

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 Kevin Morris, individually, as the parent and )  
 natural guardian of E.M., a minor, and as the )  
 Personal Representative of the Estate of )  
 Katherine Marie Tompeck, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 Richland County; Sheriff Leon Lott, in his )  
 Official Capacity as Sheriff of the Richland )  
 County Sheriff's Office; Kyle Oliver; Michael )  
 Caughman; Gary Atkinson; and John Doe )  
 Deputies, in their respective individual )  
 capacities, )  
 )  
 Defendants. )  
 )  
 \_\_\_\_\_ )

**IN THE COURT OF COMMON PLEAS**  
 Civil Action No.: 3:23-cv-00760-SAL-SVH  
 (Civil Action No. 2020-CP-40-03881)  
 (Court of Common Pleas)  
  
**NOTICE OF REMOVAL ON BEHALF  
 OF DEFENDANTS RICHLAND  
 COUNTY, SHERIFF LOTT, OLIVER,  
 CAUGHMAN, & ATKINSON**

The Defendant/Petitioner Gary Atkinson, unanimously joined by the Defendants Richland County, Sheriff Leon Lott, in his Official Capacity as Sheriff of the Richland County Sheriff's Office (hereinafter, "Sheriff Lott"), Kyle Oliver, and Michael Caughman would show unto this Honorable Court:

1. The instant action was brought in the Court of Common Pleas, County of Richland, by Plaintiff to recover from the Defendants judgment as reflected in the first, second, sixth, seventh, eighth, and ninth causes of action in the Amended Complaint for deprivations of his Fourth Amendment rights under the United States Constitution pursuant to 42 U.S.C. § 1983. See, Am. Comp., ¶¶ 12, 31, 36, 40, 66, 82, 91-93, 99, 100.

2. Upon information and belief, at the time of the commencement of the action and at all times since then, the Plaintiff has been a citizen and resident of Richland County, South Carolina. *Id.*, ¶ 1.

3. Pursuant to United States Code Ann. 28 U.S.C. § 1331, the District Courts have original jurisdiction in all civil actions arising under the Constitution, laws, or treaties of the United States. This action alleges federal questions and/or claims which come within the original jurisdiction of the United States District Court.

4. Upon information and belief, said action was commenced by the filing of the Complaint against the Defendants Richland County, Sheriff Lott, Kyle Oliver, and Michael Caughman on or about August 14, 2020.

5. Plaintiff filed an Amended Complaint, attached hereto, on September 28, 2022 which added a new Defendant, Gary Atkinson.

6. The newly-added Defendant, Gary Atkinson, was served with the Amended Complaint on February 1, 2023.

7. Pursuant to the last-served defendant rule codified at 28 U.S.C. § 1446(b)(2)(B), this Notice of Removal is filed within thirty (30) days of the receipt by the last-served Defendant of the pleading setting forth the claim for relief in this case.

8. The undersigned counsel represents Richland County, Sheriff Lott, Kyle Oliver, Michael Caughman, as well as Gary Atkinson, and hereby confirms, pursuant to Rule 11, Fed. R. Civ. P., that each unanimously consents to and joins in this Notice of Removal by Defendant Atkinson.

WHEREFORE, the Defendants pray that this Court accept this Notice of Removal which is being filed and that this Honorable Court take jurisdiction of the above-entitled cause and all further proceedings in said cause in the Court of Common Pleas, County of Richland, State of South Carolina, bearing Civil Action Number 2020-CP-40-03881 be stayed.

*[Signature block on following page]*

s/ Robert D. Garfield

Robert D. Garfield, Fed. ID 7799

Steven R. Spreeuwers, Fed. ID 11766

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*Counsel for Defendants Richland County,  
Sheriff Lott, Oliver, Caughman, & Atkinson*

Columbia, South Carolina

February 24, 2023

IN THE STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT  
CASE NO: 2020-CP-40-

Katherine Tompeck and Kevin Morris,  
both individually and as the parents and  
natural guardians of E.M., a minor,

Plaintiff(s),

v.

Richland County; Richland County  
Sheriff's Office; and Kyle Oliver, Michael  
Caughman, John Doe Deputies, in their  
respective Individual Capacities,

Defendant(s).

**SUMMONS  
(Jury Trial Demanded)**

**TO: THE DEFENDANT(S) 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 said Complaint upon the Plaintiffs or their attorney, Ryan C. Andrews, at his office, 222 W. Coleman Blvd, Mt. Pleasant, SC 29464, within (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, Plaintiffs will apply to the court for the relief demanded in the Complaint.

Dated at Mt. Pleasant, South Carolina on the 14th day of August, 2020.

[SIGNATURE ON FOLLOWING PAGE]

**COBB DILL & HAMMETT, LLC**

BY /s Ryan Andrews  
Ryan C. Andrews  
S.C. Bar No.: 101104  
Cobb Dill & Hammett, LLC  
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**ATTORNEY FOR THE PLAINTIFFS**

IN THE STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT  
CASE NO: 2020-CP-40-

Katherine Tompeck and Kevin Morris,  
both individually and as the parents and  
natural guardians of E.M., a minor,

Plaintiff(s),

v.

Richland County; Richland County  
Sheriff's Office; and Kyle Oliver, Michael  
Caughman, John Doe Deputies, in their  
respective Individual Capacities,

Defendant(s).

**COMPLAINT  
(Jury Trial Demanded)**

The Plaintiffs, complaining of the Defendants, alleges and says as follows:

**JURISDICTION AND VENUE**

1. That the Plaintiffs Katherine Tompeck (herein referred to as "Plaintiff Tompeck"), Kevin Morris (herein referred to as "Plaintiff Morris") and E.M. (herein referred to as "Minor Plaintiff"; all Plaintiffs collectively referred to herein as "Plaintiffs") are citizens and residents of Richland County, State of South Carolina.
2. That Plaintiffs Tompeck and Morris are the parents and natural guardians of the Minor Plaintiff.
3. That upon information and belief, each Defendant is a citizen and resident of Richland County, State of South Carolina.
4. That the actions giving rise to the causes of action in this Complaint occurred in Richland County, State of South Carolina.
5. That this court has jurisdiction over the parties and subject matter of this action and venue is proper.



**FACTUAL BACKGROUND**

6. That upon information and belief, Defendant Richland County (herein referred to as “Defendant County”) is a duly authorized county created pursuant to the laws of the State of South Carolina. At all times relevant hereto, Defendant County, its agents, servants and employees operated, maintained and controlled the Richland County Sheriff’s Office, including all sheriff’s deputies and employees thereof, as well as the prosecution of criminal and/or traffic violations charged by all sheriff’s deputies and employees of the Richland County Sheriff’s Office. Upon information and belief, Richland County is responsible for the policies, practices and customs of Richland County Sheriff’s Office as well as the hiring, training, supervising, controlling, and disciplining of its deputies and other employees.
7. That upon information and belief, Defendant Richland County Sheriff’s Office (herein referred to as “Defendant Sheriff’s Office”) is a State entity organized and created pursuant to the laws of the State of South Carolina. The Richland County Sheriff’s Office is responsible for the policies, practices and customs of the Richland County Sheriff’s Office as well as the hiring, training, supervising, controlling and disciplining of its deputies and other employees.
8. That at the various times giving rise to the causes of action set forth in this Complaint, upon information and belief, Defendant Kyle Oliver (herein referred to as “Defendant Oliver”) was employed by Defendant Sheriff’s Office and on duty, acting individually and under the color of state law.
9. That at all times material and relevant to this action, Defendant Michael Caughman (herein referred to as “Defendant Caughman”); all Defendants herein collectively referred to as

- “Defendants”) was employed by Defendant Sheriff’s Office and on duty, acting individually and under the color of state law.
10. That at all times material and relevant to this action, Defendants John Doe Deputies are deputies unknown at this time, but were employed by Defendant Sheriff’s Office and on duty, acting individually and under the color of state law.
  11. That at all times material and relevant to this action, Defendants Oliver, Caughman, and John Doe Deputies were commissioned law enforcement officers elected or appointed to serve all people in Richland County regardless of race, gender, religious affiliation or socioeconomic status. Defendants Oliver, Caughman, and John Doe Deputies further knew or should have known Plaintiffs enjoyed constitutional rights to be free from unnecessary government interference, intrusion, and force that belonged to them.
  12. That upon information and belief, prior to September 1, 2018, Defendants Oliver, Caughman, and John Doe Deputies had been trained and certified by the South Carolina Law Enforcement Division regarding the proper time to search private citizens’ properties and homes and to seize private citizens.
  13. That upon information and belief, prior to September 1, 2018, Defendants Oliver, Caughman, and John Doe Deputies had been trained and certified by the South Carolina Law Enforcement Division in the proper use of a handgun. Defendants Oliver, Caughman, and John Doe Deputies were authorized in each officer’s capacity as a commissioned law enforcement officer to carry a firearm.
  14. That on or about September 1 and 2, 2018, Defendants Oliver, Caughman, and John Doe Deputies were in fact carrying department issued firearms.
  15. That upon information and belief, prior to September 1, 2018, each Defendant had



- undergone basic law enforcement training at the South Carolina Criminal Justice Academy and had undergone 16 hours of annual training by the South Carolina Law Enforcement Training Council for each subsequent year as required by South Carolina law.
16. That upon information and belief, on September 1, 2018 Defendants Oliver, Caughman, and John Doe Deputies responded to a call of a motor vehicle that allegedly drove off and returned onto a roadway near Saucer Way in Chapin, South Carolina.
  17. That Defendant Oliver and his partner, a John Doe Deputy Defendant, were the first to arrive at Saucer Way, and spoke with alleged witnesses to the aforementioned vehicle driving off the roadway.
  18. That the unidentified witnesses alleged they saw an unidentified female in an automobile that was stuck in a ditch near Saucer Way, and when the unidentified witnesses stopped to check on the vehicle, they alleged that the unidentified female accelerated her vehicle, drove out of the ditch back onto the roadway, and struck trees along the road.
  19. That the unidentified witnesses then alleged to have followed a vehicle and later found an unidentified female and a car parked in a driveway on Saucer Way.
  20. That the unidentified witnesses further alleged that the unidentified female entered the home on Saucer Way after the witnesses confronted her approximately twenty (20) minutes prior to Defendant Oliver's and his partner's, a John Doe Deputy Defendant, arrival.
  21. That during the discussion with the unidentified witnesses, Defendant Oliver and his partner, a John Doe Deputy Defendant, did not inquire about nor were told the year, make, model, color or license tag of the vehicle in which the unknown witnesses allegedly saw.
  22. That during the discussion with the unidentified witnesses, Defendant Oliver and his partner, a John Doe Deputy Defendant, did not inquire about nor were told a description of

- the race, weight, height, clothing, frame, or any other potentially identifying information about the unidentified female driver, other than the unknown driver was a female.
23. That after speaking with the alleged unidentified witnesses, Defendant Oliver and his partner, a John Doe Deputy Defendant, drove down Saucer Way to the address of the Plaintiffs (herein referred to as “Plaintiffs’ Property”).
  24. That while approaching the Plaintiffs’ Property, Defendant Oliver’s partner, a John Doe Deputy Defendant, can be heard stating that “all we’re going to do is scare the hell out of her.”
  25. That Defendant Oliver and his partner, a John Doe Deputy Defendant, then discussed their plans to detain a female subject despite not obtaining any physical description of any female subject nor applying for any type of search or arrest warrants.
  26. That Defendant Oliver and his partner, a John Doe Deputy Defendant, then arrived at Plaintiffs’ Property, obtained a license tag number from a vehicle parked legally in the driveway of Plaintiffs’ Property, and determined it was registered to Plaintiff Tompeck.
  27. That Defendant Oliver and his partner, a John Doe Deputy Defendant, then entered onto Plaintiffs’ Property and examined the aforementioned vehicle.
  28. That Plaintiffs did not provide any oral or written consent for any Defendants to enter onto Plaintiffs’ Property.
  29. That no deputy with the Defendant Sheriff’s Office possessed an arrest warrant or a search warrant for the search or entry onto Plaintiffs’ Property.
  30. That Defendants entering onto Plaintiffs’ Property and looking at the vehicle constituted a search under the Fourth Amendment, which required a warrant for the same absent exigent circumstances.

31. That after examining the vehicle on Plaintiffs' Property without any warrants, Defendant Oliver and his partner, a John Doe Deputy Defendant, knocked on the front door of the home on Plaintiffs' Property.

32. That when nobody answered the front door at Plaintiffs' Property, Defendant Oliver and his partner, a John Doe Deputy Defendant, entered a garage attached to the home, and approached a closed door inside the garage.



33. That Plaintiffs did not provide any oral or written consent for any Defendants to enter into the garage on Plaintiffs' Property.

34. That no deputy with the Defendant Sheriff's Office possessed an arrest warrant or a search warrant for the search or entry into the garage on Plaintiffs' Property.

35. That Defendants entering into the garage on Plaintiffs' Property constituted a search under the Fourth Amendment, which required a warrant for the same absent exigent circumstances.

36. That Defendant Oliver then opened the closed door in the garage which led inside Plaintiffs' home, looked inside the Plaintiffs' home, and entered into the same with his



partner.



37. That Plaintiffs did not provide any oral or written consent for the Defendant Sheriff's Office to enter the home on Plaintiffs' Property.

38. That no deputy with Defendant Sheriff's Office possessed an arrest warrant or a search warrant for the search or entry into the home on Plaintiffs' Property.

39. That Defendants entering into the home on Plaintiffs' Property constituted a search under the Fourth Amendment, which required a warrant for the same absent exigent circumstances.

40. That Defendant Oliver and his partner, a John Doe Deputy Defendant, then drew their service weapons and began searching the upstairs and downstairs of the home.





41. That Defendant Oliver eventually entered a bedroom downstairs in Plaintiffs' home. Unbeknownst to Defendant Oliver and his partner, a John Doe Deputy Defendant, the bedroom contained all three Plaintiffs asleep in a bed.
42. That Defendant Oliver then awoke Plaintiff Morris at gun point, demanded Plaintiff Morris show his hands, and inquired where Plaintiff Tompeck was located.
43. That Plaintiffs were seized by Defendants through the threat of deadly force and while Defendant Oliver and his partner, a John Doe Deputy Defendant, displayed Defendant Sheriff's Office department-issued firearms. That Plaintiffs suffered these violations of their civil rights in the presence of one another.
44. That Defendant Oliver then lied to Plaintiff Morris, and stated that the door to the Plaintiffs' home was open, when it was in fact closed, as evidenced by Defendant Oliver's body camera footage and the still shots as shown above.
45. That Plaintiff Morris informed Defendant Oliver that Plaintiff Tompeck was asleep next to him.
46. That Defendant Oliver and his partner, a John Doe Deputy Defendant, then commanded Plaintiff Morris to wake up Plaintiff Tompeck, to which Plaintiff Morris complied. Defendant Oliver and his partner and then ordered Plaintiff Tompeck to come outside of



- the home and talk to them in the driveway.
47. That Defendant Oliver and his partner, a John Doe Deputy Defendant, had no legal authority to enter the Plaintiffs' home, draw their department issue service weapons, and force the Plaintiffs outside of their home.
48. That upon information and belief, Defendant Oliver's actions and his partner's, a John Doe Deputy Defendant, actions satisfy the requisite elements of the crimes of Burglary and Kidnapping.
49. That upon information and belief, if any private citizen committed the same actions as Defendant Oliver and his partner, a John Doe Deputy Defendant, that private citizen could be charged with the crimes of Burglary and Kidnapping.
50. That after Defendant Oliver commanded Plaintiff Tompeck to come outside and talk to him, he began questioning her inside her garage.
51. That Defendant Oliver and his partner, a John Doe Deputy Defendant, had no way of knowing whether Plaintiff Tompeck was the unidentified woman allegedly driving as they received no identifying information of the driver other than the driver was a female.
52. That Plaintiff Tompeck inquired as to why the Defendants were on Plaintiffs' Property.
53. That Defendant Oliver then read Plaintiff Tompeck her *Miranda* rights and informed her what the unidentified witnesses allegedly saw regarding the unidentified female driver.
54. That Plaintiff Tompeck informed the Defendants that she was concerned by their presence and that she would exercise her right to remain silent.
55. That in response, an agitated Defendant Oliver commanded Plaintiff Tompeck to stand up, then handcuffed her, and led her to a police vehicle, which she remained for approximately more than three (3) hours while Defendant Sherriff's Office sent Defendant Caughman and



- numerous unknown John Doe Deputies with Defendant Sheriff's Office to Plaintiffs' Property to investigate the alleged event regarding the unknown driver driving on and off the roadway.
56. That while all Defendants were at Plaintiffs' Property, numerous police vehicles flashed their blue lights, which drew further attention to Plaintiffs and Plaintiffs' Property.
57. That while Defendants were pursuing an investigation at Plaintiffs' Property while Plaintiff Tompeck was handcuffed in a police vehicle, Defendant Oliver and John Doe Deputy Defendants made demeaning and inappropriate comments regarding Plaintiff Tompeck to Plaintiff Morris.
58. That Defendants did not permit Plaintiff Tompeck to retrieve any shoes or clothing after illegally seizing her in an effort to, upon information and belief, further harass and humiliate her.
59. That Defendants would not permit Plaintiff Morris to enter inside his home on Plaintiffs' Property and otherwise restricted his movement during the time Defendants were at Plaintiffs' Property.
60. That Defendant Oliver had no legal authority or right to illegally enter into and seize Plaintiffs inside their home with threat of deadly force.
61. That Plaintiff Tompeck suffered these violations of her civil rights in the presence of her minor daughter, boyfriend, and neighbors.
62. That Plaintiff Morris suffered these violations of his civil rights in the presence of his minor daughter, girlfriend, and neighbors.
63. That the Minor Plaintiff suffered these violations of her civil rights in the presence of her parents and neighbors.

64. That at no time did any Defendant apply for or receive any search or arrest warrants.
65. That to the extent deputies with the Defendant Sheriff's Office claim it had a good faith basis to enter the Plaintiffs' Property and home based upon an alleged traffic violation in which no Defendants witnessed, the Defendants knew or should have known a warrantless, nighttime entry into Plaintiffs' home to arrest her for a civil traffic offense is prohibited by the special protections afforded to citizens in their homes by the Fourth Amendment pursuant to *Welsh v. Wisconsin*, 466 U.S. 740, 104 S. Ct. 2091 (1984).
66. That Plaintiff Tompeck was charged with the traffic violation of Reckless Driving and transported to Alvin S. Glenn Detention Center more than three (3) hours after Defendant Oliver and his partner, a John Doe Deputy Defendant, illegally entered onto Plaintiffs' Property and seized her and her family with threat of deadly force.
67. That Plaintiff Tompeck was released from the Alvin S. Glenn Detention Center the following day and retained counsel.
68. That on September 17, 2018, counsel for Plaintiff Tompeck filed and served a Request for Information Pursuant to Rule 5 of the South Carolina Rules of Civil Procedure, along with a Motion for *Brady* and other Favorable Material (herein after referred to as "Rule 5 Request").
69. That when Defendants failed to provide a response to the Rule 5 Request within thirty (30) days, counsel for Plaintiff Tompeck filed a Motion to Dismiss the Reckless Driving Charge.
70. That counsel for Plaintiff Tompeck additionally sent correspondence to Defendant Sherriff's Office requesting that: an investigation be opened regarding the Defendant Sheriff's Office illegal search and seizure of Plaintiffs; the non-spoliation of all reports,

photographs, 911 calls, audio recordings, videos concerning the Defendant Sheriff’s Office response to Plaintiffs’ Property; and also information pursuant to the South Carolina Freedom of Information Act, which should have been provided with Plaintiff Tompeck’s initial Rule 5 Request.

71. That on or about November 9, 2018, Defendant Sherriff’s Office informed counsel for Plaintiff Tompeck that the reasonably anticipated cost of the aforementioned South Carolina Freedom of Information Act request, which should have been provided with Plaintiff Tompeck’s initial Rule 5 Request, would cost approximately \$1,720.00. Counsel for Plaintiff Tompeck subsequently requested an itemization of the costs; however, no response was ever made on behalf of the Defendant Sheriff’s Office.
72. That on or about November 15, 2018, the Defendant Sheriff’s Office responded to the Rule 5 Request. It included an Incident Report, Supplemental Report, Arrest Report, three (3) witness statements, 911 Audio and Report, Body Camera Footage, and an Alvin S. Glenn Detention Center Search.
73. That Defendant Sheriff’s Office confirmed that discovery was incomplete as it had not provided a report from Defendant Caughman.
74. That it was also apparent that Defendant Oliver’s body camera footage at the scene of Saucer Way was incomplete as it only lasted for approximately 50 minutes and 35 seconds while the police report provided Defendant Oliver did not depart until 3:40 am—more than four (4) hours after arriving.

|  |  |  |  |              |    |                         |              |                                   |            |              |             |               |
|--|--|--|--|--------------|----|-------------------------|--------------|-----------------------------------|------------|--------------|-------------|---------------|
| INCIDENT DATE                            |  |  |  | 24 HR. CLOCK | TO | DATE                    | 24 HR. CLOCK | DISPATCH DATE / TIME 24 HR. CLOCK |            |              |             | 29036         |
| 09012018                                 |  |  |  | 2256         |    | 09022018                | 0340         | DISP. DATE                        | DISP. TIME | TIME ARRIVED | DEPART TIME |               |
| 09012018                                 |  |  |  | 2304         |    | 2330                    | 0340         |                                   |            |              |             |               |
| COMPLAINANT'S NAME (LAST, FIRST, MIDDLE) |  |  |  |              |    | RELATIONSHIP TO SUBJECT | RES          | RACE                              | SEX        | AGE          | ETH         | DAYTIME PHONE |

75. That upon information and belief, the body camera footage not provided included deputies with Defendant Sheriff’s Office making the aforementioned demeaning and inappropriate



- comments regarding Plaintiff Tompeck.
76. That upon information and belief, the body camera footage not provided included deputies with Defendant Sheriff's Office not permitting Plaintiff Morris to enter his home and otherwise move about freely.
  77. That upon information and belief, the body camera footage not provided included deputies with Defendant Sheriff's Office obtaining statements from the alleged witnesses.
  78. That the Defendant Sheriff's Office failed to provide any additional responses to any of Plaintiff Tompeck's Rule 5 Requests for Information Pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure.
  79. That the Defendants declined to voluntarily dismiss Plaintiff Tompeck's Reckless Driving Charge and on February 12, 2020, a hearing took place before the Honorable Harold A. Cuff at the Richland County Central Court regarding Plaintiff Tompeck's Motion to Dismiss.
  80. That the undersigned prepared a legal memorandum and exhibits for the aforementioned hearing.
  81. That the hearing lasted approximately one (1) hour and after arguments and reviewing evidence, the Honorable Harold A. Cuff dismissed Plaintiff Tompeck's Reckless Driving charge citing the Fourth Amendment violations committed by the Defendants.
  82. That after Judge Cuff's verbal order dismissing the case, the prosecuting attorney at the hearing indicated he would request that the Defendant Sheriff's Office initiate better training to avoid similar situations as Plaintiffs'.
  83. That Defendants did not have any reasonable basis to seize Plaintiffs.
  84. That Defendants did not have any reasonable basis to search Plaintiffs' Property and home.

85. That Defendants did not have any reasonable basis to attempt to prosecute the Plaintiff.

86. That as a result of all Defendants’ actions, as more fully described above, Plaintiffs have suffered and continues to suffer physical distress, emotional distress, embarrassment and humiliation, and incurred attorneys’ fees and costs.

**FIRST CAUSE OF ACTION AS TO DEFENDANTS OLIVER AND JOHN DOE DEPUTIES**

**(Deprivation of Plaintiffs’ Fourth Amendment Rights Actionable under 42 U.S.C. § 1983)**

87. Plaintiffs restate and re-allege every allegation set forth above as if stated herein verbatim.

88. That Defendants Oliver and John Doe Deputies at all times relevant to this Complaint acted under color of state law and exercised power possessed by virtue of state law as commissioned law enforcement officers.

89. That the John Doe Deputies in this cause of action include, but are not limited to Defendant Oliver’s partner that arrived at the scene with Defendant Oliver who also entered into Plaintiffs’ Property and home with Defendant Oliver as discussed above.

90. That Defendants Oliver’s and John Doe Deputies’ conduct as more fully set forth above deprived Plaintiffs of their rights, privileges, or immunities secured by the Fourth Amendment to the Constitution of the United States.

91. That particularly, Defendants Oliver’s and John Doe Deputies’ conduct deprived Plaintiffs of their rights protected by the Fourth Amendment of the constitution of the United States, guaranteeing citizens the right “to be secure in their persons . . . against unreasonable . . . seizures” of the person and their right to be free from unnecessary governmental interference.

92. That Defendants Oliver and John Doe Deputies conducted an unlawful and unreasonable intrusion into the Plaintiffs’ Property and home and furthermore used excessive force

during the unconstitutional seizure of Plaintiffs.

93. That Defendants Oliver's and John Doe Deputies' actions were not objectively reasonable in light of the facts and circumstances, and Defendants Oliver and John Doe Deputies conducted an unreasonable intrusion into the Plaintiffs' Property and home, and seizure of the Plaintiffs.

94. That as a direct and proximate result of Defendants Oliver's and John Doe Deputies' unreasonable seizure of Plaintiffs and use of excessive force, Plaintiffs have suffered and continue to suffer tremendous and irreparable emotional and mental harm and are entitled to nominal, actual, punitive damages, and attorneys' fees and costs.

**SECOND CAUSE OF ACTION AS TO DEFENDANTS OLIVER, CAUGHMAN AND JOHN DOE DEPUTIES**

**(Deprivation of Plaintiffs' Fourth Amendment Rights Actionable under 42 U.S.C. § 1983)**

95. Plaintiffs restate and re-allege every allegation set forth above as if stated herein verbatim.

96. That Defendants Oliver, Caughman, and John Doe Deputies at all times relevant to this Complaint acted under color of state law and exercised power possessed by virtue of state law as commissioned law enforcement officers.

97. That the John Doe Deputies in this cause of action include, but are not limited to Defendant Oliver's partner that arrived at the scene with Defendant Oliver who also entered into Plaintiffs' Property and home with Defendant Oliver as discussed above.

98. That Defendants Oliver's, Caughman's, and John Doe Deputies' conduct as more fully set forth above deprived Plaintiffs of their rights, privileges, or immunities secured by the Fourth Amendment to the Constitution of the United States.

99. That particularly, Defendants Oliver's, Caughman's, and John Doe Deputies' conduct deprived Plaintiffs of their rights protected by the Fourth Amendment of the Constitution



of the United States, guaranteeing citizens the right “to be secure in their . . . houses . . . against unreasonable searches.”

100. That Defendants Oliver, Caughman, and John Doe Deputies conducted an unlawful and unreasonable search of Plaintiffs’ Property and home wherein Defendants, without a warrant, consent, or any exigency, entered into Plaintiffs’ Property and home and entered the sanctity of Plaintiffs’ home.

101. That Defendants Oliver’s, Caughman’s, and John Doe Deputies’ actions were not objectively reasonable in light of the facts and circumstances, and Defendants’ conducted an unreasonable search of Plaintiffs’ Property, home, and persons.

102. That as a direct and proximate result of Defendant Oliver’s, Caughman’s, and John Doe Deputies’ unreasonable search of Plaintiffs’ Property and home, Plaintiffs have suffered and continue to suffer tremendous and irreparable emotional and mental harm and are entitled to nominal, actual, punitive damages, and attorneys’ fees and costs.

**THIRD CAUSE OF ACTION AS TO DEFENDANT SHERIFF’S OFFICE**  
**(False Imprisonment)**

103. Plaintiffs restate and re-allege every allegation set forth above as if stated herein verbatim.

104. That Defendant Oliver’s and his partner’s conduct of entering into Plaintiffs’ Property and home, waking Plaintiffs up at gunpoint, and forcing them from their home, deprived Plaintiffs of their liberty without justification.

105. That Defendant Oliver and his partner were acting within the scope of employment with Defendant Sheriff’s Office.

106. That Defendant Oliver and his partner intentionally restrained the Plaintiffs.

107. That there was no lawful basis for Defendant Oliver’s and his partner’s restraint and

imprisonment of Plaintiffs.

108. That Defendants Oliver's and John Doe Deputies' conduct of jailing Plaintiff Tompeck overnight deprived her of her liberty without justification.

109. That Defendants Oliver and John Doe Deputies were acting within the scope of employment with Defendant Sheriff's Office.

110. That Defendants Oliver and John Doe Deputies intentionally restrained Plaintiffs.

111. That there was no lawful basis for Defendant Oliver's and John Doe Deputies' restraint and imprisonment of Plaintiffs.

112. That as a direct and proximate result of Defendant Sheriff's Office false imprisonment of Plaintiffs, Plaintiffs have suffered and continues to suffer tremendous and irreparable emotional and mental harm and are entitled to actual and punitive damages, as well as attorneys' fees and costs.

**FOURTH CAUSE OF ACTION AS TO DEFENDANT SHERIFF'S OFFICE**  
**(Invasion of Privacy)**

113. Plaintiffs restate and re-allege every allegation set forth above as if stated herein verbatim.

114. That all actions taken by Defendants Oliver, Caughman, and John Doe Deputies were intentional and performed within the scope of their employment with Defendant Sheriff's Office.

115. That Defendants Oliver, Caughman, John Doe Deputies did intentionally force entry into Plaintiffs' Property and home during nighttime hours.

116. That the forced entry into Plaintiffs' Property and home was a substantial and unreasonable invasion of Plaintiffs' Property and privacy.

117. That Defendants Oliver's, Caughman's, and John Doe Deputies' conduct was of a nature

that would cause mental injury to a person of ordinary feelings and intelligence in the same circumstance.

118. That as a direct and proximate result of Defendant Sheriff's Office invasion of privacy of Plaintiffs, Plaintiffs have suffered and continues to suffer tremendous and irreparable emotional and mental harm and are entitled to actual and punitive damages, as well as attorneys' fees and costs.

**FIFTH CAUSE OF ACTION AS TO DEFENDANT SHERIFF'S OFFICE**  
**(Trespass)**

119. Plaintiffs restate and re-allege every allegation set forth above as if stated herein verbatim.

120. That all actions taken by Defendants Oliver, Caughman, and John Doe Deputies were intentional and performed within the scope of their employment with Defendant Sheriff's Office.

121. That Defendants Oliver, Caughman, and John Doe Deputies intentionally entered onto Plaintiffs' Property and forced entry into Plaintiffs' home.

122. That Defendants Oliver, Caughman, and John Doe Deputies interfered with Plaintiffs' right to possession of their property.

123. That Defendants Oliver's, Caughman's, and John Doe Deputies' forced entry onto Plaintiffs' Property and home was a reckless, willful, and wanton disregard for Plaintiffs' rights.

124. That as a direct and proximate result of Defendant Sheriff's Office trespass, Plaintiffs have suffered and continues to suffer tremendous and irreparable emotional and mental harm and are entitled to actual and punitive damages, as well as attorneys' fees and costs.



**SIXTH CAUSE OF ACTION AS TO DEFENDANT SHERIFF’S OFFICE**  
**(Gross Negligence)**

125. Plaintiffs restate and re-allege every allegation set forth above as if stated herein verbatim.

126. That at all times relevant to this action, the deputies of Defendant Sheriff’s Office were employees, agents, and legal representatives of the Defendant Sheriff’s Office and were acting within the scope of employment and under color of law.

127. That Defendant Sheriff’s Office is responsible for the actions of its deputies on September 1 and 2, 2018.

128. That Plaintiffs at all times pertinent hereto were acting in a reasonable and prudent manner and were within their legal rights and on their property.

129. That at all times relevant hereto, Defendants owed Plaintiffs the duty of care and caution that any reasonable person would have used under the circumstances then and there prevailing and a duty of care to avoid violating the rights of the Plaintiffs.

130. That Defendants breached such duties and the injuries and harm to the Plaintiffs were the direct, foreseeable, and proximate cause of the negligent and careless, and willful, wanton, and reckless, and grossly negligent acts/omissions of Defendants as described herein above.

131. That due to the willful, wanton, reckless, grossly negligent, and negligent acts of Defendants, Plaintiffs are entitled to recover actual, nominal, punitive damages, and attorneys’ fees and costs in amounts to be determined by a jury.

**SEVENTH CAUSE OF ACTION AS TO DEFENDANTS SHERIFF’S OFFICE AND COUNTY**  
**(Intentional Infliction of Emotional Distress)**

132. Plaintiffs restate and re-allege every allegation set forth above as if stated herein

- verbatim.
133. That upon the Defendant Sheriff’s Office, by and through their deputies, illegally entering the Plaintiffs’ Property and home, and illegally seizing the Plaintiffs, Defendant Sheriff’s Office recklessly inflicted severe emotional distress, or was certain or substantially certain that such distress would result from their conduct.
134. That Defendant Oliver’s partner, a John Doe Defendant, confirmed that before illegally entering the Plaintiffs’ Property and home, and illegally seizing the Plaintiffs, that “all [Defendants Sheriff’s Office was] going to do [was] scare the hell out of” Plaintiff Tompeck.
135. That upon the Defendant County instituting and continuing to pursue criminal proceedings against Plaintiff Tompeck, Defendant County recklessly inflicted severe emotional distress, or was certain or substantially certain that such distress would result from their conduct.
136. That the Defendants Sheriff’s Office’s and County’s conduct was so extreme and outrageous as to exceed all possible bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community.
137. That the actions of the Defendants Sheriff’s Office and County caused Plaintiffs’ emotional distress.
138. That the Plaintiffs’ emotional distress was so severe that no reasonable person could be expected to endure it.
139. That as a direct and proximate result of Defendants Sheriff’s Office’s and County’s intentional infliction of emotional distress, Plaintiffs have suffered and continues to suffer tremendous and irreparable emotional and mental harm and are entitled to actual and

punitive damages, as well as attorneys’ fees and costs.

**EIGHTH CAUSE OF ACTION AS TO DEFENDANTS SHERIFF’S OFFICE AND COUNTY**  
**(Malicious Prosecution)**

140. Plaintiffs restate and re-allege every allegation set forth above as if stated herein verbatim.

141. That criminal proceedings against Plaintiff Tompeck were instituted and continued by and through Defendants Sheriff’s Office and County’s insistence.

142. That these criminal proceedings have been terminated in favor of Plaintiff Tompeck.

143. That Defendants Sheriff’s Office and County caused these proceedings to be instituted and continued with malice and lack of probable cause.

144. That as a direct and proximate result of Defendants Sheriff’s Office’s and County’s malicious prosecution, Plaintiff Tompeck has suffered and continues to suffer tremendous and irreparable emotional and mental harm and are entitled to actual and punitive damages, as well as attorneys’ fees and costs.

**PRAYER FOR RELIEF**

**WHEREFORE**, the Plaintiffs pray for a trial by jury on all issues presently raised or that may be raised in any pleadings hereafter and further seek:

- i. Judgement against Defendants for actual, special and punitive damages in the amount to be determined by the jury;
- ii. To award Plaintiff reasonable attorney fees, costs, and expenses against Defendants, pursuant to 42 U.S.C. § 1988 and all other applicable law; and
- iii. For all other and further relief as the Court and jury deem just and proper.

[SIGNATURE ON FOLLOWING PAGE]



Respectfully submitted,

**COBB DILL & HAMMETT, LLC**

BY /s Ryan Andrews

Ryan C. Andrews  
S.C. Bar No.: 101104  
Cobb Dill & Hammett, LLC  
222 W. Coleman Blvd.  
Mt. Pleasant, SC 29464  
(843) 936-6680 (p)  
(843) 353-2488 (f)  
randrews@cdhlawfirm.com

**ATTORNEY FOR THE PLAINTIFFS**

Mt. Pleasant, South Carolina  
August 14, 2020

IN THE STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT  
CASE NO: 2020-CP-40-03881

Kevin Morris, individually, as the parent  
and natural guardian of E.M., a minor, and  
as the Personal Representative of the Estate  
of Katherine Marie Tompeck,

**AMENDED SUMMONS  
(Jury Trial Demanded)**

Plaintiff(s),

v.

Richland County; Sheriff Leon Lott, in his  
Official Capacity as Sheriff of the Richland  
County Sheriff's Office; and Kyle Oliver,  
Michael Caughman, Gary Atkinson, John  
Doe Deputies, in their respective Individual  
Capacities,

Defendant(s).

**TO: THE DEFENDANT(S) 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 said  
Complaint upon the Plaintiffs or their attorney, Ryan C. Andrews, at his office, 222 W. Coleman  
Blvd, Mt. Pleasant, SC 29464, within (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, Plaintiffs will apply  
to the court for the relief demanded in the Complaint.

Dated at Mt. Pleasant, South Carolina on the 28th day of September, 2022.

[SIGNATURE ON FOLLOWING PAGE]

**COBB DILL & HAMMETT, LLC**

BY /s Ryan Andrews  
Ryan C. Andrews  
S.C. Bar No.: 101104  
Cobb Dill & Hammett, LLC  
222 W. Coleman Blvd.  
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**ATTORNEY FOR THE PLAINTIFFS**

IN THE STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT  
CASE NO: 2020-CP-40-03881

Kevin Morris, individually; as the parent  
and natural guardian of E.M., a minor, and  
as the Personal Representative of the Estate  
of Katherine Marie Tompeck,

Plaintiff(s),

v.

Richland County; Sheriff Leon Lott, in his  
Official Capacity as Sheriff of the Richland  
County Sheriff's Office; and Kyle Oliver,  
Michael Caughman, Gary Atkinson, John  
Doe Deputies, in their respective Individual  
Capacities,

Defendant(s).

**AMENDED COMPLAINT  
(Jury Trial Demanded)**

The Plaintiffs, complaining of the Defendants, alleges and says as follows:

**JURISDICTION AND VENUE**

1. That the Kevin Morris (herein referred to as "Plaintiff Morris") and E.M. (herein referred to as "Minor Plaintiff") are citizens and residents of Richland County, State of South Carolina. Katherine Tompeck (herein referred to as "Plaintiff Tompeck"; all Plaintiffs collectively referred to herein as "Plaintiffs") was a citizen and resident of Richland County at the time of her death. That Plaintiff Tompeck passed away during the pendency of this action and since that time, the Estate of Katherine Marie Tompeck was started and is being probated in Richland County, State of South Carolina. Plaintiff Morris is the duly appointed Personal Representative of said Estate.
2. That Plaintiff Morris is the parent and natural guardian of the Minor Plaintiff, as was Katherine Tompeck at and before the time of her death.
3. That upon information and belief, each Defendant is a citizen and resident of Richland

County, State of South Carolina.

4. That the actions giving rise to the causes of action in this Complaint occurred in Richland County, State of South Carolina.
5. That this court has jurisdiction over the parties and subject matter of this action and venue is proper.

**FACTUAL BACKGROUND**

6. That upon information and belief, Defendant Richland County (herein referred to as “Defendant County”) is a duly authorized county created pursuant to the laws of the State of South Carolina. At all times relevant hereto, Defendant County, its agents, servants and employees operated, maintained and controlled the Richland County Sheriff’s Office, including all sheriff’s deputies and employees thereof, as well as the prosecution of criminal and/or traffic violations charged by all sheriff’s deputies and employees of the Richland County Sheriff’s Office. Upon information and belief, Richland County is responsible for the policies, practices and customs of Richland County Sheriff’s Office as well as the hiring, training, supervising, controlling, and disciplining of its deputies and other employees.
7. That upon information and belief, Defendant Leon Lott is the appropriate party defendant as Sheriff of the Richland County Sheriff’s Office (herein referred to as “Defendant Sheriff’s Office”). Defendant Sheriff’s Office is a State entity organized and created pursuant to the laws of the State of South Carolina. Defendant Sheriff’s Office is responsible for the policies, practices and customs of the Richland County Sheriff’s Office as well as the hiring, training, supervising, controlling and disciplining of its deputies and other employees.

8. That at the various times giving rise to the causes of action set forth in this Complaint, upon information and belief, Defendant Kyle Oliver (herein referred to as “Defendant Oliver”) was employed by Defendant Sheriff’s Office and on duty, acting individually and under the color of state law.
9. That at all times material and relevant to this action, Defendant Michael Caughman (herein referred to as “Defendant Caughman”) was employed by Defendant Sheriff’s Office and on duty, acting individually and under the color of state law.
10. That at the various times giving rise to the causes of action set forth in this Complaint, upon information and belief, Defendant Gary Atkinson (herein referred to as “Defendant Atkinson”; all Defendants herein collectively referred to as “Defendants”) was employed by Defendant Sheriff’s Office and on duty, acting individually and under the color of state law.
11. That at all times material and relevant to this action, Defendants John Doe Deputies are deputies unknown at this time, but were employed by Defendant Sheriff’s Office and on duty, acting individually and under the color of state law.
12. That at all times material and relevant to this action, Defendants Oliver, Caughman, Atkinson, and John Doe Deputies were commissioned law enforcement officers elected or appointed to serve all people in Richland County regardless of race, gender, religious affiliation or socioeconomic status. Defendants Oliver, Caughman, Atkinson, and John Doe Deputies further knew or should have known Plaintiffs enjoyed constitutional rights to be free from unnecessary government interference, intrusion, and force that belonged to them.
13. That upon information and belief, prior to September 1, 2018, Defendants Oliver,



Caughman, Atkinson, and John Doe Deputies had been trained and certified by the South Carolina Law Enforcement Division regarding the proper time to search private citizens' properties and homes and to seize private citizens.

14. That upon information and belief, prior to September 1, 2018, Defendants Oliver, Caughman, Atkinson, and John Doe Deputies had been trained and certified by the South Carolina Law Enforcement Division in the proper use of a handgun. Defendants Oliver, Caughman, Atkinson, and John Doe Deputies were authorized in each officer's capacity as a commissioned law enforcement officer to carry a firearm.
15. That on or about September 1 and 2, 2018, Defendants Oliver, Caughman, Atkinson, and John Doe Deputies were in fact carrying department issued firearms.
16. That upon information and belief, prior to September 1, 2018, each Defendant had undergone basic law enforcement training at the South Carolina Criminal Justice Academy and had undergone 16 hours of annual training by the South Carolina Law Enforcement Training Council for each subsequent year as required by South Carolina law.
17. That upon information and belief, on September 1, 2018 Defendants Oliver, Caughman, Atkinson, and John Doe Deputies responded to a call of a motor vehicle that allegedly drove off and returned onto a roadway near Saucer Way in Chapin, South Carolina.
18. That Defendant Oliver and his partner, Defendant Atkinson, were the first to arrive at Saucer Way, and spoke with alleged witnesses to the aforementioned vehicle driving off the roadway.
19. That the unidentified witnesses alleged they saw an unidentified female in an automobile that was stuck in a ditch near Saucer Way, and when the unidentified witnesses stopped to check on the vehicle, they alleged that the unidentified female accelerated her vehicle,

- drove out of the ditch back onto the roadway, and struck trees along the road.
20. That the unidentified witnesses then alleged to have followed a vehicle and later found an unidentified female and a car parked in a driveway on Saucer Way.
  21. That the unidentified witnesses further alleged that the unidentified female entered the home on Saucer Way after the witnesses confronted her approximately twenty (20) minutes prior to Defendants Oliver's and Atkinson's arrival.
  22. That during the discussion with the unidentified witnesses, Defendants Oliver and Atkinson did not inquire about nor were told the year, make, model, color or license tag of the vehicle in which the unknown witnesses allegedly saw.
  23. That during the discussion with the unidentified witnesses, Defendants Oliver and Atkinson did not inquire about nor were told a description of the race, weight, height, clothing, frame, or any other potentially identifying information about the unidentified female driver, other than the unknown driver was a female.
  24. That after speaking with the alleged unidentified witnesses, Defendants Oliver and Atkinson drove down Saucer Way to the address of the Plaintiffs (herein referred to as "Plaintiffs' Property").
  25. That while approaching the Plaintiffs' Property, Defendant Atkinson can be heard stating that "all we're going to do is scare the hell out of her."
  26. That Defendants Oliver and Atkinson then discussed their plans to detain a female subject despite not obtaining any physical description of any female subject nor applying for any type of search or arrest warrants.
  27. That Defendants Oliver and Atkinson then arrived at Plaintiffs' Property, obtained a license tag number from a vehicle parked legally in the driveway of Plaintiffs' Property, and

- determined it was registered to Plaintiff Tompeck.
28. That Defendants Oliver and Atkinson then entered onto Plaintiffs' Property and examined the aforementioned vehicle.
  29. That Plaintiffs did not provide any oral or written consent for any Defendants to enter onto Plaintiffs' Property.
  30. That no deputy with the Defendant Sheriff's Office possessed an arrest warrant or a search warrant for the search or entry onto Plaintiffs' Property.
  31. That Defendants entering onto Plaintiffs' Property and looking at the vehicle constituted a search under the Fourth Amendment, which required a warrant for the same absent exigent circumstances.
  32. That after examining the vehicle on Plaintiffs' Property without any warrants, Defendants Oliver and Atkinson knocked on the front door of the home on Plaintiffs' Property.
  33. That when nobody answered the front door at Plaintiffs' Property, Defendants Oliver and Atkinson entered a garage attached to the home, and approached a closed door inside the garage.



- 34. That Plaintiffs did not provide any oral or written consent for any Defendants to enter into the garage on Plaintiffs' Property.
- 35. That no deputy with the Defendant Sheriff's Office possessed an arrest warrant or a search warrant for the search or entry into the garage on Plaintiffs' Property.
- 36. That Defendants entering into the garage on Plaintiffs' Property constituted a search under the Fourth Amendment, which required a warrant for the same absent exigent circumstances.
- 37. That Defendant Oliver then opened the closed door in the garage which led inside Plaintiffs' home, looked inside the Plaintiffs' home, and entered into the same with Defendant Atkinson.



- 38. That Plaintiffs did not provide any oral or written consent for the Defendant Sheriff's Office to enter the home on Plaintiffs' Property.
- 39. That no deputy with Defendant Sheriff's Office possessed an arrest warrant or a search warrant for the search or entry into the home on Plaintiffs' Property.
- 40. That Defendants entering into the home on Plaintiffs' Property constituted a search under the Fourth Amendment, which required a warrant for the same absent exigent circumstances.

41. That Defendants Oliver and Atkinson then drew their service weapons and began searching the upstairs and downstairs of the home.



42. That Defendant Oliver eventually entered a bedroom downstairs in Plaintiffs' home.

Unbeknownst to Defendants Oliver and Atkinson the bedroom contained all three Plaintiffs asleep in a bed.

43. That Defendant Oliver then awoke Plaintiff Morris at gun point, demanded Plaintiff Morris show his hands, and inquired where Plaintiff Tompeck was located.

44. That Plaintiffs were seized by Defendants through the threat of deadly force and while Defendants Oliver and Atkinson displayed Defendant Sheriff's Office department-issued firearms. That Plaintiffs suffered these violations of their civil rights in the presence of

- one another.
45. That Defendant Oliver then lied to Plaintiff Morris, and stated that the door to the Plaintiffs' home was open, when it was in fact closed, as evidenced by Defendant Oliver's body camera footage and the still shots as shown above.
  46. That Plaintiff Morris informed Defendant Oliver that Plaintiff Tompeck was asleep next to him.
  47. That Defendants Oliver and Atkinson then commanded Plaintiff Morris to wake up Plaintiff Tompeck, to which Plaintiff Morris complied. Defendants Oliver and Atkinson then ordered Plaintiff Tompeck to come outside of the home and talk to them in the driveway.
  48. That Defendants Oliver and Atkinson had no legal authority to enter the Plaintiffs' home, draw their department issue service weapons, and force the Plaintiffs outside of their home.
  49. That upon information and belief, Defendants Oliver's and Atkinson's actions satisfy the requisite elements of the crimes of Burglary and Kidnapping.
  50. That upon information and belief, if any private citizen committed the same actions as Defendants Oliver and Atkinson, that private citizen could be charged with the crimes of Burglary and Kidnapping.
  51. That after Defendant Oliver commanded Plaintiff Tompeck to come outside and talk to him, he began questioning her inside her garage.
  52. That Defendants Oliver and Atkinson had no way of knowing whether Plaintiff Tompeck was the unidentified woman allegedly driving as they received no identifying information of the driver other than the driver was a female.
  53. That Plaintiff Tompeck inquired as to why the Defendants were on Plaintiffs' Property.



54. That Defendant Oliver then read Plaintiff Tompeck her *Miranda* rights and informed her what the unidentified witnesses allegedly saw regarding the unidentified female driver.
55. That Plaintiff Tompeck informed the Defendants that she was concerned by their presence and that she would exercise her right to remain silent.
56. That in response, an agitated Defendant Oliver commanded Plaintiff Tompeck to stand up, then handcuffed her, and led her to a police vehicle, which she remained for approximately more than three (3) hours while Defendant Sherriff's Office sent Defendant Caughman and numerous unknown John Doe Deputies with Defendant Sheriff's Office to Plaintiffs' Property to investigate the alleged event regarding the unknown driver driving on and off the roadway.
57. That while all Defendants were at Plaintiffs' Property, numerous police vehicles flashed their blue lights, which drew further attention to Plaintiffs and Plaintiffs' Property.
58. That while Defendants were pursuing an investigation at Plaintiffs' Property while Plaintiff Tompeck was handcuffed in a police vehicle, Defendant Oliver and John Doe Deputy Defendants made demeaning and inappropriate comments regarding Plaintiff Tompeck to Plaintiff Morris.
59. That Defendants did not permit Plaintiff Tompeck to retrieve any shoes or clothing after illegally seizing her in an effort to, upon information and belief, further harass and humiliate her.
60. That Defendants would not permit Plaintiff Morris to enter inside his home on Plaintiffs' Property and otherwise restricted his movement during the time Defendants were at Plaintiffs' Property.
61. That Defendants Oliver and Atkinson had no legal authority or right to illegally enter into



- and seize Plaintiffs inside their home with threat of deadly force.
62. That Plaintiff Tompeck suffered these violations of her civil rights in the presence of her minor daughter, boyfriend, and neighbors.
63. That Plaintiff Morris suffered these violations of his civil rights in the presence of his minor daughter, girlfriend, and neighbors.
64. That the Minor Plaintiff suffered these violations of her civil rights in the presence of her parents and neighbors.
65. That at no time did any Defendant apply for or receive any search or arrest warrants.
66. That to the extent deputies with the Defendant Sheriff's Office claim it had a good faith basis to enter the Plaintiffs' Property and home based upon an alleged traffic violation in which no Defendants witnessed, the Defendants knew or should have known a warrantless, nighttime entry into Plaintiffs' home to arrest her for a civil traffic offense is prohibited by the special protections afforded to citizens in their homes by the Fourth Amendment pursuant to *Welsh v. Wisconsin*, 466 U.S. 740, 104 S. Ct. 2091 (1984).
67. That Plaintiff Tompeck was charged with the traffic violation of Reckless Driving and transported to Alvin S. Glenn Detention Center more than three (3) hours after Defendants Oliver and Atkinson illegally entered onto Plaintiffs' Property and seized her and her family with threat of deadly force.
68. That Plaintiff Tompeck was released from the Alvin S. Glenn Detention Center the following day and retained counsel.
69. That on September 17, 2018, counsel for Plaintiff Tompeck filed and served a Request for Information Pursuant to Rule 5 of the South Carolina Rules of Civil Procedure, along with a Motion for *Brady* and other Favorable Material (herein after referred to as "Rule 5

Request”).

70. That when Defendants failed to provide a response to the Rule 5 Request within thirty (30) days, counsel for Plaintiff Tompeck filed a Motion to Dismiss the Reckless Driving Charge.
71. That counsel for Plaintiff Tompeck additionally sent correspondence to Defendant Sherriff’s Office requesting that: an investigation be opened regarding the Defendant Sheriff’s Office illegal search and seizure of Plaintiffs; the non-spoliation of all reports, photographs, 911 calls, audio recordings, videos concerning the Defendant Sheriff’s Office response to Plaintiffs’ Property; and also information pursuant to the South Carolina Freedom of Information Act, which should have been provided with Plaintiff Tompeck’s initial Rule 5 Request.
72. That on or about November 9, 2018, Defendant Sherriff’s Office informed counsel for Plaintiff Tompeck that the reasonably anticipated cost of the aforementioned South Carolina Freedom of Information Act request, which should have been provided with Plaintiff Tompeck’s initial Rule 5 Request, would cost approximately \$1,720.00. Counsel for Plaintiff Tompeck subsequently requested an itemization of the costs; however, no response was ever made on behalf of the Defendant Sheriff’s Office.
73. That on or about November 15, 2018, the Defendant Sheriff’s Office responded to the Rule 5 Request. It included an Incident Report, Supplemental Report, Arrest Report, three (3) witness statements, 911 Audio and Report, Body Camera Footage, and an Alvin S. Glenn Detention Center Search.
74. That Defendant Sheriff’s Office confirmed that discovery was incomplete as it had not provided a report from Defendant Caughman.

75. That it was also apparent that Defendant Oliver’s body camera footage at the scene of Saucer Way was incomplete as it only lasted for approximately 50 minutes and 35 seconds while the police report provided Defendant Oliver did not depart until 3:40 am—more than four (4) hours after arriving.

| INCIDENT DATE                            |  |              |  | 24 HR. CLOCK |  | TO       |  | DATE         |  | 24 HR. CLOCK                      |  | DISPATCH DATE / TIME 24 HR. CLOCK |      |                                   |     | 29036 |               |  |
|--|--|--------------|--|--------------|--|----------|--|--------------|--|-----------------------------------|--|-----------------------------------|------|-----------------------------------|-----|-------|---------------|--|
| INCIDENT DATE                            |  | 24 HR. CLOCK |  | TO           |  | DATE     |  | 24 HR. CLOCK |  | DISPATCH DATE / TIME 24 HR. CLOCK |  | DISPATCH DATE / TIME 24 HR. CLOCK |      | DISPATCH DATE / TIME 24 HR. CLOCK |     | 29036 |               |  |
| INCIDENT DATE                            |  | 24 HR. CLOCK |  | TO           |  | DATE     |  | 24 HR. CLOCK |  | DISPATCH DATE / TIME 24 HR. CLOCK |  | DISPATCH DATE / TIME 24 HR. CLOCK |      | DISPATCH DATE / TIME 24 HR. CLOCK |     | 29036 |               |  |
| 09012018                                 |  | 2256         |  |              |  | 09022018 |  | 0340         |  | 09012018                          |  | 2304                              |      | 2330                              |     | 0340  |               |  |
| COMPLAINANT'S NAME (LAST, FIRST, MIDDLE) |  |              |  |              |  |          |  |              |  | RELATIONSHIP TO SUBJECT           |  | RES                               | RACE | SEX                               | AGE | ETH.  | DAYTIME PHONE |  |

76. That upon information and belief, the body camera footage not provided included deputies with Defendant Sheriff’s Office making the aforementioned demeaning and inappropriate comments regarding Plaintiff Tompeck.

77. That upon information and belief, the body camera footage not provided included deputies with Defendant Sheriff’s Office not permitting Plaintiff Morris to enter his home and otherwise move about freely.

78. That upon information and belief, the body camera footage not provided included deputies with Defendant Sheriff’s Office obtaining statements from the alleged witnesses.

79. That the Defendant Sheriff’s Office failed to provide any additional responses to any of Plaintiff Tompeck’s Rule 5 Requests for Information Pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure.

80. That the Defendants declined to voluntarily dismiss Plaintiff Tompeck’s Reckless Driving Charge and on February 12, 2020, a hearing took place before the Honorable Harold A. Cuff at the Richland County Central Court regarding Plaintiff Tompeck’s Motion to Dismiss.

81. That the undersigned prepared a legal memorandum and exhibits for the aforementioned hearing.

82. That the hearing lasted approximately one (1) hour and after arguments and reviewing

evidence, the Honorable Harold A. Cuff dismissed Plaintiff Tompeck's Reckless Driving charge citing the Fourth Amendment violations committed by the Defendants.

83. That after Judge Cuff's verbal order dismissing the case, the prosecuting attorney at the hearing indicated he would request that the Defendant Sheriff's Office initiate better training to avoid similar situations as Plaintiffs'.

84. That Defendants did not have any reasonable basis to seize Plaintiffs.

85. That Defendants did not have any reasonable basis to search Plaintiffs' Property and home.

86. That Defendants did not have any reasonable basis to attempt to prosecute the Plaintiff.

87. That as a result of all Defendants' actions, as more fully described above, Plaintiffs have suffered and continues to suffer physical distress, emotional distress, embarrassment and humiliation, and incurred attorneys' fees and costs.

**FIRST CAUSE OF ACTION AS TO DEFENDANTS OLIVER, ATKINSON, AND JOHN  
DOE DEPUTIES**  
**(Deprivation of Plaintiffs' Fourth Amendment Rights Actionable under 42 U.S.C. § 1983)**

88. Plaintiffs restate and re-allege every allegation set forth above as if stated herein verbatim.

89. That Defendants Oliver, Atkinson, and John Doe Deputies at all times relevant to this Complaint acted under color of state law and exercised power possessed by virtue of state law as commissioned law enforcement officers.

90. That the John Doe Deputies in this cause of action include, but are not limited to all deputies of the Defendant Sheriff's Office who came to Plaintiffs' Property and home with Defendants Oliver and Atkinson as discussed above.

91. That Defendants Oliver's, Atkinson's, and John Doe Deputies' conduct as more fully set forth above deprived Plaintiffs of their rights, privileges, or immunities secured by the Fourth Amendment to the Constitution of the United States.

92. That particularly, Defendants Oliver’s, Atkinson’s, and John Doe Deputies’ conduct deprived Plaintiffs of their rights protected by the Fourth Amendment of the constitution of the United States, guaranteeing citizens the right “to be secure in their persons . . . against unreasonable . . . seizures” of the person and their right to be free from unnecessary governmental interference.
93. That Defendants Oliver, Atkinson, and John Doe Deputies conducted an unlawful and unreasonable intrusion into the Plaintiffs’ Property and home and furthermore used excessive force during the unconstitutional seizure of Plaintiffs.
94. That Defendants Oliver’s, Atkinson’s, and John Doe Deputies’ actions were not objectively reasonable in light of the facts and circumstances, and Defendants Oliver, Atkinson, and John Doe Deputies conducted an unreasonable intrusion into the Plaintiffs’ Property and home, and seizure of the Plaintiffs.
95. That as a direct and proximate result of Defendants Oliver’s, Atkinson’s, and John Doe Deputies’ unreasonable seizure of Plaintiffs and use of excessive force, Plaintiffs have suffered and continue to suffer tremendous and irreparable emotional and mental harm and are entitled to nominal, actual, punitive damages, and attorneys’ fees and costs.

**SECOND CAUSE OF ACTION AS TO DEFENDANTS OLIVER, CAUGHMAN,  
ATKINSON AND JOHN DOE DEPUTIES**  
**(Deprivation of Plaintiffs’ Fourth Amendment Rights Actionable under 42 U.S.C. § 1983)**

96. Plaintiffs restate and re-allege every allegation set forth above as if stated herein verbatim.
97. That Defendants Oliver, Caughman, Atkinson, and John Doe Deputies at all times relevant to this Complaint acted under color of state law and exercised power possessed by virtue of state law as commissioned law enforcement officers.
98. That the John Doe Deputies in this cause of action include, but are not limited to all deputies



of the Defendant Sheriff’s Office who came to Plaintiffs’ Property and home with Defendants Oliver and Atkinson as discussed above.

99. That Defendants Oliver’s, Caughman’s, Atkinson’s, and John Doe Deputies’ conduct as more fully set forth above deprived Plaintiffs of their rights, privileges, or immunities secured by the Fourth Amendment to the Constitution of the United States.

100. That particularly, Defendants Oliver’s, Caughman’s, Atkinson’s, and John Doe Deputies’ conduct deprived Plaintiffs of their rights protected by the Fourth Amendment of the Constitution of the United States, guaranteeing citizens the right “to be secure in their . . . houses . . . against unreasonable searches.”

101. That Defendants Oliver, Caughman, Atkinson, and John Doe Deputies conducted an unlawful and unreasonable search of Plaintiffs’ Property and home wherein Defendants, without a warrant, consent, or any exigency, entered into Plaintiffs’ Property and home and entered the sanctity of Plaintiffs’ home.

102. That Defendants Oliver’s, Caughman’s, Atkinson’s, and John Doe Deputies’ actions were not objectively reasonable in light of the facts and circumstances, and Defendants’ conducted an unreasonable search of Plaintiffs’ Property, home, and persons.

103. That as a direct and proximate result of Defendant Oliver’s, Caughman’s, Atkinson’s, and John Doe Deputies’ unreasonable search of Plaintiffs’ Property and home, Plaintiffs have suffered and continue to suffer tremendous and irreparable emotional and mental harm and are entitled to nominal, actual, punitive damages, and attorneys’ fees and costs.

**THIRD CAUSE OF ACTION AS TO DEFENDANT SHERIFF’S OFFICE**  
**(False Imprisonment)**

104. Plaintiffs restate and re-allege every allegation set forth above as if stated herein verbatim.

105. That Defendants Oliver's and Atkinson's conduct of entering into Plaintiffs' Property and home, waking Plaintiffs up at gunpoint, and forcing them from their home, deprived Plaintiffs of their liberty without justification.
106. That Defendants Oliver and Atkinson were acting within the scope of employment with Defendant Sheriff's Office.
107. That Defendants Oliver and Atkinson intentionally restrained the Plaintiffs.
108. That there was no lawful basis for Defendants Oliver's and Atkinson's restraint and imprisonment of Plaintiffs.
109. That Defendants Oliver's, Atkinson's, and John Doe Deputies' conduct of jailing Plaintiff Tompeck overnight deprived her of her liberty without justification.
110. That Defendants Oliver, Atkinson, and John Doe Deputies were acting within the scope of employment with Defendant Sheriff's Office.
111. That Defendants Oliver, Atkinson, and John Doe Deputies intentionally restrained Plaintiffs.
112. That there was no lawful basis for Defendants Oliver's, Atkinson's, and John Doe Deputies' restraint and imprisonment of Plaintiffs.
113. That as a direct and proximate result of Defendant Sheriff's Office false imprisonment of Plaintiffs, Plaintiffs have suffered and continues to suffer tremendous and irreparable emotional and mental harm and are entitled to actual and punitive damages, as well as attorneys' fees and costs.

**FOURTH CAUSE OF ACTION AS TO DEFENDANT SHERIFF'S OFFICE**  
**(Invasion of Privacy)**

114. Plaintiffs restate and re-allege every allegation set forth above as if stated herein verbatim.

115. That all actions taken by Defendants Oliver, Caughman, Atkinson, and John Doe Deputies were intentional and performed within the scope of their employment with Defendant Sheriff's Office.
116. That Defendants Oliver, Caughman, Atkinson, and John Doe Deputies did intentionally force entry into Plaintiffs' Property and home during nighttime hours.
117. That the forced entry into Plaintiffs' Property and home was a substantial and unreasonable invasion of Plaintiffs' Property and privacy.
118. That Defendants Oliver's, Caughman's, Atkinson's, and John Doe Deputies' conduct was of a nature that would cause mental injury to a person of ordinary feelings and intelligence in the same circumstance.
119. That as a direct and proximate result of Defendant Sheriff's Office invasion of privacy of Plaintiffs, Plaintiffs have suffered and continues to suffer tremendous and irreparable emotional and mental harm and are entitled to actual and punitive damages, as well as attorneys' fees and costs.

**FIFTH CAUSE OF ACTION AS TO DEFENDANT SHERIFF'S OFFICE**  
**(Trespass)**

120. Plaintiffs restate and re-allege every allegation set forth above as if stated herein verbatim.
121. That all actions taken by Defendants Oliver, Caughman, Atkinson, and John Doe Deputies were intentional and performed within the scope of their employment with Defendant Sheriff's Office.
122. That Defendants Oliver, Caughman, Atkinson, and John Doe Deputies intentionally entered onto Plaintiffs' Property and forced entry into Plaintiffs' home.
123. That Defendants Oliver, Caughman, Atkinson, and John Doe Deputies interfered with

Plaintiffs' right to possession of their property.

124. That Defendants Oliver's, Caughman's, Atkinson's, and John Doe Deputies' forced entry onto Plaintiffs' Property and home was a reckless, willful, and wanton disregard for Plaintiffs' rights.

125. That as a direct and proximate result of Defendant Sheriff's Office trespass, Plaintiffs have suffered and continues to suffer tremendous and irreparable emotional and mental harm and are entitled to actual and punitive damages, as well as attorneys' fees and costs.

**SIXTH CAUSE OF ACTION AS TO DEFENDANT SHERIFF'S OFFICE**  
**(Gross Negligence)**

126. Plaintiffs restate and re-allege every allegation set forth above as if stated herein verbatim.

127. That at all times relevant to this action, the deputies of Defendant Sheriff's Office were employees, agents, and legal representatives of the Defendant Sheriff's Office and were acting within the scope of employment and under color of law.

128. That Defendant Sheriff's Office is responsible for the actions of its deputies on September 1 and 2, 2018.

129. That Plaintiffs at all times pertinent hereto were acting in a reasonable and prudent manner and were within their legal rights and on their property.

130. That at all times relevant hereto, Defendants owed Plaintiffs the duty of care and caution that any reasonable person would have used under the circumstances then and there prevailing and a duty of care to avoid violating the rights of the Plaintiffs.

131. That Defendants breached such duties and the injuries and harm to the Plaintiffs were the direct, foreseeable, and proximate cause of the negligent and careless, and willful, wanton, and reckless, and grossly negligent acts/omissions of Defendants as described herein

above.

132. That due to the willful, wanton, reckless, grossly negligent, and negligent acts of Defendants, Plaintiffs are entitled to recover actual, nominal, punitive damages, and attorneys' fees and costs in amounts to be determined by a jury.

**SEVENTH CAUSE OF ACTION AS TO DEFENDANTS SHERIFF'S OFFICE AND COUNTY**  
**(Intentional Infliction of Emotional Distress)**

133. Plaintiffs restate and re-allege every allegation set forth above as if stated herein verbatim.

134. That upon the Defendant Sheriff's Office, by and through their deputies, illegally entering the Plaintiffs' Property and home, and illegally seizing the Plaintiffs, Defendant Sheriff's Office recklessly inflicted severe emotional distress, or was certain or substantially certain that such distress would result from their conduct.

135. That Defendant Atkinson confirmed that before illegally entering the Plaintiffs' Property and home, and illegally seizing the Plaintiffs, that "all [Defendants Sheriff's Office was] going to do [was] scare the hell out of" Plaintiff Tompeck.

136. That upon the Defendant County instituting and continuing to pursue criminal proceedings against Plaintiff Tompeck, Defendant County recklessly inflicted severe emotional distress, or was certain or substantially certain that such distress would result from their conduct.

137. That the Defendants Sheriff's Office's and County's conduct was so extreme and outrageous as to exceed all possible bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community.

138. That the actions of the Defendants Sheriff's Office and County caused Plaintiffs'



emotional distress.

139. That the Plaintiffs' emotional distress was so severe that no reasonable person could be expected to endure it.

140. That as a direct and proximate result of Defendants Sheriff's Office's and County's intentional infliction of emotional distress, Plaintiffs have suffered and continues to suffer tremendous and irreparable emotional and mental harm and are entitled to actual and punitive damages, as well as attorneys' fees and costs.

**EIGHTH CAUSE OF ACTION AS TO DEFENDANTS SHERIFF'S OFFICE AND COUNTY**  
**(Malicious Prosecution)**

141. Plaintiffs restate and re-allege every allegation set forth above as if stated herein verbatim.

142. That criminal proceedings against Plaintiff Tompeck were instituted and continued by and through Defendants Sheriff's Office and County's insistence.

143. That these criminal proceedings have been terminated in favor of Plaintiff Tompeck.

144. That Defendants Sheriff's Office and County caused these proceedings to be instituted and continued with malice and lack of probable cause.

145. That as a direct and proximate result of Defendants Sheriff's Office's and County's malicious prosecution, Plaintiff Tompeck has suffered and continues to suffer tremendous and irreparable emotional and mental harm and are entitled to actual and punitive damages, as well as attorneys' fees and costs.

**AS A CLAIM FOR RELIEF FOR THE ESTATE OF KATHERINE MARIE TOMPECK**  
**Survival Action (S.C. Code Ann. § 15-5-90)**

146. Plaintiffs restate and re-allege every allegation set forth above as if stated herein verbatim.

147. As a consequence of the events set forth in the original and Amended Complaint, and as a direct and proximate cause of the conduct and actions of all Defendants as aforesaid, Plaintiff Tompeck was caused to sustain great conscious pain and suffering, mental and emotional distress, and damages prior to her death, which injuries are compensable under South Carolina Code Ann. § 15-5-90.

148. Plaintiff Tompeck's causes of actions for injuries and damages survive her death and pass to her Estate.

149. Plaintiff Tompeck was painfully and seriously injured as a result of the conduct of all Defendants, for which a claim is hereby made by her Estate and administrators for full and complete compensation for her conscious pain and suffering, mental and emotional distress, and damages due to her severe injuries.

**PRAYER FOR RELIEF**

**WHEREFORE**, the Plaintiffs pray for a trial by jury on all issues presently raised or that may be raised in any pleadings hereafter and further seek:

- i. Judgement against Defendants for actual, special and punitive damages in the amount to be determined by the jury;
- ii. To award Plaintiffs reasonable attorney fees, costs, and expenses against Defendants, pursuant to 42 U.S.C. § 1988 and all other applicable law; and
- iii. For all other and further relief as the Court and jury deem just and proper.

[SIGNATURE ON FOLLOWING PAGE]

Respectfully submitted,

**COBB DILL & HAMMETT, LLC**

BY /s Ryan Andrews

Ryan C. Andrews  
S.C. Bar No.: 101104  
Cobb Dill & Hammett, LLC  
222 W. Coleman Blvd.  
Mt. Pleasant, SC 29464  
(843) 936-6680 (p)  
(843) 353-2488 (f)  
randrews@cdhlawfirm.com

**ATTORNEY FOR THE PLAINTIFFS**

Mt. Pleasant, South Carolina  
September 28, 2022

IN THE STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT  
CASE NO: 2020-CP-40-03881

Katherine Tompeck and Kevin Morris,  
both individually and as the parents and  
natural guardians of E.M., a minor,

Plaintiffs,

v.

Richland County; Richland County  
Sheriff's Office; and Kyle Oliver, Michael  
Caughman, Gary Atkinson, John Doe  
Deputies, in their respective Individual  
Capacities,

Defendants.

**ACCEPTANCE OF SERVICE  
PURSUANT TO RULE 4(J)**

PLEASE TAKE NOTICE that pursuant to Rule 4(j) of the South Carolina Rules of Civil Procedure, service of the Summons and Complaint for the above-referenced action was accepted on behalf of Gary Atkinson, by and through the Defendant Atkinson's undersigned counsel, on the

1<sup>st</sup> day of February 2023.



Robert D. Garfield  
S.C. Bar No. 6557  
Crowe LaFave Garfield & Bagley, LLC  
2019 Park Street  
Columbia, South Carolina 29201  
robert@crowelafave.com

ATTORNEY FOR DEFENDANTS



IN THE STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT  
CASE NO: 2020-CP-40-03881

Katherine Tompeck and Kevin Morris,  
both individually and as the parents and  
natural guardians of E.M., a minor,

Plaintiff(s),

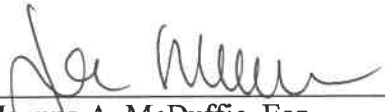
v.

Richland County; Richland County  
Sheriff's Office; and Kyle Oliver, Michael  
Caughman, John Doe Deputies, in their  
respective Individual Capacities,

Defendant(s).

**ACCEPTANCE OF SERVICE  
PURSUANT TO RULE 4(J)**

PLEASE TAKE NOTICE that pursuant to Rule 4(j) of the South Carolina Rules of Civil Procedure, service of the Summons and Complaint for the above-referenced action was accepted on behalf of Defendants Kyle Oliver and Michael Caughman, by and through the Defendants' undersigned counsel, on the 31 day of August, 2020.

  
\_\_\_\_\_  
Joanna A. McDuffie, Esq.  
Richland County Sheriff's Department  
5623 Two Notch Rd.  
Columbia, SC 29223

ATTORNEY FOR DEFENDANTS RICHLAND COUNTY SHERIFF'S OFFICE, KYLE OLIVER, AND MICHAEL CAUGHMAN

IN THE STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT  
CASE NO: 2020-CP-40-03881

Katherine Tompeck and Kevin Morris,  
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Plaintiff(s),

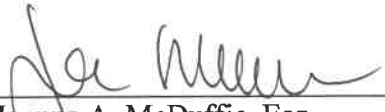
v.

Richland County; Richland County  
Sheriff's Office; and Kyle Oliver, Michael  
Caughman, John Doe Deputies, in their  
respective Individual Capacities,

Defendant(s).

**ACCEPTANCE OF SERVICE  
PURSUANT TO RULE 4(J)**

PLEASE TAKE NOTICE that pursuant to Rule 4(j) of the South Carolina Rules of Civil Procedure, service of the Summons and Complaint for the above-referenced action was accepted on behalf of Defendants Kyle Oliver and Michael Caughman, by and through the Defendants' undersigned counsel, on the 31 day of August, 2020.

  
\_\_\_\_\_  
Joanna A. McDuffie, Esq.  
Richland County Sheriff's Department  
5623 Two Notch Rd.  
Columbia, SC 29223

ATTORNEY FOR DEFENDANTS RICHLAND COUNTY SHERIFF'S OFFICE, KYLE OLIVER, AND MICHAEL CAUGHMAN

**AFFIDAVIT OF SERVICE**

State of South Carolina

County of Richland

Common Pleas Court

Case Number: 2020-CP-40-03881

Plaintiff:

**Katherine Tompeck and Kevin Morris, both individually and as the parents and natural guardians of E.M., a minor**

vs.

Defendant:

**Richland County, et. al.**

For: Cobb Dill Hammett, LLC

Received by FALCON EXPRESS SERVICES, LLC to be served on **Richland County Sheriff's Office, 5623 Two Notch Road, Columbia, SC 29223**. I, William Springer, being duly sworn, depose and say that on the 14 day of August, 2020 at 2:50 pm., executed service by delivering a true copy of the **LETTER, SUMMONS and COMPLAINT** in accordance with state statutes in the manner marked below:

( ) CORPORATE SERVICE: By serving \_\_\_\_\_ as \_\_\_\_\_.

GOVERNMENT AGENCY: By serving Sarah Pinckney as Executive Assistant of the within named agency.

( ) NON SERVICE: For the reason detailed in the Comments below.

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Age 62 Sex M Race Black Height 56 Weight 140 Hair Blonde Glasses  N

Is the place of service the dwelling house or usual place of abode for the party being served? ( ) Yes (  ) No

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

Dorothy Springer  
Notary Public, State of South Carolina  
My Commission Expires August 1, 2024

William Springer

Subscribed and Sworn to before me on the 18<sup>th</sup> day of August 2020 by the affiant who is personally known to me.

Dorothy Springer  
NOTARY PUBLIC  
My Commission Expires: 8-1-2024

PROCESS SERVER # \_\_\_\_\_  
Appointed in accordance with State Statutes

**FALCON EXPRESS SERVICES, LLC**  
P.O. Box 874  
Charleston, SC 29402-0874  
(843) 577-9696

Our Job Serial Number: 2020003582

**AFFIDAVIT OF SERVICE**

State of South Carolina

County of Richland

Common Pleas Court

Case Number: 2020-CP-40-03881

Plaintiff:

**Katherine Tompeck and Kevin Morris, both individually and as the parents and natural guardians of E.M., a minor**

vs.

Defendant:

**Richland County, et. al.**

For: Cobb Dill Hammett, LLC

Received by FALCON EXPRESS SERVICES, LLC to be served on **Richland County, 2308 Park Street, Columbia, SC 29201**. I, William Springer, being duly sworn, depose and say that on the 14 day of August, 2020 at 3:40 p.m., executed service by delivering a true copy of the **LETTER, SUMMONS and COMPLAINT** in accordance with state statutes in the manner marked below:

( ) CORPORATE SERVICE: By serving \_\_\_\_\_ as \_\_\_\_\_

GOVERNMENT AGENCY: By serving Paul Livingston as Chairman of the within named agency.

( ) NON SERVICE: For the reason detailed in the Comments below.

**COMMENTS:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Age 69 Sex  M  F Race Black Height 5 10 Weight 170 Hair Bald Glasses  Y  N

Is the place of service the dwelling house or usual place of abode for the party being served?  Yes ( ) No

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

Dorothy Springer  
Notary Public, State of South Carolina  
My Commission Expires August 1, 2024

Subscribed and Sworn to before me on the 18<sup>th</sup> day of August 2020 by the affiant who is personally known to me.  
Dorothy Springer  
NOTARY PUBLIC  
My Commission Expires: 8-1-2024

William Springer  
PROCESS SERVER # \_\_\_\_\_  
Appointed in accordance with State Statutes

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