

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

A.E.P., III,

Plaintiff(s)

vs.

CHARLESTON COUNTY SCHOOL DISTRICT, KEVIN CLAYTON, AXXIS CONSULTING COMPANY, AND JONES STREET PUBLISHERS, LLC,

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2015-CP-10-

2015CP 10 - 2389

BY: JULIE J. ARMSTRONG CLERK OF COURT 2015 APR 27 PM 4:36

FILED

Submitted By: John E. Parker Address: P.O. Box 457 Hampton, SC 29924

SC Bar #: 4442 Telephone #: (803) 914-2004 Fax #: (803) 914-2014 Other: E-mail: jparker@pmped.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

\*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint. This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules. This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules. This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- Contracts: Constructions (100), Debt Collection (110), Employment (120), General (130), Breach of Contract (140), Other (199)
Torts - Professional Malpractice: Dental Malpractice (200), Legal Malpractice (210), Medical Malpractice (220), Previous Notice of Intent Case # 20 -NI-, Notice/ File Med Mal (230), Other (299)
Torts - Personal Injury: Assault/Slander/Libel (300), Conversion (310), Motor Vehicle Accident (320), Premises Liability (330), Products Liability (340), Personal Injury (350), Wrongful Death (360), Other (399)
Real Property: Claim & Delivery (400), Condemnation (410), Foreclosure (420), Mechanic's Lien (430), Partition (440), Possession (450), Building Code Violation (460), Other (499)
Inmate Petitions: PCR (500), Mandamus (520), Habeas Corpus (530), Other (599)
Administrative Law/Relief: Reinstate Drv. License (800), Judicial Review (810), Relief (820), Permanent Injunction (830), Forfeiture-Petition (840), Forfeiture-Consent Order (850), Other (899)
Judgments/Settlements: Death Settlement (700), Foreign Judgment (710), Magistrate's Judgment (720), Minor Settlement (730), Transcript Judgment (740), Lis Pendens (750), Transfer of Structured Settlement Payment Rights Application (760), Confession of Judgment (770), Petition for Workers Compensation Settlement Approval (780), Other (799)
Appeals: Arbitration (900), Magistrate-Civil (910), Magistrate-Criminal (920), Municipal (930), Probate Court (940), SCDOT (950), Worker's Comp (960), Zoning Board (970), Public Service Comm. (990), Employment Security Comm (991), Other (999)
Special/Complex /Other: Environmental (600), Automobile Arb. (610), Medical (620), Other (699), Pharmaceuticals (630), Unfair Trade Practices (640), Out-of State Depositions (650), Motion to Quash Subpoena in an Out-of-County Action (660), Sexual Predator (670)

Submitting Party Signature: [Signature]

Date: April 24, 2015

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA )  
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COUNTY OF CHARLESTON )  
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A.E.P., III, )  
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Plaintiff, )  
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v. )  
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CHARLESTON COUNTY SCHOOL )  
DISTRICT, KEVIN CLAYTON, AXXIS )  
CONSULTING COMPANY, AND JONES )  
STREET PUBLISHERS, LLC,, )  
 )  
Defendants. )

IN THE COURT OF COMMON PLEAS  
CIVIL ACTION NO.: 2015-CP-10-

**2015CP 10 -2389**

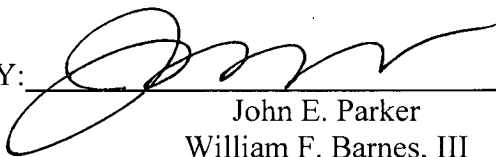
**SUMMONS**  
(Jury Trial Requested)

**FILED**  
2015 APR 27 PM 4:36  
JULIE J. ARMSTRONG  
CLERK OF COURT

**TO THE DEFENDANTS 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 P.O. Box 457, Hampton, SC 29924, 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.

PETERS, MURDAUGH, PARKER, ELTZROTH  
& DETRICK, P.A.

BY:   
John E. Parker  
William F. Barnes, III  
101 Mulberry Street East  
P.O. Box 457  
Hampton, SC 29924  
Phone: (803) 943-2111  
[jparker@pmped.com](mailto:jparker@pmped.com)  
[wbarnes@pmped.com](mailto:wbarnes@pmped.com)  
ATTORNEYS FOR PLAINTIFF

April 24, 2015  
Hampton, South Carolina

2015CP 10 -2389

STATE OF SOUTH CAROLINA )  
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COUNTY OF CHARLESTON )  
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Plaintiff, )  
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CHARLESTON COUNTY SCHOOL )  
DISTRICT, KEVIN CLAYTON, AXXIS )  
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IN THE COURT OF COMMON PLEAS  
CIVIL ACTION NO.: 2015-CP-10-

BY

JULIE J. ARMSTRONG  
CLERK OF COURT

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COMPLAINT  
(Jury Trial Requested)

The Plaintiff alleges:

1. The defendant, Charleston County School District is a governmental entity, subject to being sued pursuant to S.C. Code Ann. § 15-78-10, et. seq. Venue of the case is proper in Charleston County pursuant to § 15-78-100.

2. The defendant, Kevin L. Clayton, was at the times alleged in this complaint an agent and/or employee of Axxis Consulting Company acting within the scope of his agency and/or employment.

3. The defendant, Axxis Consulting Company, is liable for the acts of Kevin Clayton because Mr. Clayton was acting within the scope of his agency and/or employment at all times mentioned herein.

4. Nancy McGinley was at the relevant times the Superintendent of Charleston County School District and Louis Martin is an Assistant Superintendent of Charleston County School District.

5. Jones Street Publishers, LLC is a limited liability corporation which publishes the Charleston City Paper and its headquarters is in Charleston, South Carolina.

6. The plaintiff, A.E.P., III, is a member of the football team at the Academic Magnet High School.

7. On October 16, 2014, Louis Martin and Kevin Clayton met with the football team and coaches of the Academic Magnet High School after the School District received information concerning the football team and an incident involving watermelons, and even though they found no evidence of any racial reason for the team's watermelon celebration after a win, and even though all concerned told them there was no racial reason for the celebrations, they falsely published to others that the football team made animal sounds and drew a monkey face on the watermelon during these celebrations. The defendants by falsely portraying that the team made monkey sounds and drew a monkey face on the watermelon falsely accused the team and the plaintiff of intending to cast African American opponents in a derogatory light. The defendants by their statements falsely accused the team and the plaintiff of being racially prejudiced.

8. After October 16, 2014, Louis J. Martin, Assistant Superintendent of Education for the Charleston County School District, falsely stated that the members of the Academic Magnet High School football team, "had engaged in a game ritual after football games in which the football team would draw a monkey face on a watermelon and after a victory, would smash the fruit and make animal noises".

9. After October 16, 2014, Nancy McGinley, falsely stated to the public that "players would gather in a circle and squash the watermelon while others were either standing in a group or locking arms and making sounds described as 'ooh, ooh, ooh'". She further falsely stated the sounds were "monkey sounds".

10. The statements of the Superintendent and Assistant Superintendent of the School District falsely accused the football team and the plaintiff of drawing monkey faces on a watermelon and making monkey sounds, which if true, would have been racially derogatory actions intended to equate black members of opposing football teams with monkeys.

11. Kevin Clayton, Nancy McGinley, the Superintendent, and Louis Martin, the Assistant Superintendent, made the defamatory statements, even though they learned through interviews of the team and coaches that their statements were false, and with this knowledge they published these statements with malice.

12. The false and defamatory statements made by the defendants and their agents and/or employees were published to others and were published in the print media as well as local and national television. The print media and television programs falsely depicted the Academic Magnet High School football team and the plaintiff as a member of the football team as being racist.

13. In the November 5, 2014 edition of the Charleston City Paper, the defendant, Jones Street Publishers, LLC published an article entitled, "Mob Rules". In this article, it states: "The Academic Magnet coach had to know that his players were engaging in a ritual that would be perceived as racist by any sensible outside observer. If you don't already know, a racist caricature had been drawn on a watermelon and then smashed each time the largely white football team defeated their predominantly African-American competitors. Even worse, they reportedly made monkey sounds when they did it."

The newspaper further stated: "Perhaps she too had bought into the hype that the Holy City had shaken off its racist past, that our Lowcountry home had been born anew as America's most beloved tourist town. Perhaps she genuinely thought that the community would rise up with her and condemn this racist behavior. But it didn't."

The article also states: "As the controversy unfolded, the black community largely remained silent, while the entire Academic Magnet community rallied behind Coach Walpole, with some even going as far as to deny any racist connection between watermelons, Sambo-like caricatures, monkey noises, and black people."

The article when read as a whole, falsely accuses the football team and the plaintiff of being racist.

14. The publication of the false statements about the plaintiff injured the plaintiff's reputation.

15. The plaintiff is entitled to actual damages against all defendants and to punitive damages against the defendants, Kevin Clayton, Axxis Consulting Company and Jones Street Publishers, LLC.

WHEREFORE, plaintiff prays judgment against the defendants for actual damages, together with punitive damages in an appropriate amount, for the costs of this action, and for such other and further relief as the Court may deem just and proper.

PETERS, MURDAUGH, PARKER, ELTZROTH  
& DETRICK, P.A.

BY: 

John E. Parker  
William F. Barnes, III  
101 Mulberry Street East  
P.O. Box 457  
Hampton, SC 29924  
Phone: (803) 943-2111  
Email: [jparker@pmped.com](mailto:jparker@pmped.com)  
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ATTORNEYS FOR PLAINTIFF

Hampton, South Carolina  
April 24, 2015