

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO. 2024-CP-46-_____

COUNTY OF YORK

**Martha Edith Brucker, as Personal
Representative of the Estate of Stanley
Eugene Brucker**

Plaintiff,

v.

WRIT OF SUMMONS

**Fort Mill School District 4; South Carolina
Department of Transportation; and Belinda
Denise Jenkins,**

Defendants.

TO THE ABOVE-NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is served upon you herewith, and to serve a copy of your answer to said Complaint on the subscribers at their offices, DUFFY & YOUNG, LLC, 96 Broad Street, Charleston, South Carolina 29401, within thirty (30) days after the service hereof, exclusive of the day of such service. If you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for judgment by default to be rendered against you for the relief demanded in the Complaint.

This 18th day of October, 2024 at Charleston, South Carolina.

J. Rutledge Young, III (SC Bar No. 14132)
Hunter L. Windham (SC Bar No. 104781)
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STATE OF SOUTH CAROLINA
COUNTY OF YORK

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SIXTEENTH JUDICIAL CIRCUIT
CASE NO. 2024-CP-46-_____

Martha Edith Brucker, as Personal
Representative of the Estate of Stanley
Eugene Brucker,

Plaintiff,

v.

Fort Mill School District 4, and Belinda
Denise Jenkins,

Defendants.

COMPLAINT
(JURY TRIAL DEMANDED)

COMES NOW Martha Edith Brucker, as Personal Representative of the Estate of Stanley Eugene Brucker, and alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Martha Edith Brucker, the Personal Representative of the Estate of Stanley Eugene Brucker (“Mr. Brucker”), is a resident and citizen of King County in the State of Washington.

2. Defendant Fort Mill School District 4 (“FMSD”) is an entity organized and existing under the laws of South Carolina in York County with the address 2233 Deerfield Drive, Fort Mill, South Carolina 29715.

3. Defendant Belinda Denise Jenkins (“Jenkins”) is a resident and citizen of Charlotte, North Carolina.

4. This Court has subject-matter jurisdiction of this action.

5. Venue is proper in York County pursuant to S.C. Code § 15-7-30.

FACTUAL ALLEGATIONS

6. FMSD is a school district operating in York County.

7. FMSD entered into an agreement titled “Crossing Guard Services Agreement” (“Agreement”) with Everything Parking, Inc d/b/a Cross Safe (“Cross Safe”) whereby Cross Safe would provide crossing-guard services to FMSD.

8. Under the Agreement, FMSD contracted for Cross Safe to provide crossing guards at specific locations selected by FMSD.

9. Under the Agreement, FMSD controlled and selected the locations at which it required crossing guards.

10. Under the Agreement, Cross Safe would provide personnel to carry out crossing-guard services at schools within Defendant FMSD’s district at locations selected by FMSD.

11. Fort Mill Elementary School and Fort Mill Middle School are within FMSD’s district.

12. FMSD and Cross Safe contracted for Cross Safe to provide crossing-guard services relating to vehicle traffic on Springfield Parkway for Fort Mill Elementary School between 6:55am and 7:55am and between 1:40pm and 2:40pm, and for Fort Mill Middle School between 7:55am and 8:15am and between 2:40pm and 3:30pm.

13. At the time of his death, Mr. Brucker was providing crossing guard services at a specific location that was selected by FMSD.

14. At the time of his death on March 21, 2024, Mr. Brucker was providing crossing guard services at a specific location that FMSD knew or should have known was unsafe, unreasonably dangerous, and not an appropriate location for a school crossing guard to be located.

15. On March 21, 2024, Mr. Brucker was employed by Cross Safe for the purpose of providing crossing guard services relating to Fort Mill Elementary and/or Fort Mill Middle School on Springfield Parkway.

16. On March 21, 2024, while Mr. Brucker was performing crossing guard services, Defendant Jenkins was traveling North on Springfield Parkway in York County approaching the Fort Mill Elementary and Middle Schools.

17. While Mr. Brucker was lawfully in the roadway performing crossing guard services, Defendant Jenkins violently and without warning struck Mr. Brucker with her vehicle, causing severe injuries which ultimately led to the unfortunate death of Mr. Brucker.

18. On information and belief, Mr. Brucker was the third of four total school crossing guards struck and injured by oncoming traffic at FMSD within six years.

FOR A FIRST CAUSE OF ACTION
(Negligence / Gross Negligence Against FMSD)

19. Plaintiff incorporates by reference all allegations of the previous Paragraphs as if fully set forth here.

20. Defendant FMSD chose the specific locations for crossing guards to service its students and schools.

21. Defendant FMSD owed a duty of reasonable care to select specific locations that were reasonably safe for crossing guards like Mr. Brucker.

22. Defendant FMSD knew or reasonably should have known of the dangerous conditions for the school crossing guards as demonstrated by the actual conditions on the site in the middle of a busy highway and by the numerous past instances of injury to crossing guards among other things.

23. Defendant FMSD was negligent, careless, grossly negligent, reckless, and/or willful and breached its duties to Mr. Brucker in the following manner:

- a. Creating or allowing an unreasonably dangerous environment on Springfield Parkway at or near Fort Mill Elementary School and/or Fort Mill Middle School;

- b. Failing to select a safe location for its crossing guards like Mr. Brucker to work;
- c. Failing to take reasonable safety measures to ensure the locations in which crossing guards like Mr. Brucker worked would be reasonably safe;
- d. Failing to exercise due care in the design, control, and/or monitoring of work being performed by crossing guards for the benefit of FMSD and its students and schools;
- e. Failing to implement proper safety protocols to protect drivers, passengers, pedestrians, and others using the state's highway system on Springfield Parkway on and around FMSD's schools;
- f. Failing to warn of dangerous conditions at FMSD under circumstances where FMSD knew or reasonably should have known of such dangerous conditions;
- g. Failing to take preventative measures to ensure the crossing guard services could be conducted safely; and/or
- h. In such other particulars as may be shown at trial.

FOR A SECOND CAUSE OF ACTION
(Negligence/Gross Negligence Against Belinda D. Jenkins)

24. Defendant Jenkins has a duty to operate her motor vehicle with reasonable care while driving on the roadways in South Carolina.

25. Defendant Jenkins breached her duty to Mr. Brucker by operating her vehicle in a negligent, careless, reckless, willful, and/or wanton fashion.

26. Defendant Jenkins drove her vehicle in a negligent, careless, reckless, willful, and/or wanton fashion by:

- a. Failing to keep a proper lookout;
- b. Traveling too fast for conditions;
- c. Failing to use the degree of care which a person of ordinary prudence would have used under the same or similar circumstances; and
- d. In such other particulars as may be shown at trial.

27. As a direct and proximate result of the negligence, carelessness, gross negligence, recklessness, and willfulness of Defendants, Mr. Brucker suffered catastrophic injury and ultimately lost his life.

28. Defendants, either jointly or severally, acting alone or in combination with another/other Defendants, are responsible for the acts and omissions alleged here and for the death of Mr. Brucker.

29. Plaintiff is entitled to recover actual, exemplary, special, and punitive damages in an amount to be proven at trial.

FOR A THIRD CAUSE OF ACTION
(Wrongful Death – S.C. Code Ann. § 15-51-10 Against All Defendants)

30. Plaintiff incorporates by reference all allegations of the previous Paragraphs as if fully set forth here.

31. As a direct and proximate result of the acts and omissions of Defendants, Mr. Brucker's statutory beneficiaries have been and will continue to be deprived of Mr. Brucker's comfort, aid, companionship, and love.

32. Mr. Brucker's beneficiaries are entitled to recover all damages as authorized by statute, including pecuniary loss, mental shock and suffering, grief and sorrow, loss of companionship and the deprivation of the use and comfort of Mr. Brucker's society, in an amount of actual and punitive damages to be determined at the trial of this case.

FOR A FOURTH CAUSE OF ACTION
(Survival - S.C. Code Ann. § 15-5-90 – All Defendants)

33. Plaintiff incorporates by reference all allegations of the previous Paragraphs as if fully set forth here.

34. As a direct and proximate result of the acts and omissions of Defendants, Mr. Brucker experienced mental trauma, anguish, and conscious pain and suffering before he died.

35. Plaintiff's Estate is entitled to actual and punitive damages in an amount to be determined at the trial of this case.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- i. Award Plaintiff the actual and compensatory damages set forth above, including without limitation special damages;
- ii. Award Plaintiff punitive damages under applicable law;
- iii. Award pre-judgment interest;
- iv. Tax the costs of this action against Defendants;
- v. Provide such other relief in this action as may be just and proper; and
- vi. Provide for a jury to determine all issues of fact.

Plaintiff demands a jury trial to the extent entitled by law.

This 18th day of October, 2024 at Charleston, South Carolina

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October 18, 2024
Charleston, SC