

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

John Von Der Lieth,

Plaintiff,

v.

Dale Clinton Gilstrap,

Defendant.

IN THE COURT OF COMMON PLEAS

SUMMONS

C.A. No.: 2023-CP-23-

TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to answer the Complaint in this action, a copy of which is attached hereto and herewith served upon you, and to serve a copy of your answer to same upon the subscribed at 178 West Main Street, Post Office Box 3547, Spartanburg, South Carolina 29304, within thirty (30) days after the service of same, exclusive of the day of such service. If you fail to answer same within thirty (30) day period, the Plaintiff will apply to the Court for the relief demanded therein and judgment will be taken against you be default.

**Killoren, Kissinger, Dantin,
Denton & Dunham, P.C.**

BY: *s/Wes A. Kissinger*

Wes A. Kissinger

SC Bar No: 13949

178 W. Main Street

Post Office Box 3547

Spartanburg, SC 29304

864-585-5100

Attorneys for Plaintiff

January 24, 2023

Spartanburg, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

John Von Der Lieth,

Plaintiff,

v.

Dale Clinton Gilstrap,

Defendant.

IN THE COURT OF COMMON PLEAS

COMPLAINT

C.A. No.: 2023-CP-23-

Plaintiff, by and through his undersigned counsel of record alleges the following:

GENERAL ALLEGATIONS

1. Plaintiff, John Von Der Lieth (hereinafter "Plaintiff") is a citizen and resident of Greenville County, South Carolina.
2. Defendant, Dale Clinton Gilstrap (hereinafter "Defendant") was at all times pertinent to this action a citizen and resident of Greenville County, South Carolina.
3. The collision that gives rise to this action occurred in Greenville County, South Carolina.
4. This Court has jurisdiction of the parties and subject matter of this action, and venue is proper.
5. On or about May 24, 2022 at approximately 3:10 p.m., Plaintiff was operating his 2019 Jeep Wrangler, and was traveling south on East Stone Avenue. The Defendant was operating his 2019 Chevrolet Pickup Truck and was traveling north on East Stone Street. Defendant attempted to make a left turn onto East Park Avenue from East Stone Street and in so doing,

failed to yield the right of way to Plaintiff, turning directly into Plaintiff's vehicle, causing a collision.

6. As a result of the collision, Plaintiff suffered injuries and damages as set forth hereinbelow.

PLAINTIFF'S CAUSE OF ACTION
(NEGLIGENCE)

7. Plaintiff incorporates herein by reference each and every allegation set forth hereinabove as if repeated verbatim.

8. Defendant, was willful, wanton, careless, reckless, and negligent at the time and place above mentioned in the following particulars:

- (a) In failing to maintain a proper lookout;
- (b) In failing to keep his vehicle under proper control;
- (c) In driving too fast for conditions;
- (d) In failing to apply his brakes so as to avoid the collision;
- (e) In failing to yield the right of way;
- (f) In operating his motor vehicle without due caution and in a manner likely to endanger persons, including plaintiff, traveling upon the highway.
- (g) In failing to act as a reasonable and prudent driver would have acted under the circumstances then and there existing;

9. As a direct and proximate result of the aforementioned acts of negligence, gross negligence and recklessness on behalf of Defendant, Plaintiff suffered injuries to his person, which required expensive medical care and treatment and resulted in pain, suffering, loss of enjoyment of life, and impairment.

WHEREFORE, Plaintiff prays for judgment against Defendant for actual and punitive damages, for the costs of this action, and for such other and further relief as the Court deems just and proper.

**Killoren, Kissinger, Dantin,
Denton & Dunham, P.C.**

BY: s/Wes A. Kissinger
Wes A. Kissinger
SC Bar No: 13949
178 W. Main Street
Post Office Box 3547
Spartanburg, SC 29304
864-585-5100

Attorneys for Plaintiff

January 24, 2023
Spartanburg, South Carolina