

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Alia Ward, individually and as guardian of
minor child,

Plaintiff,

vs.

Charleston County School District,

Defendant.

IN THE COURT OF COMMON PLEAS

CASE NO.: 2023-CP-10-

SUMMONS

A lawsuit has been filed against you. YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, of which a copy is hereby served upon you, and to serve a copy of your answer to the Complaint to said Plaintiff's attorney the address listed below within thirty (30) days after such service. If you fail to do so, judgment by default will be rendered against you for the relief demanded in the Complaint. You also must file your Answer or Motion with the court.

LAW OFFICE OF TYLER RODY, LLC

S/Tyler Rody

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June 5, 2023

Spartanburg, SC

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COMPLAINT

(Jury Trial Requested)

The Plaintiffs complaining of the Defendant would respectfully show unto the Court as follows:

PARTIES

1. Plaintiff Ward is the mother and guardian of Plaintiff *minor child*, and both are residents of Charleston County, South Carolina.
2. Upon current information and belief, Defendant, Charleston County School District is a body politically organized and existing under the laws of the State of South Carolina, and has one of its schools, Mary Ford Early Learning & Family Center (Mary Ford), located in Charleston County, South Carolina.

JURISDICTION AND VENUE

3. Jurisdiction and venue in this Court are proper, as the acts and/or omissions giving rise to this action were committed, either in whole or in part, in Charleston County, South Carolina at Mary Ford.

FACTUAL BACKGROUND

4. The previously alleged allegations are hereby incorporated as if restated herein.
5. Plaintiff *minor child* attended kindergarten at Mary Ford throughout the 2022-2023 school year until approximately January 10, 2023. His teacher was Allison Burns (Ms. Burns). While attending, he was under the care, custody, and/or control of Defendant and/or its personnel, employees, agents, and/or servants.
6. On or about early November 2022, *minor child's* classmate, *minor child 2*, inappropriately kissed *minor child* multiple times during a physical education (P.E.) class at Mary Ford. Multiple teachers at Mary Ford, including the P.E. teacher and Ms. Burns, witnessed the kissing incident and/or were aware that it occurred.
7. On or about November 18, 2022, *minor child 2* cut *minor child's* hair without his consent while in Ms. Burns' class. Plaintiff Ward arranged a phone call with Ms. Burns to discuss the hair-cutting incident.
8. Upon information and belief, between September of 2022 and December 8, 2022, *minor child 2* inappropriately touched *minor child* approximately 10 times. Upon information and belief, *minor child 2* touched, grabbed, squeezed, and punched *minor child's* penis and buttocks on 10 or more separate occasions during this time. Upon information and belief, incidents happened at or around a swimming pool at Mary Ford, in P.E. class at Mary Ford, in the hallway at Mary Ford, and in Ms. Burns' class.
9. Upon information and belief, on or about early December of 2022, *minor child 2* pulled down his pants while in class, exposing himself to his classmates.

10. On December 8, 2022, while in line in the hallway, *minor child 2* grabbed *minor child's* penis and yanked down on it, causing *minor child* excruciating mental and physical pain and discomfort. *Minor child* informed Ms. Burns of the inappropriate touching.
11. After school on December 8, 2022, *minor child* informed his mother that *minor child 2* had inappropriately touched him on the penis approximately 10 times.
12. On December 9, 2022, Plaintiff Ward met with the Principal of Mary Ford, Ms. Loretta Hart, and Ms. Burns to discuss the above-mentioned incidents perpetrated by *minor child 2* on *minor child*. The principal told Plaintiff Ward that she would look at the security cameras, which could pull footage from the past thirty days. Ms. Hart offered to have a forensic child investigator talk to *minor child*, to determine what was going on, and Plaintiff Ward accepted. Plaintiff Ward requested that her son be moved to another classroom, which was denied by Mary Ford faculty and administration.
13. On or about early January of 2023, *minor child 2* hit *minor child* in the groin and buttocks area in the presence of the classroom teacher's aide, Ms. Richardson. *Minor child* informed Ms. Richardson of the incident, and she took no action.
14. On or about January 4, 2023, Plaintiff Ward contacted Ms. Burns to ask if *minor child* could be analyzed by a psychologist. Ms. Burns stated she would forward Plaintiff's message to the school's guidance counselor, Ms. Clerc.
15. On or about January 5, 2023, Ms. Burns contacted Plaintiff Alia Ward via phone to inform her that her son, *minor child*, had been punched in the stomach by *minor child 2*. Plaintiff Ward requested that her son be moved to another classroom for a second time, and this request was again denied. Ms. Burns commented to Plaintiff Ward that "there is a [*minor*

child 2] in every classroom” and minimized and dismissed Plaintiff Ward’s concerns regarding *minor child*.

16. On or about January 5, 2023, Plaintiff Ward contacted Mr. Muhamed from the Charleston County School District’s Main Office in an attempt to protect *minor child* from the harm he was experiencing at Mary Ford. Mr. Muhamed stated that he would speak with the principal directly. Upon information and belief, no further action was taken by Mr. Muhamed.
17. On or about January 10, 2023, Plaintiff Ward took *minor child* out of Mary Ford and enrolled him at another school.
18. Plaintiffs allege a minimum of four “occurrences” as the term is used under the South Carolina Tort Claims Act, and accordingly, Plaintiffs are entitled to an award against Defendant in excess of one million dollars even if the Defendant is entitled to the protection of any caps pursuant to the South Carolina Tort Claims Act.

FOR A FIRST CAUSE OF ACTION
Gross Negligence

19. The previous paragraphs are incorporated as if fully stated herein.
20. Defendant owed *minor child* a duty of care, and it breached that duty through its agents, employees, and/or servants, by the following grossly negligent acts:
 - a. In allowing *minor child 2* to continually sit near and interact with *minor child*, despite *minor child 2* sexually assaulting *minor child* on multiple occasions;
 - b. In choosing to hire staff that are ill-equipped to care for kindergarten students;
 - c. In choosing to retain staff that are ill-equipped to care for kindergarten students;
 - d. In choosing not to adequately train staff;
 - e. In choosing not to adequately supervise *minor child* and *minor child 2*;

- f. In choosing not to correct a dangerous situation of which it was specifically aware;
- g. In choosing not to monitor the students at Mary Ford;
- h. In choosing not to correct the sexually inappropriate behavior of a kindergarten student being perpetrated on another kindergarten student;
- i. In failing to have appropriate policies and protocols in place to provide for the safety and well-being of the student population at Mary Ford;
- j. In choosing not to follow and adhere to the protocols of Charleston County School District;
- k. In choosing not to protect Plaintiff *minor child*;
- l. In failing to provide any level of protection or care to *minor child* after multiple events indicating danger;
- m. In failing to recognize a clearly dangerous situation after being provided notice;
- n. In choosing not to take any action to prevent further sexual assaults after being provided notice of past sexual assaults;
- o. In choosing not to disclose to Plaintiff Ward that her son, *minor child*, was kissed by another student, *minor child 2*, during P.E. class;
- p. In choosing not to report sexual assaults that Defendant was aware occurred at Mary Ford to the South Carolina Department of Social Services;
- q. In choosing not to properly document sexual assaults that occurred at Mary Ford in an attempt to avoid responsibility for them;
- r. In choosing not to take any action to protect *minor child* from students that posed a danger, despite being on notice of the danger.

- s. In choosing not to grant *minor child* a transfer to another classroom within the school despite knowing he was sexually assaulted while in the custody and care of personnel, agents, employees, and/ or servants of Mary Ford.
21. As a direct result of Defendant's gross negligence, by and through the employees, agents and/ or servants of this Defendant, Plaintiffs have suffered significant damages, including but not limited to physical injury, pain and suffering, mental anguish, loss of enjoyment of life, behavioral problems, alteration of lifestyle, embarrassment, humiliation, loss of human dignity, and other damages, in an amount to be determined at the trial of this action. Plaintiffs are entitled to actual and consequential damages from Defendant.

WHEREFORE, the Plaintiffs pray judgment against the Defendant as follows:

- A. actual and consequential damages found to be just and equitable within the discretion of the fact finder;
- B. punitive damages if proven by clear and convincing evidence and found to be fair and equitable within the discretion of the fact finder;
- C. for the costs and disbursements of this action;
- D. for prejudgment interest at the rate authorized by the Supreme Court of South Carolina;
- E. for such other and further relief as this Court may deem just and proper.

[signature page to follow]

Respectfully submitted,

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June 5, 2023

Spartanburg, SC