

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF COLLETON	)	CASE NO.: 2017-CP-___ - _____
	)	
Tiffany N. Provence, as Special	)	
Administrator for the Estate of Jose	)	
Refugio Licono Larios,	)	
	)	
Plaintiff,	)	
	)	<b>SUMMONS</b>
vs.	)	
	)	
South Carolina Electric & Gas Company;	)	
PENSCO Trust Company LLC; Edisto	)	
Sales & Rentals Realty, LLC; DLL	)	
Operating Co., Inc.; Stevens Irrigation and	)	
Landscaping, LLC; and William J. Stevens,	)	
	)	
Defendants.	)	
_____	)	

TO: THE ABOVE-NAMED DEFENDANTS

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 thereto on the subscribers at their office located at 291 East Bay Street, Floor 2, Charleston, South Carolina, 29401 within thirty (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, the Plaintiff in this action will move for entry of Default Judgment and apply to the Court for the relief sought therein.

[Signature page to follow.]

**YARBOROUGH APPEGATE LLC**

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June 7, 2017  
Charleston, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF COLLETON	)	CASE NO.: 2017-CP-___ - _____
	)	
Tiffany N. Provence, as Special	)	
Administrator for the Estate of Jose	)	
Refugio Licona Larios,	)	
	)	
Plaintiff,	)	<b>COMPLAINT</b>
	)	<b>(Jury Trial Demanded)</b>
vs.	)	
	)	
South Carolina Electric & Gas Company;	)	
PENSCO Trust Company LLC; Edisto	)	
Sales & Rentals Realty, LLC; DLL	)	
Operating Co., Inc.; Stevens Irrigation and	)	
Landscaping, LLC; and William J. Stevens,	)	
	)	
Defendants.	)	
	)	

Plaintiff Tiffany N. Provence, as the Special Administrator for the Estate of Jose Refugio Licona Larios, and the undersigned attorneys, complaining of the Defendants, jointly and severally, would allege and show unto the Court the following:

1. Plaintiff brings this action in her capacity as the Special Administrator of the Estate of Jose Refugio Licona Larios pursuant to S.C. Code Ann. §§ 15-5-90 and 15-51-10 *et seq.* Decedent Jose Refugio Licona Larios was a resident of Charleston County, South Carolina.
2. Defendant South Carolina Electric & Gas Company (hereinafter “SCE&G”) is a corporation formed under the laws of the State of South Carolina and conducts business in Colleton County.
3. Upon information and belief, Defendant PENSCO Trust Company LLC is a limited liability company formed under the laws of the State of Colorado and owns property in Colleton County.

4. Defendant Edisto Sales & Rentals Realty, LLC is a limited liability company formed under the laws of the State of South Carolina and conducts business in Colleton County.

5. Defendant DLL Operating Co., Inc. is a corporation formed under the laws of the State of South Carolina and conducts business in Colleton County.

6. Defendant Stevens Irrigation and Landscaping, LLC is a limited liability company formed under the laws of the State of South Carolina and conducts business in Colleton County.

7. Defendant William J. Stevens is a citizen and a resident of Colleton County and is the owner of Stevens Irrigation and Landscaping, LLC.

8. This suit arises out of an incident that occurred in Colleton County, South Carolina on Sunday, November 29, 2015.

9. Jurisdiction and venue are proper in this Colleton County Court of Common Pleas.

10. Defendant Stevens Irrigation and Landscaping employed Jose Refugio Licono Larios to perform landscaping work from approximately 2008 until he died on November 29, 2015.

11. On November 29, 2015, Larios was sent to 3402 Myrtle Street, Edisto Beach, South Carolina to perform tree trimming and other landscaping services.

12. At approximately 9:30 a.m. Larios was working on a ladder approximately 26 feet in the air trimming palm fronds from the palm trees. While trimming the trees, Larios's chainsaw came into contact with an active SCE&G powerline that was hidden in the trees, he cried out in pain, and fell approximately 26 feet to the ground. Larios subsequently died from injuries sustained as a result of the fall.

13. Defendant Stevens Irrigation and Landscaping provided Larios with all equipment to perform landscaping work at 3402 Myrtle Street, including chain saw, ladder, rope, company trailer, and company truck.

14. Defendant William Stevens directed Larios to perform the work at 3402 Myrtle Street on November 29, 2015.

15. Upon information and belief, Defendant PENSICO Trust Company LLC owns 3402 Myrtle Street.

16. Upon information and belief, Defendants Edisto Sales & Rentals Realty and/or DLL Operating Co. manage and maintain 3402 Myrtle Street as a vacation rental.

**FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANTS WILLIAM STEVENS  
AND STEVENS IRRIGATION AND LANDSCAPING, LLC**  
(Negligence Per Se/Negligence/Gross Negligence)

17. Plaintiff realleges and reincorporates all preceding paragraphs as if fully set forth verbatim herein.

18. Defendants William Stevens and Stevens Irrigation and Landscaping, LLC (the “Stevens Defendants”) owed a duty to furnish a place of employment which is free of recognized hazards which may cause death or serious physical harm to its employees and comply with the occupational safety and health rules and regulations promulgated under Title 41, Chapter 15 of the South Carolina Code of Laws. These regulations include, but are not limited to, the duty to train employees and the duty to ensure employees use insulated tools and equipment to remove branches that are within the minimum approach distance of energized parts.

19. The Stevens Defendants knew or should have known that employees trimming trees near energized power lines were exposed to the hazard of direct or indirect contact with energized lines. The Stevens Defendants knew or should have known that employees trimming trees with a chainsaw while on a ladder more than 25 feet in the air were exposed to the risk of falling off the ladder while using the chainsaw.

20. The Stevens Defendants had no safety program, never trained employees how to work from a ladder or use any type of equipment, and did not require employees to wear Personal Protective Equipment.

21. Larios's fall and resulting death were directly due to and proximately caused by the negligence, gross negligence, carelessness, recklessness, willfulness, and wantonness on the part of the Stevens Defendants, including, but not limited to, one or more of the following particulars:

- (a) In failing to use reasonable care to inspect the work site at 3402 Myrtle Street;
- (b) In failing to supervise its employees while working;
- (c) In failing to train employees how to work from a ladder;
- (d) In failing to train employees how to properly use tools;
- (e) In failing to train employees to do work near energized power lines;
- (f) In failing to correct an unreasonably dangerous condition;
- (g) In failing to warn of the unreasonably dangerous condition; and
- (h) In failing to provide appropriate tools for the job.

22. Larios did not know and could not reasonably have known about the hazardous and dangerous conditions of the work site at 3402 Myrtle Street until he unexpectedly encountered them on November 29, 2015.

23. That as a direct and proximate cause of the acts and omissions, or both, of the Stevens Defendants, Larios fell from the ladder and experienced conscious pain and suffering until he ultimately died on November 29, 2015.

24. That due to the negligent, grossly negligent, reckless, willful, and wanton conduct of the Stevens Defendants, as well as their violations of statutory law and the standard(s) of care, Plaintiff is entitled to actual and punitive damages in such amount as to be determined by a jury.

**FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANT SCE&G**  
**(Negligence/Gross Negligence)**

25. Plaintiff realleges and reincorporates all preceding paragraphs as if fully set forth verbatim herein.

26. Defendant SCE&G had a duty perform adequate inspections of its electric lines, trim or remove trees creating a hazard, provide insulated covering for dangerous parts of the line, and place adequate warnings near the electric lines.

27. Larios's fall and resulting death were directly due to and proximately caused by the negligence, gross negligence, carelessness, recklessness, willfulness, and wantonness on the part of the Defendant SCE&G, including, but not limited to, one or more of the following particulars:

- (a) In failing to use reasonable care to inspect its electric lines;
- (b) In failing to use reasonable care to trim or remove the tree that created the hazard;
- (c) In failing to properly insulate its electric lines; and
- (d) In failing to adequately warn of the danger posed by the electric lines.

28. That as a direct and proximate cause of the acts and omissions, or both, of Defendant SCE&G, Larios fell from the ladder and experienced conscious pain and suffering until he ultimately died on November 29, 2015.

29. That due to the negligent, grossly negligent, reckless, willful, and wanton conduct of the Defendant SCE&G, as well as its violations of statutory law and the standard(s) of care, Plaintiff is entitled to actual and punitive damages in such amount as to be determined by a jury.

**FOR A THIRD CAUSE OF ACTION AGAINST DEFENDANTS PENSICO TRUST  
COMPANY LLC; EDISTO SALES & RENTALS REALTY, LLC; AND DLL  
OPERATING CO., INC.**  
**(Negligence/Premises Liability)**

30. Plaintiff realleges and reincorporates all preceding paragraphs as if fully set forth verbatim herein.

31. Upon information and belief, Defendants PENSICO Trust Company, Edisto Sales & Rentals Realty, and/or DLL Operating Co. (the “Premises Defendants”) or an agent thereof contracted with the Stevens Defendants to perform landscaping work at 3402 Myrtle Street.

32. The Premises Defendants owed Larios a duty of care to discover hidden dangers and take safety precautions to warn of or eliminate unreasonable risks.

33. The Premises Defendants knew or should have known of the hidden danger created by the electrical wires and the tree at 3402 Myrtle Street.

34. The Premises Defendants knew of or should have anticipated the physical harm that could be caused by trimming trees in such proximity to electrical wires.

35. Larios’s fall and resulting death were directly due to and proximately caused by the negligence, gross negligence, carelessness, recklessness, willfulness, and wantonness on the part of the Defendants, including, but not limited to, one or more of the following particulars:

- (a) In failing to use reasonable care to inspect and discover hidden dangers on the property;
- (b) In failing to warn the Stevens Defendants about the dangerous condition; and
- (c) In failing to take any steps to eliminate the dangerous condition, such as informing SCE&G.

36. That as a direct and proximate cause of the acts and omissions, or both, of the Premises Defendants, Larios fell from the ladder and experienced conscious pain and suffering until he ultimately died on November 29, 2015.



37. That due to the negligent, grossly negligent, reckless, willful, and wanton conduct of the Premises Defendants, Plaintiff is entitled to actual and punitive damages in such amount as to be determined by a jury.

**FOR A FOURTH CAUSE OF ACTION AGAINST ALL DEFENDANTS**  
**(Wrongful Death)**

38. Plaintiff hereby incorporates the allegations of the foregoing Paragraphs as if fully restated herein.

39. As a direct and proximate result of the Defendants' negligent, grossly negligent, reckless, willful, and wanton conduct of the Defendants, Larios was fatally injured.

40. As a direct result of the Defendants' acts, Larios's Special Administrator and heirs have incurred pain and suffering, medical expenses, funeral and burial expenses, pecuniary loss, mental shock and suffering, wounded feelings and other losses and injuries.

41. As a direct and proximate result of Defendants' negligent, reckless, willful, wanton, and grossly negligent acts and omissions which caused Larios's death, Plaintiff is entitled to recover actual, consequential, and punitive damages from Defendants as determined by a jury.

**FOR A FIFTH CAUSE OF ACTION AGAINST ALL DEFENDANTS**  
**(Survival)**

42. Plaintiff hereby incorporates the allegations of the foregoing Paragraphs as if fully restated herein.

43. That Larios cried out in pain before he fell from the ladder; that he slammed to the ground when he fell from the ladder, experiencing grave and severe injuries ultimately leading to his death; that he did experience grave pain and suffering; all to his injury and damage in an amount of actual and punitive damages to be determined at the trial of this case.

WHEREFORE, Plaintiffs pray unto this Honorable Court as follows:

- a) Judgment against Defendants jointly and severally,
- b) For an award of actual damages in an amount to be determined at trial;
- c) For an award of punitive damages in an amount to be determined at trial;
- d) For a trial by jury; and
- e) For such other and further relief as this Court may deem just and proper.

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June 7, 2017  
Charleston, South Carolina