

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF ANDERSON	)	
	)	
ELIZABETH T. NUCKOLLS, AS	)	Civil Action No. 2023-CP-04-00736
PARENT AND NATURAL GUARDIAN	)	
FOR JOHN DOE, A MINOR OVER THE	)	
AGE OF FOURTEEN (14) YEARS; AND	)	
BROOKE KELLETT, AS PARENT AND	)	
NATURAL GUARDIAN FOR RICHARD	)	ANSWER
ROE, A MINOR OVER THE AGE OF	)	(Jury Trial Demanded)
FOURTEEN (14) YEARS,,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
WILLIAM R. MCADAMS II A/K/A	)	
BILLY MCADAMS, AND WYATT	)	
MCADAMS,	)	
	)	
Defendants.	)	
	)	

Defendants, William R. McAdams, II a/k/a Billy McAdams and Wyatt McAdams, answer the Complaint and respectfully assert the following:

FOR A FIRST DEFENSE

1. Each and every allegation of the Complaint not specifically admitted is denied.
2. Defendants are without sufficient information to admit or deny the allegations of Paragraphs 1-3 and, therefore, deny said allegations and demand strict proof.
3. Defendants admit the allegations of Paragraphs 4 and 5.
4. Defendants are without sufficient information to admit or deny the allegations of Paragraphs 6-7 and, therefore, deny said allegations and demand strict proof.
5. In answering the allegations of Paragraph 8, Defendants admit that an unknown vehicle turned into the driveway of property owned by Defendant William McAdams and

proceeded past the shop and into a restricted area. Defendants are without sufficient information to admit or deny the remaining allegations of Paragraph 8 and, therefore, deny said allegations and demand strict proof.

6. Defendants are without sufficient information to admit or deny the allegations of Paragraph 9 and, therefore, deny said allegations and demand strict proof.

7. In answering the allegations of Paragraph 10, Defendants admit that an unknown vehicle proceeded down the driveway at a high rate of speed and turned right onto Fairplay Road. Defendants are without sufficient information to admit or deny the remaining allegations of Paragraph 10 and, therefore, deny said allegations and demand strict proof.

8. Defendants are without sufficient information to admit or deny the allegations of Paragraph 11 and, therefore, deny said allegations and demand strict proof.

9. Defendants deny the allegations of Paragraph 12.

10. In answering the allegations of Paragraph 13, Defendants deny that either William or Wyatt McAdams ever attempted to run a vehicle off the road. Defendants are without sufficient information to admit or deny the remaining allegations of Paragraph 13 and, therefore, deny said allegations and demand strict proof.

11. Defendants deny the allegations of Paragraph 14.

12. Defendants are without sufficient information to admit or deny the allegations of Paragraph 15 and, therefore, deny said allegations and demand strict proof.

13. In answering the allegations of Paragraph 16, Defendants admit Billy McAdams called Anderson County Sheriff using his county identification number because he did not have a cell phone and only had to call for help, which required him to identify himself and his county identification number. Defendants deny the remaining allegations of the Complaint.

14. In answering the allegations of Paragraph 17, Defendants admit they pursued an unknown vehicle for approximately 15 minutes and admit the pursuit ended at or near the area of Wildwood Drive and Sitton Mille Road, but deny the remaining allegations of the Complaint.

15. In answering the allegations of Paragraph 18, Defendants admit that Billy McAdams was parked across the road, but deny the remaining allegations of Paragraph 18.

16. In answering the allegations of Paragraph 19, Defendants admit that Billy McAdams exited his truck and pointed a pistol at two unknown individuals and did raise his voice to them. Defendant denies any allegations of Paragraph 19.

17. In answering the allegations of Paragraph 20, Defendants admit that Billy McAdams raised his voice and used some curse words in speaking to two unknown individuals and instructed them to lie face down, but denies the remaining allegations of Paragraph 20.

18. Defendants deny the allegations of Paragraph 21.

19. Defendants are without sufficient information to admit or deny the allegations of Paragraph 22 and, therefore, deny said allegations and demand strict proof.

20. Defendants deny the allegations of Paragraph 23.

21. In answering the allegations of Paragraph 24, Defendants admit that Billy McAdams put away his weapon when he saw how young the two unidentified individuals were and that they had a conversation in which the two unidentified individuals indicated they had not stolen anything from his property. Defendants deny the remaining allegations of Paragraph 24.

22. In answering the allegations of Paragraph 25, Defendants admit that law enforcement came to the scene, conducted interviews and allowed all parties to leave. Defendant denies the remaining allegations of Paragraph 25.

23. In answering the allegations of Paragraph 26 alleging proper jurisdiction and venue, Defendants admit that jurisdiction and venue are proper. Defendants are without sufficient information to admit or deny the allegations of Paragraph 26 relating to Plaintiffs' citizenship and residency and, therefore, deny said allegations and demand strict proof.

24. In answering the allegations of Paragraph 27, Defendants reallege and reassert the above Paragraphs as if copied herein verbatim.

25. In answering the allegations of Paragraph 28, Defendants admit that Billy McAdams parked his vehicle in the road and instructed two unknown individuals to exit their vehicle and lie down while holding a gun. Defendants deny the remaining allegations of Paragraph 28.

26. Defendants deny the allegations of Paragraphs 29-31.

27. In answering the allegations of Paragraph 32, Defendant realleges and reasserts the above Paragraphs as if copied herein verbatim.

28. Defendants deny the allegations of Paragraphs 33-42 and the remaining allegations of the Complaint.

FOR A SECOND DEFENSE

29. Defendants would respectfully show each and every cause of action set forth in the Complaint fails to state a claim upon which relief can be granted and, therefore, the Complaint should be dismissed.

FOR A THIRD DEFENSE

30. Defendants allege all of the risks and dangers, if any, existing at the time and place of Plaintiffs' alleged accident and injury were open, obvious, apparent, and were either known by the Plaintiffs or should have been known by the Plaintiffs. Furthermore, Plaintiffs

were perfectly competent to judge the appropriateness of the circumstances and conditions alleged to be existing at the time and place of the alleged accident and, therefore, by his actions, Plaintiffs freely and voluntarily exposed themselves to the alleged danger, thereby assuming the risk of being injured in the manner alleged in the Complaint. Therefore, Defendants are not liable to Plaintiff for any sum whatsoever.

FOR A FOURTH DEFENSE

31. Defendants plead the law and doctrine of comparative negligence and alleges the negligence and recklessness of Plaintiffs were greater than the negligence, if any, which might be established against Defendants and, therefore, Plaintiffs are barred from any recovery in this action. Defendants further alleges any injury and damage sustained by Plaintiff was due to and caused by the negligence and/or wilfulness of Plaintiffs combining, concurring, and contributing with the negligence and/or wilfulness, if any, on the part of Defendants and, therefore, any amount of recovery awarded to Plaintiffs for the injuries and damages alleged in the Complaint shall be reduced by the Court by the percentage of negligence and/or wilfulness attributed to Plaintiffs.

FOR A FIFTH DEFENSE

32. Plaintiff have failed to mitigate their damages and has incurred damages that were unnecessary or unreasonable in amount. Plaintiff is, therefore, barred in whole or part from recovery in this case.

FOR A SIXTH DEFENSE

33. The Defendant would show the claim for punitive damages cannot be had because any award of punitive damages would violate the Defendant's equal protection and due process rights as guaranteed by the United States and South Carolina Constitutions.

FOR A SEVENTH DEFENSE
(S.C. Code Ann. § 15-32-530 - Statutory Cap on Punitive Damages)

34. Defendant affirmatively pleads the statutory cap on punitive damages as set forth in S.C. Code Ann. § 15-32-530 (Supp. 2019) (as amended) as a defense in this matter.

WHEREFORE, having fully answered, Defendants pray that the Complaint be dismissed, for the costs of defending this action, and for such other relief as the Court and jury deem just and proper.

MCANGUS GOUDELOCK & COURIE, L.L.C.

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May 5, 2023