



**FOR MANDATED ADR COUNTIES ONLY**  
Florence, Horry, Lexington, Richland, Greenville and Anderson

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

**You are required to take the following action(s):**

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210<sup>th</sup> day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
  - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
  - b. Requests for temporary relief;
  - c. Appeals
  - d. Post Conviction relief matters;
  - e. Contempt of Court proceedings;
  - f. Forfeiture proceedings brought by governmental entities;
  - g. Mortgage foreclosures; and
  - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )  
 )  
 The College of Charleston Foundation, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 Benjamin Ham, )  
 )  
 Defendant. )

IN THE COURT OF COMMON PLEAS  
 FOR THE NINTH JUDICIAL CIRCUIT  
 CASE NO. 07-CP 10-3475

FILED  
 2007 AUG -8 PM 4:50  
 JULIE J. ARMSTRONG  
 CLERK OF COURT  
 BY \_\_\_\_\_  
SUMMONS

TO: THE DEFENDANT ABOVE NAMED AND TO DEFENDANT'S ATTORNEY,  
 GEORGE J. KEFALOS, ESQUIRE

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 said Complaint upon the subscriber at his office at 134 Meeting Street, Third Floor, Post Office Box 340, Charleston, South Carolina 29402 within thirty (30) days after service hereof, exclusive of the date of such service, and, if you fail to Answer within the prescribed time, judgment by default will be rendered against you for the amount or other remedy requested in the attached Complaint, plus interest and costs.

07  
 9/23

HAYNSWORTH SINKLER BOYD, P.A.  
 134 Meeting Street, Third Floor  
 Post Office Box 340 (29402)  
 Charleston, South Carolina 29401  
 (843) 722-3366  
 (843) 722-2266 (fax)

By: Neil D. Thomson  
 Neil D. Thomson, Esquire  
 Attorneys for Plaintiff

Charleston, South Carolina  
 August 8<sup>th</sup>, 2007

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )  
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 The College of Charleston Foundation, )  
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 Plaintiff, )  
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 vs. )  
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 Benjamin Ham, )  
 )  
 Defendant. )  
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IN THE COURT OF COMMON PLEAS  
 FOR THE NINTH JUDICIAL CIRCUIT  
 CASE NO. 07-CP 10-3475

**COMPLAIN**  
 2007 AUG -8 PM 4: 50  
 JULIE J. ARMSTRONG  
 CLERK OF COURT  
**FILED**

TO: THE DEFENDANT ABOVE NAMED AND TO DEFENDANT’S ATTORNEY,  
 GEORGE J. KEFALOS, ESQUIRE

The Plaintiff, complaining of the Defendant herein, would respectfully show unto the Court as follows:

**THE PARTIES**

1. That the Plaintiff, The College of Charleston Foundation (hereinafter referred to as “the Foundation” or “the Plaintiff”) is a 501(c)(3) corporation, a non-profit organization organized and existing under the laws of the State of South Carolina and doing business in the State of South Carolina.

2. That the Defendant, Benjamin Ham (hereinafter referred to as “Ham” or “the Defendant”), is, upon information and belief, a citizen and resident of the State of South Carolina..

3. In 1995, an 862-acre tract of land known as Dixie Plantation was bequeathed to the Plaintiff for private, educational, and research purposes and use by the College of Charleston’s staff, faculty, students, and invited guests.

4. Dixie Plantation is private property located in Charleston County.

5. That the jurisdiction and venue of this action are proper.

**FACTS**

6. The Plaintiff incorporates all previous paragraphs by reference as if fully set forth herein.

7. In or about 2006, during the Plaintiff's ownership of the private property known as Dixie Plantation, the Defendant, without permission, trespassed onto the Dixie Plantation property.

8. The Plaintiff's property has locked gates set up across the roadways at the entrance of the property, as well as "No Trespassing" signs surrounding various parts of this private property.

9. The Defendant entered this private property intentionally, and without permission, for the purposes of taking photographs for his artistic and commercial gain and benefit.

10. The Defendant thereafter developed photographs taken of scenic property located on Dixie Plantation, at least one of which was shot while he was trespassing on Plaintiff's property.

11. The photographs taken by the Defendant are unique to Dixie Plantation and the images developed from these photographs are unique to Dixie Plantation and can only be reproduced when shot from the vantage point of the photographer physically being on the Dixie Plantation property.

12. The Defendant did not receive permission from the Plaintiff, either before, during or after his trespass, wrongful intrusion, and conversion on the Dixie Plantation property.

**FOR A FIRST CAUSE OF ACTION**  
**(Trespass)**

13. The Plaintiff realleges and reiterates each and every allegation of Paragraphs 1 through 12 above as if fully set forth herein verbatim.

14. That during all relevant times, the Plaintiff legally possesses and owns Dixie Plantation.

15. That the Defendant voluntarily entered Dixie Plantation, and did so without the Plaintiff's permission.

16. That as a direct and proximate cause of the Defendant's actions, the Plaintiff lost use of its private right to the property and lost use and exclusivity of a unique image and representation found on Dixie Plantation.

**FOR A SECOND CAUSE OF ACTION**  
**(Invasion of Privacy / Wrongful Intrusion of Privacy)**

17. The Plaintiff realleges and reiterates each and every allegation of Paragraphs 1 through 16 above as if fully set forth herein verbatim.

18. That Defendant's trespass onto Plaintiff's private property represents a wrongful intrusion on Plaintiff's privacy rights.

19. That Defendant's actions were intentional, substantial, and unreasonable; furthermore the Defendant's conduct ran contrary to Plaintiff's expectations for the use of Dixie Plantation.

20. That Defendant's actions have injured Plaintiff's privacy rights to use Dixie Plantation as it deems fit and proper, including but not limited to: educational, non-commercial, and private purposes.

**FOR A THIRD CAUSE OF ACTION**  
**(Conversion)**

21. The Plaintiff realleges and reiterates each and every allegation of Paragraphs 1 through 20 above as if fully set forth herein verbatim.

22. That at all times material to this Complaint, the Plaintiff was the owner of the Dixie Plantation property, and has sole right and possession thereof.

23. That the Defendant, by developing and taking photographs while trespassing on said property, converted the property to his own use; and this use was without the Plaintiff's permission.

24. That the taking and conversion of the images and photographs developed by the Defendant was done for personal and commercial gain, with a reckless disregard for the Plaintiff's rights.

25. That the Defendant has developed at least one photograph unlawfully taken from Dixie Plantation: named "Plantation Road", which he has sold and is continuing to sell reproductions and copies of on the commercial market.

26. That "Plantation Road" is an image that is unique and distinct to Dixie Plantation and the Defendant is not entitled to convert this image for his personal use and/or commercial gain.

27. That the commercial sales of copies of "Plantation Road" represents a continuous trespass and intrusion of the Plaintiff's private rights to Dixie Plantation; an act that causes the Plaintiff irreparable harm and injury.

28. That the Defendant's conversion of the image/photograph of "Plantation Road" has served to dilute and unlawfully expose the unique image and representation of Dixie Plantation.

29. As a result of the damages incurred by the Defendant's actions, the Plaintiff is informed and believes that it is entitled to actual, consequential, and punitive damages, and for such other and further relief as the Court may deem just and proper, at law or equity, including but not limited to, injunctive relief (preliminary and/or permanent) involving the immediate cessation of all commercial sales of copies of "Plantation Road."

WHEREFORE, the Plaintiff, The College of Charleston Foundation, prays for judgment against the Defendant, Benjamin Ham, for such actual damages prayed for above, as will fairly, fully, and justly compensate the Plaintiff herein, for reasonable costs and attorneys fees, and for such other and further relief as the Court may deem just and proper.

HAYNSWORTH SINKLER BOYD, P.A.  
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(843) 722-3366  
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By: Neil D. Thomson  
Neil D. Thomson, Esquire  
*Attorneys for Plaintiff*

Charleston, South Carolina  
August 8<sup>th</sup>, 2007

CHARLESTON | COLUMBIA | FLORENCE | GREENVILLE

**Haynsworth  
Sinkler Boyd, PA.**

ATTORNEYS AND COUNSELORS AT LAW

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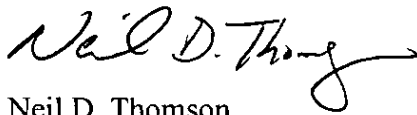
August 8, 2007

**HAND-DELIVER**The Honorable Julie Armstrong  
Charleston County Clerk of Court  
100 Broad Street, Suite 106  
Charleston, SC 29401Re: The College of Charleston Foundation v. Benjamin Ham  
Case No.: 2007-CP-10-  
HSB File No. 00962.0007

Dear Ms. Armstrong:

Enclosed for filing please find the original and two copies of the Summons and Complaint in the above-referenced matter. Also enclosed is our firm's check in the amount of \$150 for the filing fee. I would appreciate it very much if you would file the originals and return the filed-stamped copies to the courier making this delivery.

Very truly yours,



Neil D. Thomson

NDT:evc

Enclosures

cc: George J. Kefalos, Esquire (w/encs.)