to properly select a bicycle suitable for Plaintiff;
- c. In failing to exercise that degree of care which a reasonably prudent person or entity would have exercised under the same circumstances;
- d. In failing to properly adjust the bicycle seat in a manner as to not cause harm to Plaintiff;

- e. In failing to take reasonable precautions to avoid the dangerous, unsafe and hazardous condition existing on the premises;
- f. In failing to implement proper procedural safeguards and communication systems when selecting sizing, and adjusting the bicycle;
- g. In failing to select an appropriate location to size and adjust the bicycle;
- h. In failing to develop proper procedures, policies, and protocols for selecting, sizing, and adjusting the bicycles for customers, including Plaintiff;
- i. In failing to follow proper procedures, policies, and protocols for selecting, sizing, and adjusting the bicycles for customers, including Plaintiff;
- j. Any such other particulars the evidence may show.

All of which were the direct and proximate cause of the injuries and damage suffered by the Plaintiff herein.

22. That as a direct and proximate result of the negligence, negligence per se, gross negligence, careless, reckless, willful, and wanton acts or omissions of Defendants referenced above, Plaintiff suffered severe injuries and the following damages:

- a. Medical expenses in the past and future;
- b. Physical pain and mental suffering in the past and future;
- c. Emotional distress and mental anguish in the past and future;
- d. Loss of enjoyment of life in the past and future;
- e. Loss of household services in the past and future;
- f. Physical impairment in the past and future; and
- g. Disfigurement in the past and future.

WHEREFORE, Plaintiff prays for judgment against Defendant for actual and punitive damages in an amount to be determined by the jury, and for the costs of this action, and for such other and further relief as the Court deems just and proper.

DEFENDANT AND ITS ATTORNEY IS HEREBY NOTIFIED THAT PLAINTIFF HAS SERVED INTERROGATORIES AND REQUESTS FOR PRODUCTION WITH THE SUMMONS AND COMPLAINT. RESPONSES TO THESE DISCOVERY REQUESTS ARE DUE WITHIN 45 DAYS PER RULES 33(a) & 34 (b), SCRPC. IF DEFENSE COUNSEL LACKS COPIES OF ANY DISCOVERY REQUEST, HE/SHE IS ADVISED TO CONTACT PLAINTIFF'S COUNSEL IMMEDIATELY TO OBTAIN.

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/s/ Joseph Sandefur

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