

STATE OF SOUTH CAROLINA)
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COUNTY OF HORRY)
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Kelly Jacobs,)
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Plaintiff,)
)
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vs.)
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Family Kingdom, Inc.,)
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)
)
Defendant.)
)

IN THE COMMON PLEAS COURT
FIFTEENTH JUDICIAL CIRCUIT
Case #: 18-CP-26-

SUMMONS
PERSONAL INJURY
(jury trial requested)

TO: THE ABOVE-NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your answer to the said Complaint on the subscriber or subscribers at his office at P.O. Box 1735, 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 in this action will apply to the Court for the relief demanded in the Complaint.

DATED this 13TH day of March, 2019 in Conway, South Carolina.

LAW OFFICES OF DANIEL HUNNICUTT

By: s/Daniel A. Hunnicutt scb 76139
Daniel A. Hunnicutt, Esq.
Attorney For Plaintiff
P.O. Box 1735
Conway, SC, 29528
843-488-2424

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IN THE COMMON PLEAS COURT
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COMPLAINT
PERSONAL INJURY
(jury trial requested)

Comes now the Plaintiff, Kelly Jacobs (hereinafter referred to as "Plaintiff"), by and through her attorney, Daniel A. Hunnicutt, complaining of the Defendant Family Kingdom, Inc., (hereinafter referred to as "Defendant") and would respectfully show unto this Honorable Court, and allege:

1. That the Plaintiff is a citizen and resident of Horry County, State of South Carolina. On information and belief, the Defendant is a business organized and existing pursuant to the laws of the State of South Carolina, with its principal place of business Horry County, South Carolina.

2. At all times material herein Defendant did own and operate an amusement park by the name of Family Kingdom, located at 300 South Ocean Boulevard, Myrtle Beach, SC, 29577. Said amusement park contained a wooden roller coaster by the name of "Swamp Fox."

3. On or about June 9, 2018, Plaintiff was a guest and patron of the Defendant at the aforementioned amusement park. At all times, she was on the premises for the economic benefit of Defendant, and as such was an invitee under South Carolina law and was entitled to all of the legal protections associated with said status.

4. While Plaintiff was visiting Family Kingdom, she decided to ride the Swamp Fox roller coaster with her friends. Although Plaintiff has a history of back problems, she has ridden many

roller coasters with no problems. However, the Swamp Fox coaster was much more rough than a normal roller coaster, and in fact rose up off the tracks and slammed back down again, aggravating Plaintiff's prior back injuries.

5. Defendant had an obligation, under South Carolina Law, to operate their amusement park in a reasonably prudent manner so as not to endanger their guests and patrons. Defendant also had a duty to inspect the premises for any latent dangers, and to either remedy said dangers or to adequately warn their guests about them.

6. Defendant breached said obligations in the following particulars:

a. In failing to examine the Swamp Fox roller coaster to make sure that it was operating properly, and in failing to discover latent defects that rendered the coaster much more dangerous than a typical roller coaster;

b. In failing to adequately warn customers that the Swamp Fox roller coaster was significantly more dangerous than a typical roller coaster;

c. In creating an unsafe condition by building and maintaining a roller coaster that was significantly more dangerous than a typical roller coaster;

d. In failing to properly maintain it so it would not be significantly more dangerous than a typical roller coaster;

e. In all other and further particulars that the evidence at trial may show.

7. As a result and proximate cause of Defendant's negligence, gross negligence, carelessness, recklessness, willfulness, and wantonness as outlined above, Plaintiff was forced to obtain the care and treatment of physicians, nurses, and hospitals, and will require medical care and treatment for Plaintiff's injuries; that Plaintiff will continue to suffer pain and permanent disability for the rest of

Plaintiff's natural life; Plaintiff's enjoyment of life, ability to earn a living and use of Plaintiff's body has been substantially impaired.

8. Plaintiff is informed and believe Plaintiff is entitled to a judgment against Defendant in an amount sufficient to compensate Plaintiff for her actual damages and punitive damages as determined by this Court and Jury.

9. The Plaintiff request a jury trial.

WHEREFORE, Plaintiff prays:

A. For judgment against Defendant in an amount sufficient to compensate Plaintiff for Plaintiff's actual damages and punitive damages as determined by this Court and Jury;

B. For a jury trial;

C. For Costs and Disbursements of this action;

D. For such other and further relief as this Court may deem just and proper.

s/Daniel A. Hunnicutt scb 76139

Daniel A. Hunnicutt, Esquire

Attorney For Plaintiff

Post Office Box 1735

Conway, SC 29528

(843) 488-2424

Dated: March 13, 2019