

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMONS PLEAS

COUNTY OF GREENWOOD

EIGHTH JUDICIAL CIRCUIT

Plaintiff(s): Bracy Brooks, as Personal
Representative of the Estate of Tracy Denise
Brooks.

vs.

Defendant(s): City of Greenwood; Anna
Ballenger, individually; and Austin Teasley,
individually.

Civil Action No. 2026-CP-24-_____

Summons

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

s/ W. Walter Wilkins

SC Bar No. 16740
330 Mills Avenue
Greenville, SC 29605
Phone: (864) 263-3155
Walt@WilkinsDavis.com

Dated: 10/22/2026

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENWOOD	)	EIGHTH JUDICIAL CIRCUIT
	)	
Bracy Brooks, as Personal Representative	)	
of the Estate of Tracy Denise Brooks,	)	Civil Action No.: 2026-CP-24-_____
	)	
Plaintiff,	)	
	)	
v.	)	COMPLAINT
	)	(Wrongful Death and Survival — S.C. Tort
City of Greenwood; Anna Ballenger,	)	Claims Act; 42 U.S.C. § 1983)
individually; and Austin Teasley,	)	
individually,	)	(Jury Trial Demanded)
	)	
Defendants.	)	
	)	

Plaintiff Bracy Brooks, as Personal Representative of the Estate of Tracy Denise Brooks, complaining of the Defendants, alleges as follows:

PARTIES

1. Plaintiff Bracy Brooks is a citizen and resident of Greenville County, South Carolina. Plaintiff is the duly appointed Personal Representative of the Estate of Tracy Denise Brooks, appointed by the Probate Court for Greenwood County on September 1, 2026.

2. Plaintiff brings this action on behalf of the Estate pursuant to S.C. Code Ann. § 15-5-90 (survival), and for the benefit of the statutory beneficiaries of Tracy Denise Brooks ("Tracy") pursuant to S.C. Code Ann. §§ 15-51-10 through 15-51-60 (wrongful death). The federal claims are brought pursuant to 42 U.S.C. §§ 1983 and 1988.

3. At the time of her death, Tracy was a 56-year-old citizen and resident of the City of Greenwood, Greenwood County, South Carolina.

4. Defendant City of Greenwood ("the City") is a municipal corporation and political subdivision of the State of South Carolina located in Greenwood County. The City operates, funds,

manages, and controls the Greenwood Police Department ("GPD"), which is a department of the City and not a separate legal entity. The City is a "governmental entity" and "political subdivision" within the meaning of S.C. Code Ann. § 15-78-30, and a "person" subject to suit under 42 U.S.C. § 1983.

5. Defendant Anna Ballenger ("Officer Ballenger") was, at all relevant times, a sworn police officer employed by the City and assigned to GPD, acting under color of state law and within the course and scope of her employment. Upon information and belief, Officer Ballenger is a citizen and resident of South Carolina. She is sued in her individual capacity on the federal claims.

6. Defendant Austin Teasley ("Officer Teasley") was, at all relevant times, a sworn police officer employed by the City and assigned to GPD, acting under color of state law and within the course and scope of his employment. Upon information and belief, Officer Teasley is a citizen and resident of South Carolina. He is sued in his individual capacity on the federal claims.

7. Officers Ballenger and Teasley are referred to together as the "Officer Defendants." Pursuant to S.C. Code Ann. § 15-78-70, the City is the proper defendant on Plaintiff's state-law tort claims, which arise from the acts and omissions of its employees within the scope of their official duties. The City is also sued directly under 42 U.S.C. § 1983 for constitutional violations caused by its own policies, customs, and practices.

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction over this action under Article V, Section 11 of the South Carolina Constitution and S.C. Code Ann. § 15-78-100. State courts have concurrent jurisdiction over claims arising under 42 U.S.C. § 1983.

9. This Court has personal jurisdiction over each Defendant. The City is a South Carolina municipality, the Officer Defendants are South Carolina residents, and all acts and omissions alleged occurred in Greenwood County, South Carolina.

10. Venue is proper in Greenwood County under S.C. Code Ann. § 15-78-100(b) because the acts and omissions giving rise to this action occurred in Greenwood County, and under S.C. Code Ann. § 15-7-30 because the Officer Defendants reside in Greenwood County.

11. This action is timely. Tracy died on February 23, 2025. This action is commenced within two years of her untimely death, as required by S.C. Code Ann. § 15-78-110, and within the three-year limitations period applicable to claims under 42 U.S.C. § 1983 in South Carolina, S.C. Code Ann. § 15-3-530.

FACTUAL ALLEGATIONS

A. Tracy Brooks

12. In February 2025, Tracy was recovering from a foot or ankle injury, wore a medical walking boot on one leg, and required a walker to walk.

13. Tracy was well known to GPD officers through prior contacts, and GPD officers knew she struggled with alcohol. After her death, the Greenwood County Coroner's Office recorded that she was identified as "Known To Police," and GPD officers confirmed her identity to the Greenwood County Coroner by name.

14. From their prior dealings with Tracy and their own observations on the night of her death, the Officer Defendants knew that she was physically injured, mobility-impaired, dependent on a walker, and, upon information and belief, intoxicated.

B. The Call from T.W. Boons

15. Late on the night of Saturday, February 22, 2025, or in the early morning hours of Sunday, February 23, 2025, Tracy was at T.W. Boons, a restaurant and bar located within the City of Greenwood.

16. Upon information and belief, T.W. Boons' employees became concerned about Tracy's condition and behavior and called GPD to have her removed from the premises.

17. Officer Ballenger and Officer Teasley responded to T.W. Boons. Each was on duty, in uniform, operating a marked GPD patrol vehicle, and equipped with a GPD-issued body camera.

18. Upon information and belief, when the Officer Defendants encountered Tracy, she was impaired by alcohol, had difficulty walking, depended on her walker, had no transportation, and was unable to provide for her own safety.

19. At that time Tracy was inside or immediately outside an open, lighted, occupied business, among people who could summon help, and, upon information and belief, a short distance from her own residence.

20. The Officer Defendants had several safe and lawful options. They could (a) take Tracy to her nearby residence; (b) release her to a verified, present, and capable family member or other responsible adult; (c) transport her to a hospital for evaluation; or (d) if lawful grounds existed, take her into custody and transport her to the detention center.

21. Upon information and belief, GPD practice requires officers who arrest an injured person to obtain medical clearance at a hospital before booking. Upon information and belief, the Officer Defendants chose not to arrest Tracy because they did not want to spend time with her at a hospital.

22. Upon information and belief, the Officer Defendants, with their body cameras muted or deactivated, decided not to take Tracy to her home, to a hospital, or to the detention

center. They instead decided to transport her to the Five Points area of Greenwood, where Tracy ostensibly had said a brother lived.

23. The Officer Defendants made no effort to confirm that a brother lived in the Five Points area, to obtain an address, to call any family member, or to confirm that anyone would be present to receive her.

C. Tracy Is Taken Into Custody

24. Officer Ballenger placed Tracy in the rear, secured compartment of her patrol vehicle and drove Tracy away from T.W. Boons.

25. Upon information and belief, the rear doors of the patrol vehicle could not be opened from the inside, and Tracy could not leave the vehicle without an officer opening a door.

26. From that moment, Tracy was in Defendants' custody. Defendants restrained her liberty, controlled where she went, and made her wholly dependent on them for her safety. She could not leave, could not seek help from anyone else, and could not choose her destination.

27. Officer Teasley was present at T.W. Boons. He knew that Officer Ballenger had placed Tracy in the patrol vehicle, and he knew her physical condition.

28. Officer Ballenger drove to and around the Five Points area with Tracy in the back seat. Tracy could not direct Officer Ballenger to her brother's residence, and no family member was located.

29. Having failed to locate any family member, Officer Ballenger still did not transport Tracy to her home, to a hospital, or to the detention center.

D. Defendants Abandon Tracy at a Closed Gas Station

30. Instead, between approximately midnight and 1:00 a.m. on February 23, 2025, Officer Ballenger drove Tracy to a gas station at or near the Five Points area, located outside of the Greenwood city limits.

31. Upon information and belief, the gas station was dark, closed, and unattended. It offered no shelter, no telephone, and no person who could help.

32. Upon information and belief, the air temperature was approximately 28 degrees Fahrenheit.

33. Officer Ballenger opened the rear door of the patrol vehicle and ordered Tracy to get out.

34. Tracy refused. Upon information and belief, she begged not to be left there, telling Officer Ballenger in substance: "Don't put me out here. I don't want to get out here. Take me to jail. It's cold." Upon information and belief, she also asked to be taken to a hospital.

35. Rather than honor her request, Officer Ballenger called Officer Teasley to the gas station.

36. Officer Teasley arrived in a separate patrol vehicle. Upon information and belief, body camera footage shows the Officer Defendants briefly attempting to coax Tracy out of the vehicle.

37. Then both Officer Defendants turned off their body cameras.

38. When the body cameras were activated to allow the recording of events to resume, Tracy was no longer in the patrol vehicle. How the Officer Defendants removed her is within their exclusive knowledge. Upon information and belief, they removed her by physical force, coercion, or both, over her express objection.

39. The Officer Defendants then drove away. They left Tracy alone, at night, in freezing temperatures, at a closed business, impaired, wearing a medical boot, dependent on a walker, with no shelter, no transportation, and no one to help her.

40. The Officer Defendants left Tracy in a materially worse and more dangerous position than the one in which they found her at T.W. Boons.

41. The Officer Defendants knew that Tracy's only way to leave the closed gas station was to walk, at night, with a walker, along roads used by motor vehicles. They knew that an impaired, mobility-limited pedestrian walking unlit roads in the dark faced a substantial risk of serious injury or death from traffic, falls, or exposure to the cold.

42. The Officer Defendants had ample time to deliberate. Their decisions were not made in an emergency or under split-second pressure. Their deliberations unfolded over the initial transport, the drive around the Five Points area, a call for a second officer, and discussions held off camera so that no recordings were made.

43. Upon information and belief, deactivating the cameras violated GPD's body camera policy, which requires officers to record throughout an enforcement contact, a custody, and a transport, and violated the guidelines required by S.C. Code Ann. § 23-1-240.

E. Tracy Is Killed Less Than 90 Minutes Later

44. After the Officer Defendants abandoned her, Tracy tried to walk, using her walker, in the darkness, in extremely adverse weather conditions.

45. At approximately 1:56 a.m. on February 23, 2025, around 90 minutes after the Officer Defendants abandoned her, Tracy had reached a location on the side of Siloam Church Road (S-24-101) near McKellar Drive in Greenwood County.

46. A northbound 2007 Saturn sedan driven by Bobby Alfred Lyles ("Lyles") struck Tracy from behind.

47. According to the South Carolina Highway Patrol's Traffic Collision Report, Lyles was driving under the influence of alcohol. Upon information and belief, his alcohol concentration was 0.11. Lyles was charged with driving under the influence and driving under suspension.

48. The impact threw Tracy into the windshield of the vehicle. Lyles traveled into the 400 block of Siloam Church Road before he stopped and called 911. Tracy's walker was found in the ditch beside the road.

49. Tracy was pronounced dead at the scene at 2:05 a.m. The Greenwood County Coroner certified the cause of death as blunt force trauma.

50. Between the time the Officer Defendants abandoned her and the time of her death, Tracy consciously experienced cold, exhaustion, pain, fear, and distress. Upon information and belief, she consciously suffered from the impact and her injuries before she died.

51. Tracy's death was the direct, foreseeable, and proximate result of the conduct of the Officer Defendants. Had they taken her home, to a hospital, to a responsible adult, or to the detention center, she would not have been walking on Siloam Church Road at 2:00 a.m. Her suffering and violent death were directly caused by the deliberate actions and inactions of the Officer Defendants.

F. The City Ratifies the Officers' Conduct

52. Upon information and belief, GPD did not tell the Coroner or the Highway Patrol that GPD officers had detained Tracy in a patrol vehicle and left her at Five Points shortly before her death. The initial public reports of her death did not mention the police encounter.

53. On Monday, February 24, 2025, a GPD Major responsible for uniform patrol informed the Greenwood Chief of Police what the officers had done and that Tracy had been killed roughly 70 to 90 minutes after they abandoned her. Upon information and belief, the Greenwood Chief of Police responded in substance: "Two separate incidents. Don't worry about it."

54. No investigation began until a member of Greenwood City Council, on behalf of Tracy's family and friends, asked how she came to be on Siloam Church Road. Only then did the Chief of Police direct an internal investigation.

55. The GPD Major reviewed the body camera footage. Upon information and belief, he recommended that both officers be terminated and that a criminal investigation into the officers' actions should be instituted.

56. Upon information and belief, the Chief of Police rejected the recommendation, declined to terminate the officers, and again characterized their conduct and Tracy's death as "two separate incidents." Upon information and belief, neither officer received meaningful discipline.

57. Upon information and belief, Officer Teasley remains employed by the City of Greenwood. Officer Ballenger later left GPD for reasons unrelated to these events.

58. Upon information and belief, the GPD Major who pressed for accountability suffered adverse consequences within the department.

59. The decision of the Chief of Police to approve the officers' conduct was a deliberate choice, made with knowledge of the officers' reasons for it and knowledge of the body camera footage.

60. Before filing suit, Plaintiff, exercising her rights, including those under the Victims' Bill of Rights, S.C. Const. art. I, § 24, requested the body camera footage. The City refused to produce any footage from the body cameras of the Officer Defendants.

61. Plaintiff has demanded in writing that Defendants preserve all evidence, including body and in-car camera recordings, CAD and dispatch records, radio traffic, vehicle AVL/GPS data, and internal investigation files.

62. Upon information and belief, the South Carolina Highway Patrol requested copies of the footage from the body cameras of Officers Teasley and Ballenger and the Chief of Police denied the Patrol's request, stating that it was a "separate incident." Upon information and belief, the Highway Patrol never obtained copies of the body camera footage as part of its investigation.

G. The City's Customs, Practices, and Failures

63. Upon information and belief, before February 23, 2025, the City, through GPD, maintained a widespread and well-settled custom of removing intoxicated, impaired, or unwanted persons from businesses and releasing them at other locations in lieu of arrest. Under that custom, officers made no assessment of the person's ability to care for themselves and observed no limit on where, when, or in what conditions the person could be released.

64. Upon information and belief, the City tolerated a custom of officers muting or deactivating body cameras while making discretionary decisions about detained persons and did not audit recordings or discipline officers for the practice.

65. Upon information and belief, the City failed to train its officers on the custody, care, transport, and release of intoxicated, injured, impaired, or disabled persons, including the duties owed to persons in custody, medical clearance, and safe release. The need for such training is obvious, because GPD officers routinely encounter such persons.

66. Upon information and belief, the City failed to supervise and discipline officers who abandoned or unsafely released persons in their custody, including the Officer Defendants here.

67. Upon information and belief, the Chief of Police had final policymaking authority for the City over GPD operations, body camera use, and officer discipline. Alternatively, the City's final policymaker delegated that authority to the Chief of Police or knowingly acquiesced in his decision.

68. These customs, failures, and the ratification described above reflect the City's deliberate indifference to the rights and safety of persons in GPD custody and were the moving force behind the violation of Tracy's rights and her death.

FOR A FIRST CAUSE OF ACTION

**(42 U.S.C. § 1983 — Fourteenth Amendment Substantive Due Process:
Custodial Duty / Special Relationship — Against Officers Ballenger and
Teasley, Individually)**

69. Plaintiff incorporates the preceding paragraphs as if fully restated here.

70. At all relevant times, the Officer Defendants acted under color of state law.

71. The Due Process Clause of the Fourteenth Amendment protects Tracy's rights to life, liberty, and bodily integrity.

72. When the State takes a person into its custody and holds her against her will, restraining her ability to act on her own behalf, the Constitution imposes a corresponding duty to assume some responsibility for her safety and general well-being.

73. The Officer Defendants took Tracy into custody by placing her in the secured rear compartment of a patrol vehicle and transporting her away from T.W. Boons. While in that patrol car she could not leave, seek help, or choose her destination.

74. The Officer Defendants knew Tracy was impaired, injured, dependent on a walker, without transportation, and unable to protect herself, and knew the hour, the freezing temperature, and that the gas station was closed.

75. While Tracy remained in their custody, and by exercising their custodial control over her, the Officer Defendants removed her from the patrol vehicle over her pleas and abandoned her at a closed business in freezing darkness. They did so knowing of, and consciously disregarding, a substantial risk of serious harm or death to her.

76. The manner in which the Officer Defendants ended their custody, using their control over Tracy to deposit her in a dangerous place she did not choose and had begged not to be left, was itself an exercise of custodial power.

77. The Officer Defendants acted with deliberate indifference in circumstances that allowed time for actual deliberation. Their conduct shocks the conscience.

78. The Officer Defendants' conduct was a direct and proximate cause of Tracy's conscious pain and suffering and her death.

79. The rights at issue were clearly established on February 23, 2025. A reasonable officer would have known that using custodial power to abandon a helpless, impaired, and injured person at a closed business in freezing darkness, without any means of transportation, over her express pleas, violated her constitutional rights.

80. The Officer Defendants acted with reckless and callous indifference to Tracy's federally protected rights, entitling Plaintiff to punitive damages.

81. Plaintiff is entitled to actual damages, punitive damages, and reasonable attorney's fees and costs under 42 U.S.C. § 1988.

FOR A SECOND CAUSE OF ACTION

(42 U.S.C. § 1983 — Fourteenth Amendment Substantive Due Process: State-Created Danger — Against Officers Ballenger and Teasley, Individually)

82. Plaintiff incorporates the preceding paragraphs as if fully restated here.

83. Independently of their custodial duty, the Officer Defendants violated Tracy's substantive due process rights by affirmatively creating and increasing the danger that directly resulted in her death.

84. The Officer Defendants' affirmative acts include: (a) removing Tracy from an open, lighted, occupied business near her home; (b) transporting her away from that business to the Five Points area; (c) driving her to a closed, unattended gas station rather than to her home, a hospital, a responsible adult, or the detention center; (d) removing her from the patrol vehicle over her express objection; (e) deactivating their body cameras to conceal their conversations and how they

removed her from the vehicle; and (f) abandoning her by driving away and leaving her without any means of transportation.

85. These acts directly created the dangerous circumstances that directly caused her death: an impaired, injured pedestrian dependent on a walker, alone at night in freezing temperatures, with no way to reach safety except by walking along roads used by motor vehicles. Tracy would not have faced that danger but for the Officer Defendants' affirmative acts.

86. This claim does not rest on a failure to protect Tracy from a danger that existed independently of the Officer Defendants. They placed her in the danger.

87. The Officer Defendants acted with deliberate indifference to a known and obvious risk, with time to deliberate, and conducted themselves in a manner that shocks the conscience.

88. The Officer Defendants' affirmative acts were a direct and proximate cause of Tracy's conscious pain and suffering and her death.

89. The rights at issue were clearly established on February 23, 2025, and the Officer Defendants are not entitled to qualified immunity.

90. Plaintiff is entitled to actual damages, punitive damages, and reasonable attorney's fees and costs under 42 U.S.C. § 1988.

FOR A THIRD CAUSE OF ACTION

(42 U.S.C. § 1983 — Failure to Intervene — Against Officers Ballenger and Teasley, Individually)

91. Plaintiff incorporates the preceding paragraphs as if fully restated here.

92. Each Officer Defendant knew that the other was violating Tracy's constitutional rights as described above.

93. Each Officer Defendant had a reasonable opportunity to prevent the harm and chose not to act. Officer Teasley, arriving in a separate patrol vehicle, could have transported Tracy to

her home, a hospital, a responsible adult, or the detention center, or refused to assist in removing her from the vehicle. Officer Ballenger could have stopped the removal at any time and transported Tracy to her home, a hospital, a responsible adult, or the detention center.

94. Each Officer Defendant's failure to intervene was a direct and proximate cause of Tracy's conscious pain and suffering and her death.

95. Plaintiff is entitled to actual damages, punitive damages, and reasonable attorney's fees and costs under 42 U.S.C. § 1988.

FOR A FOURTH CAUSE OF ACTION

(42 U.S.C. § 1983 — Municipal Liability — Against the City of Greenwood)

96. Plaintiff incorporates the preceding paragraphs as if fully restated here.

97. The City is liable under 42 U.S.C. § 1983 for constitutional violations caused by its official policies, its widespread customs and practices, its deliberately indifferent failures to train, supervise, and discipline, and the decisions of its final policymakers.

98. The customs and practices alleged in paragraphs 63 and 64 were so widespread and well settled as to have the force of law, and the City's policymakers knew or should have known of them and took no action to stop them.

99. The City's failure to train, supervise, and discipline its officers, alleged in paragraphs 65 and 66, reflects deliberate indifference to the obvious risk that officers would abandon intoxicated, injured, or disabled persons in their custody in dangerous conditions.

100. The City's final policymaker, with knowledge of the body camera footage and the officers' conduct, approved that conduct and the basis for it, as alleged in paragraphs 53 through 59, 62, and 67.

101. The City's policies, customs, failures, and ratification were the moving force behind the violation of Tracy's constitutional rights and her death.

102. Plaintiff is entitled to actual damages against the City and reasonable attorney's fees and costs under 42 U.S.C. § 1988.

FOR A FIFTH CAUSE OF ACTION

**(Wrongful Death — Gross Negligence — S.C. Code Ann. §§ 15-51-10 et seq.
and 15-78-10 et seq. — Against the City of Greenwood)**

103. Plaintiff incorporates the factual allegations in paragraphs 1 through 68 as if fully restated here.

104. Under the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-10 et seq., the City is liable for the torts of its employees committed within the scope of their official duties. S.C. Code Ann. §§ 15-78-40, 15-78-70.

105. At all relevant times, the Officer Defendants were employees of the City acting within the scope of their official duties.

106. By taking Tracy into custody and undertaking to transport her to a place of safety, the City, through its officers, assumed a duty of care owed to Tracy individually, and not merely to the public at large. That duty arose from the officers' custody of a person they had deprived of her normal opportunities for self-protection, from their own affirmative conduct, and from their voluntary undertaking to take charge of a person who was helpless to protect herself.

107. Having taken charge of Tracy, the City's officers owed a duty not to discontinue their aid and protection in a manner that left her in a worse position than when they took charge of her.

108. The public duty doctrine does not apply. The City's duty arose from its officers' custody of Tracy and their affirmative conduct toward her, not from a statute creating a duty owed to the public generally.

109. The City, through its officers, was grossly negligent, reckless, willful, and wanton, and failed to exercise even slight care, in the following particulars, among others:

- (a) taking custody of an impaired, injured person dependent on a walker and then refusing to take her to her home, a hospital, a responsible adult, or the detention center;
- (b) transporting her away from a lighted, occupied business near her home;
- (c) failing to verify that any family member lived in the Five Points area who would receive her;
- (d) leaving her at a closed, dark, unattended business between midnight and 1:00 a.m. in freezing temperatures;
- (e) removing her from the patrol vehicle over her express pleas to be taken to jail or a hospital;
- (f) deactivating body cameras in violation of policy while removing her from the vehicle;
- (g) leaving her with no shelter, transportation, or means of reaching safety other than walking along public roadways used by motor vehicles;
- (h) failing to request medical evaluation or emergency medical services;
- (i) failing to follow GPD policies governing custody, transport, release, and body camera use; and
- (j) such other particulars as discovery may reveal.

110. The officers' conduct was operational, not the product of any discretionary weighing of competing policy considerations, and the exception in S.C. Code Ann. § 15-78-60(5) does not apply. The claim arises from affirmative conduct toward a person in custody, not from a failure to provide police protection, and the exception in S.C. Code Ann. § 15-78-60(6) does not apply.

111. The City's gross negligence was a direct and proximate cause of Tracy's death. Being struck by a vehicle while walking along public roadways late at night was the precise, foreseeable consequence of abandoning her. Under the circumstances created by the misconduct of the Officer Defendants, the conduct of the driver who struck her was foreseeable and does not break the chain of causation.

112. As a result of Tracy's death, her statutory beneficiaries have suffered and will continue to suffer pecuniary loss; mental shock and suffering; wounded feelings; grief and sorrow; loss of companionship; and deprivation of the use and comfort of her society, including the loss of her experience, knowledge, and judgment.

113. Plaintiff is entitled to recover actual damages from the City on behalf of the statutory beneficiaries, subject to the limits of S.C. Code Ann. § 15-78-120.

FOR A SIXTH CAUSE OF ACTION

(Survival — Gross Negligence — S.C. Code Ann. §§ 15-5-90 and 15-78-10 et seq. — Against the City of Greenwood)

114. Plaintiff incorporates paragraphs 1 through 68 and 103 through 111 as if fully restated here.

115. Tracy's claims for her own injuries survive her death under S.C. Code Ann. § 15-5-90 and pass to her Estate.

116. As a direct and proximate result of the City's gross negligence, Tracy suffered conscious pain, suffering, fear, cold, exhaustion, and mental anguish from the time she was abandoned until her death, and her Estate incurred funeral and burial expenses.

117. Plaintiff is entitled to recover actual damages from the City on behalf of the Estate, subject to the limits of S.C. Code Ann. § 15-78-120.

FOR A SEVENTH CAUSE OF ACTION

**(Negligent Training, Supervision, and Retention — Gross Negligence — S.C.
Code Ann. § 15-78-10 et seq. — Against the City of Greenwood)**

118. Plaintiff incorporates paragraphs 1 through 68 and 103 through 111 as if fully restated here.

119. The City owed a duty to exercise due care in training, supervising, and retaining its police officers, including in the custody, transport, and release of intoxicated, injured, or disabled persons and the use of body cameras.

120. The City knew or should have known that its officers were releasing such persons in unsafe locations and conditions and deactivating body cameras without consequence, and that inadequate training and supervision created an unreasonable risk of serious injury or death.

121. The City was grossly negligent in failing to train and supervise its officers in these matters, and in failing to correct or discipline the practices described above.

122. The City's gross negligence was a direct and proximate cause of Tracy's conscious pain and suffering and her death, and of the damages to her Estate and statutory beneficiaries described above.

123. Plaintiff is entitled to recover actual damages from the City, subject to the limits of S.C. Code Ann. § 15-78-120.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

(a) On the First, Second, and Third Causes of Action, against Officers Ballenger and Teasley, jointly and severally, for actual damages, including wrongful death and survival damages, in an amount to be determined by a jury;

(b) On the First, Second, and Third Causes of Action, against Officers Ballenger and Teasley, for punitive damages in an amount to be determined by a jury;

(c) On the Fourth Cause of Action, against the City of Greenwood, for actual damages, including wrongful death and survival damages, in an amount to be determined by a jury;

(d) On the Fifth, Sixth, and Seventh Causes of Action, against the City of Greenwood, for actual damages in an amount to be determined by a jury, subject to the limits of S.C. Code Ann. § 15-78-120;

(e) Reasonable attorney's fees, expert fees, and costs under 42 U.S.C. § 1988;

(f) Costs of this action and post-judgment interest as allowed by law; and

(g) Such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Respectfully submitted,

WILKINS DAVIS, LLC

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