

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF NEWBERRY )

IN THE COURT OF COMMON PLEAS  
FOR THE  
EIGHTH JUDICIAL CIRCUIT

Paula Beach, )  
 )  
Plaintiff, )

vs. )

Wal-Mart Stores East, LP, )  
 )  
Defendant, )

*2011-CP-36-00350*

**SUMMONS**

JACKIE S. BOWERS  
CLERK OF COURT

2011 JUL 26 P 12:06

FILED  
NEWBERRY COUNTY

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 said Complaint on the subscriber, PO Box 11601 Columbia, South Carolina 29211, within THIRTY (30) DAYS after the service hereof, exclusive of the date of such service; and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

**TURNIPSEED & ASSOCIATES**



William J. Jones  
ATTORNEY FOR THE PLAINTIFF  
Post Office Box 11601  
Columbia, SC 29211  
(803) 252-9000

Columbia, South Carolina  
7-26, 2011

STATE OF SOUTH CAROLINA )  
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 COUNTY OF NEWBERRY )  
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IN THE COURT OF COMMON PLEAS  
 FOR THE  
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*2011-CP-36-00350*

**COMPLAINT  
 (Jury Trial Demanded)**

FILED  
 NEWBERRY COUNTY  
 2011 JUL 26 P 12:06  
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The Plaintiff above-named, complaining of the Defendant herein, would respectfully show unto this Court:

**PARTIES**

1. The Plaintiff is a citizen and resident of the County of Newberry, State of South Carolina.
2. That upon information and belief, the Defendant Wal-Mart Stores East, LP (hereinafter known as Wal-Mart) is a business incorporated in a state other than South Carolina, doing business in the County of Newberry, State of South Carolina.

**FACTS**

3. That on August 15, 2008, the Plaintiff, was shopping at the Wal-Mart Super-Center located at 2812 Main Street, City of Newberry, State of South Carolina.
4. That Plaintiff was shopping in the shampoo aisle with her family.
5. That the Plaintiff slipped and fell on a substance, which upon information and belief was conditioner, that was on the floor of the aisle.
6. That upon information and belief, Defendant through its agents and/or employees, had constructive and/or actual notice of the substance on the floor.

**LIABILITY AS TO DEFENDANT WAL-MART**

7. Paragraphs 1 through 6 are incorporated by reference.

8. Defendant Wal-Mart, by the acts or omissions of its agents and/or employees was negligent and grossly negligent at the time and place previously mentioned in one or more of the following particulars, to-wit:

- (a) In failing to remove the substance from the floor;
- (b) In failing to adequately warn the public of the dangers associated with substance on the floor;
- (c) In allowing a dangerous condition to be created, by way of its agents and/or employees, and then failing to correct such dangerous condition within a reasonable time;
- (d) In failing to correct such dangerous condition within a reasonable time after actual or constructive notice of said condition; and,
- (e) In such other particulars as evidence presented at trial may establish.

**PLAINTIFF'S DAMAGES**

9. Paragraphs 1 through 8 are incorporated by reference.

10. That as a direct and proximate result of the aforesaid negligent and/or grossly negligent acts or omissions of the Defendant, the Plaintiff:

- (a) Suffered an injury to her right hip;
- (b) Suffered an injury to her lower back;
- (c) Suffered a left L4-5 herniated nucleus pulposus;
- (d) Has been and continues to be confined to the care and treatment of skilled health and medical providers;

- (c) Has and continues to incur medical expenses;
- (f) Plaintiff continues to suffer from the adverse effects of her injuries;
- (g) Sustained past, present, and future pain and suffering,
- (h) Suffered loss of enjoyment of life.
- (i) And, in other particulars as the evidence at trial may show.

**PRAYER**

**WHEREFORE**, Plaintiff prays for judgment against the Defendant for actual damages, the cost of this action and for such other and further relief as this Court may deem just and proper.

**TURNIPSEED & ASSOCIATES**



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7-26, 2011  
Columbia, South Carolina