

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE	)	
	)	
Curtis White and Myra White,	)	
	)	
Plaintiffs,	)	<b>ANSWER OF DEFENDANTS THE</b>
	)	<b>SPINX COMPANY, INC. AND</b>
vs.	)	<b>SPINX HOLDINGS, LLC.</b>
	)	
The Spinx Company, Inc.,	)	C.A. No.: 2018-CP-23-02974
and Spinx Holdings, LLC.	)	
	)	
Defendants.	)	<b>(Jury Trial Demanded)</b>
	)	

COME NOW the Defendants, The Spinx Company, Inc., and Spinx Holdings, LLC (hereinafter collectively referred to as "The Spinx Defendants"), answering the Plaintiffs' Complaint, and hereby shows unto the Court as follows:

FOR A FIRST DEFENSE

1. The Spinx Defendants fail to have information sufficient to form a belief as to the truth of the allegations of paragraph one of the Complaint and therefore deny same and demand strict proof thereof.
2. In response to paragraph two of the First Cause of Action of the Complaint, The Spinx Defendants fail to have information sufficient to form a belief as to the residency of the Plaintiffs and therefore deny same and demand strict proof thereof.
3. The Spinx Defendants admit the allegations of paragraph three of the First Cause of Action of the Complaint.
4. The Spinx Defendants admit the allegations of paragraph four of the First Cause of Action of the Complaint.
5. The Spinx Defendants fail to have information sufficient to form a belief as to the truth of the allegations of paragraph five of the First Cause of Action of the Complaint, and therefore deny same and demand strict proof thereof.

6. The Spinx Defendants fail to have information sufficient to form a belief as to the truth of the allegations of paragraph six of the First Cause of Action of the Complaint, and therefore deny same and demand strict proof thereof.

7. The Spinx Defendants fail to have information sufficient to form a belief as to the truth of the allegations of paragraph seven of the First Cause of Action of the Complaint, and therefore deny same and demand strict proof thereof.

8. In response to paragraph eight of the First Cause of Action of the Complaint, The Spinx Defendants admit that certain duties are owed to customers in accord with the laws of the state of South Carolina, but crave reference to the statutes and legal precedents which describe those duties rather than the characterization of this paragraph of the complaint, and therefore The Spinx Defendants deny same and demand strict proof thereof. The Spinx Defendants deny each and every other allegation of paragraph eight of the First Cause of Action of the Complaint and demand strict proof thereof.

9. The Spinx Defendants deny the allegations of paragraph nine of the First Cause of Action of the Complaint and demand strict proof thereof.

10. The Spinx Defendants deny the allegations of paragraph ten of the First Cause of Action of the Complaint and demand strict proof thereof. The Spinx Defendants also deny the allegations of the "Wherefore" clause following paragraph ten of the First Cause of Action of the complaint and demand strict proof thereof.

11. In response to paragraph one of the Second Cause of Action of the Complaint, The Spinx Defendants incorporate by reference the relevant and consistent portions of the above paragraphs.

12. The Spinx Defendants fail to have information sufficient to form a belief as to the truth of the allegations of paragraph two of the Second Cause of Action of the Complaint, and therefore deny same and demand strict proof thereof.

13. The Spinx Defendants fail to have information sufficient to form a belief as to the truth of the allegations of paragraph three of the Second Cause of Action of the Complaint, and therefore deny same and demand strict proof thereof.

14. The Spinx Defendants deny the allegations of paragraph four of the Second Cause of Action of the Complaint and demand strict proof thereof. The Spinx Defendants also

deny the allegations of the "Wherefore" clause following paragraph four of the Second Cause of Action of the complaint and demand strict proof thereof.

15. The Spinx Defendants deny each and every allegation of the complaint not hereinbefore admitted, modified, or explained.

FOR A SECOND DEFENSE  
(Failure to State Facts Sufficient To State A Claim)

16. The Spinx Defendants incorporate by reference the relevant and consistent allegations of the above paragraphs.

17. The Spinx Defendants allege that the Plaintiffs' complaint should be dismissed pursuant to South Carolina Civil Rule of Procedure 12 for failure to state facts sufficient to state a claim or a cause of action upon which relief can be granted against the Spinx Defendants.

FOR A THIRD DEFENSE  
(Comparative Negligence)

18. The Spinx Defendants incorporate by reference the relevant and consistent portions of the above paragraphs.

19. The Spinx Defendants allege that the alleged accident and damages arising therefrom were the direct and proximate result of the negligence, recklessness, willfulness, and wantonness on the part of Plaintiff Curtis White in the following particulars:

- a. in failing to keep a proper lookout for and to avoid hazards in his path;
- b. in failing to ensure that he obtained a secure footing while walking; and
- c. in failing to exercise that degree of care and prudence which a reasonable person would have exercised under the same or similar circumstances,

and that such negligence, recklessness, willfulness, and wantonness on the part of Curtis White, being greater than any negligence or any recklessness on the part of The Spinx Defendants, which is otherwise denied but admitted solely for purposes of this defense, operated as a direct and proximate cause of the alleged accident and damages, for which

reason the Plaintiff Curtis White and Myra White may not recover from The Spinx Defendants under principles of comparative negligence.

20. In the alternative, should it be determined that the degree of Curtis White's negligence was not the major cause of the Plaintiffs' accident and injuries, The Spinx Defendants are entitled to a reduction in any damage awarded to the Plaintiffs under principles of comparative negligence.

**FOR A FOURTH DEFENSE**  
(Constitutional Defenses To Punitive Damages)

21. The Spinx Defendants incorporate by reference the relevant and consistent portions of the above paragraphs.

22. The Spinx Defendants submit that any award of punitive damages in this case would be barred by the provisions of the Fifth, Sixth, Eighth, and Fourteenth Amendments of the Constitution of the United States and by the comparable provisions of the Constitution of the State of South Carolina.

WHEREFORE, having fully answered the Plaintiffs' Complaint, The Spinx Defendants hereby pray that the case be dismissed against them with costs, or in the alternative, that a jury be impaneled to hear this cause, and for such other and further relief as the Court deem just and proper.

Respectfully Submitted,

HUNTER & FOSTER, P.A.

**JURY TRIAL DEMANDED**

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Dated: June 14, 2018  
Greenville, SC

Attorney for Defendants The Spinx Company,  
Inc., and Spinx Holdings, LLC.