

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

GANGIA ADHIKARI,

Plaintiff,

vs.

FAMILY KINGDOM, INC., LEIGH V.
MEESE, DONNIE SNIPES, and OCEAN
AVENUE ATTRACTIONS, LLC

Defendants.

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT
CASE NO.: 2024-CP-15-_____

SUMMONS
(JURY TRIAL REQUESTED)

TO: THE DEFENDANTS ABOVE NAMED:

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 this complaint on the subscriber at his offices at 8 Chalmers Street, P.O. Box 1034, Charleston, South Carolina, 29402, 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 in this action will apply to the Court for the relief demanded in the complaint and judgment by default will be rendered against you.

GEDNEY M. HOWE, III, P.A.

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June 20, 2024
Charleston, South Carolina

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COMPLAINT
(JURY TRIAL REQUESTED)

Plaintiff above named, complaining of the Defendants alleges:

FIRST COUNT
NEGLIGENCE

1. Plaintiff is a resident and citizen of the State of North Carolina, County of Guilford.
2. Defendant Family Kingdom, Inc. is a corporation, organized and existing under the laws of the State of South Carolina and at all times hereinafter mentioned, Defendant Family Kingdom, Inc. owned an operated an amusement park located at 300 South Ocean Boulevard, Myrtle Beach, South Carolina.
3. Defendants Leigh V. Meese and Donnie Snipes are residents and citizens of the State of South Carolina, County of Horry, and at all times mentioned herein were acting as agents, servants or employees of Defendant Family Kingdom, Inc. who exercised a high level of control over the activities of Family Kingdom, Inc., pertaining to Swamp Fox Roller Coaster, located at Family Kingdom amusement park who determined, directed, controlled and participated in the conduct and activity of Family Kingdom in connection with the matters hereinafter set forth.

4. Defendant Ocean Avenue Attractions, LLC is a business entity organized under the laws of the State of South Carolina engaged in the business of operating an amusement park located at 300 South Ocean Boulevard, Myrtle Beach, South Carolina as successor to Family Kingdom, Inc. and by reason thereof is liable to the plaintiff to the same extent as Defendant Family Kingdom, Inc. is.
5. Family Kingdom, Inc. amusement park contained a wooden roller coaster by the name of “Swamp Fox.”
6. On or about July 23, 2021, Plaintiff’s husband was a guest and patron at the aforementioned amusement park.
7. At all times, Plaintiff’s husband was on the premises for the economic benefit of Defendants and, as such, was an invitee under South Carolina law and was entitled to all of the legal protections associated with said status.
8. While visiting Family Kingdom, Plaintiff’s husband purchased a ticket to ride the wooden roller coaster, Swamp Fox, and while riding the roller coaster as a result of the negligence, carelessness, recklessness, willfulness and wantonness of the Defendants, Plaintiff’s husband suffered an acute injury to his spinal cord which caused quadriplegia.
9. Defendants had an obligation, under South Carolina law, to operate the amusement park in a reasonably prudent and safe manner so as not to endanger the guests and patrons.
10. Defendants had a duty to inspect the premises for any latent dangers, and either remedy said dangers or adequately warn guests about them.
11. In connection with the activities herein Defendants had a duty to exercise due to care to avoid foreseeable damage or injury to Plaintiff’s husband and to protect Plaintiff’s husband against the risk of harm from Defendants’ actions.

12. Defendants breached their obligations and were negligent, careless, reckless and wanton which caused the aforementioned occurrence and consisted, among other things, of the following:

- a. In failing to examine the Swamp Fox roller coaster to make sure it was operating properly, and in failing to correct the latent defects that rendered the roller coaster extremely dangerous, more so than a typical roller coaster;
- b. In failing to adequately warn customers, and particularly the Plaintiff's husband, that the Swamp Fox roller coaster was significantly more dangerous than a typical roller coaster;
- c. In creating an unsafe condition by failing to maintain the Swamp Fox roller coaster in a safe condition rendering it significantly more dangerous than a typical roller coaster;
- d. In failing to take any precaution to have made the roller coaster safe for users when Defendants knew or should have known that the roller coaster required extensive maintenance and refurbishment prior to use and encouraging persons to use the roller coaster when it was unreasonably dangerous and unsafe with a significant potential to cause serious injuries to its users;
- e. In failing to properly test, remove, and restrict access to the roller coaster or otherwise use reasonable care to correct the danger of the extremely poorly maintained Swamp Fox roller coaster;
- f. In allowing the creation and provision of a dangerous roller coaster when Defendants knew or should have known of the dangerous condition as set forth above and that it created a condition unsafe for the Plaintiff's husband;

- g. In failing to exercise that degree of care that a reasonably prudent person would have exercised under the same or similar circumstances.

SECOND COUNT
STRICT LIABILITY, ULTRA HAZARDOUS ACTIVITY

- 13. Each and every allegation of the First Count is hereby repeated and reiterated as if set forth verbatim herein.
- 14. That it was foreseeable that the conduct referred to above would result in injury.
- 15. That the conduct referred to above in the First Count constituted ultra hazardous activity on the part of Defendants which Defendants knew, or should have known, was ultra hazardous and by reason thereof Defendants are strictly liable to the Plaintiff.
- 16. That by reason of an inconsequence of the foresaid negligence, careless, recklessness, willfulness and wantonness of the danger and the creation and engagement in ultra hazardous activity by the Defendants and as a direct and proximate result thereof, Plaintiff's husband sustained an acute injury to his spinal cord which caused quadriplegia and Plaintiff has suffered and will in the future suffer the loss of companionship, fellowship, aid, assistance, conform, company, society and services of her husband, and has been otherwise damaged.

WHEREFORE, Plaintiff prays for judgment against Defendants, jointly, severally or in the alternative, for such sums as will fully, fairly, and justly compensate Plaintiff for actual damages and for such punitive damages as the jury may find, together with the cost of this action.

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June 20, 2024
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