

STATE OF SOUTH CAROLINA )  
 COUNTY OF ANDERSON )  
 )  
 ROSMORE AND AMY VILARDI, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 ANDERSON COUNTY SHERIFF'S )  
 OFFICE, )  
 )  
 Defendant. )

IN THE COURT OF COMMON PLEAS  
 Case No. 2016-CP-04- 01200

**SUMMONS AND NOTICE**  
 (Claim and Delivery)

COMMON PLEAS AND  
 GENERAL SESSIONS

2016 MAY 25 PM 4:35

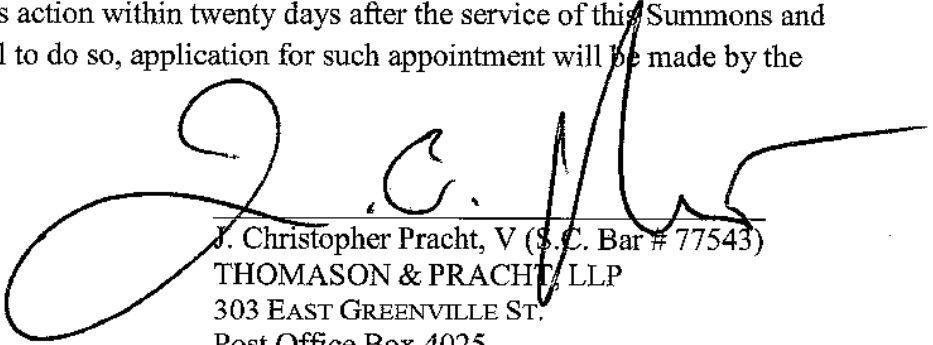
FILED-CLERK'S OFFICE  
 ANDERSON SC

**TO THE DEFENDANT(S) ABOVE NAMED: ANDERSON COUNTY SHERRIFF'S OFFICE**

You are hereby summoned and required to answer the Complaint in this action, a copy of which is herewith served upon you, which was filed in the Office of the Clerk of this Court on the below mentioned date; and to serve a copy of your answer to the Complaint upon the subscriber at their office, 303 East Greenville Street, Post Office Box 4025, Anderson, South Carolina, within thirty days after the service hereof, exclusive of the day of such service. If you fail to answer the Complaint within that time, judgment by default will be rendered against you for the relief demanded in the Complaint.

**TO INFANT(S) OVER FOURTEEN YEARS OF AGE:**

You are further summoned and notified to apply for the appointment of a guardian ad litem to represent you in this action within twenty days after the service of this Summons and Notice upon you. If you fail to do so, application for such appointment will be made by the Plaintiff(s) herein.



J. Christopher Pracht, V (S.C. Bar # 77543)  
 THOMASON & PRACHT, LLP  
 303 EAST GREENVILLE ST.  
 Post Office Box 4025  
 Anderson, South Carolina 29621  
 Telephone: (864) 226-7222  
 Fax: (864) 226-7224

Date: 5/25/16  
 Anderson, South Carolina

**ATTORNEY FOR PLAINTIFF**

STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )  
) )  
ROSMORE AND AMY VILARDI, )  
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Plaintiffs, )  
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IN THE COURT OF COMMON PLEAS  
Case No. 2016-CP-04- 01200

**COMPLAINT**  
(Claim and Delivery)

FILED-CLERK'S OFFICE  
ANDERSON SC  
2016 MAY 25 PM 4: 25  
COMMON PLEAS AND  
GENERAL SESSIONS

COMES NOW the plaintiff, Rosmore and Amy Vilardi ("Plaintiffs"), complaining of the defendant, Anderson County Sherriff's Office ("Defendant"), who, through their undersigned counsel, respectfully shows unto the Court as follows:

**NATURE OF THE ACTION**

1. This is an action to recover property seized pursuant to a search warrant.

**PARTIES**

2. Plaintiffs Rosmore and Amy Vilardi ("The Vilardis") are citizens and residents of Anderson County, South Carolina.
3. Defendant, Anderson County Sheriff's Office ("ACSO"), is a political subdivision and county agency of the State of South Carolina, County of Anderson. They are charged with providing law enforcement services to the citizens and resident of the County of Anderson.

**JURISDICTION**

4. This Court has jurisdiction over the matters alleged herein pursuant to S.C. Code Ann. §§ 36-2-802 and 36-2-803, Article V of the Constitution of the State of South Carolina, and the Court's plenary powers.

## VENUE

5. Plaintiff is informed and believes that venue is appropriate in Anderson County.

## FACTS

6. On November 2, 2015, at approximately fifteen hundred hours (3:00 pm), Defendant ACSO executed a search warrant at the home of the Vilardis on 2217 Refuge Road, Pendleton, South Carolina, 29670, entered the premises therein, and seized several items belonging to or in the possession of the Plaintiffs (see Exhibit 1).

7. On November 2, 2015, at approximately sixteen hundred forty four hours (4:44 pm), Defendant ACSO executed another search warrant at the home of the Vilardis on 2217 Refuge Road, Pendleton, South Carolina, 29670, entered the premises therein, and seized several items belonging to or in the possession of the Plaintiffs (see Exhibit 2).

8. On November 2, 2015, at approximately nineteen hundred forty four hours (7:44 pm), Defendant ACSO executed another search warrant at the home of the Vilardis on 2217 Refuge Road, Pendleton, South Carolina, 29670, entered the premises therein, and seized several items belonging to or in the possession of the Plaintiffs (see Exhibit 3).

9. On November 2, 2015, at approximately twenty three hundred thirty hours (11:30 pm), Defendant ACSO executed another search warrant at the home of the Vilardis on 2217 Refuge Road, Pendleton, South Carolina, 29670, entered the premises therein, and seized several items belonging to or in the possession of the Plaintiffs (see Exhibit 4).

10. On November 4, 2015, at approximately fifteen hundred thirty hours (3:30 pm), Defendant ACSO executed another search warrant at the home of the Vilardis on 2217 Refuge Road, Pendleton, South Carolina, 29670, entered the premises therein, and seized several items belonging to or in the possession of the Plaintiffs (see Exhibit 5).

11. On November 11, 2015, at approximately fifteen hundred hours (3:00 pm), Defendant ACSO executed a search warrant at a storage facility, Unit #221, rented by Rosmore Vilardi and located at 4303 Edgewater Way, Anderson, South Carolina, 29621, entered the premises therein, and seized several items belonging to or in the possession of the Plaintiffs (see Exhibit 6).

12. All search warrants were executed pursuant to a homicide investigation (Case # 2015-20728) stemming from a quadruple homicide occurring on or about October 31, 2015 at another residence located at the same address.

13. The Plaintiffs have not been arrested or charged with any crimes related to the homicide investigation.

14. The property seized in the multiple search warrant executions includes, but is not limited to, two vehicles, several electronic devices, firearms, and United States currency totaling over sixty thousand dollars.

15. The property described above is being wrongfully withheld by the Defendant.

16. Defendant is wrongfully and willfully refusing to return the property to the Defendants despite the property having no evidentiary value.

17. Upon information and belief, the Defendant has performed numerous tests and analyses on the currency, specifically, and has found no DNA or other evidence linking the Plaintiffs to any wrongdoing in relation to the aforementioned investigation.

18. The property is believed to be in immediate danger of destruction or concealment because Defendant has wrongfully and willfully retained possession of the property despite the property lacking any evidentiary value.

19. The property was not taken from the ownership or possession of the Plaintiff due to any tax, fine or assessment (and if so seized, it should not have been by virtue of its exempt status).

20. Upon information and belief, the actual value of the above described property is well in excess of \$100,000.00.

21. That the Notice of Right to Cure as required by Section 37-5-110 and Section 37-5-111, Code of laws of South Carolina, 1976, as amended, is not required.

22. Upon information and belief, the property is currently being held at the Anderson County Sheriff's Office.

**RELIEF REQUESTED**

23. That the Court recognize Plaintiff's ownership interest in the above-described property.

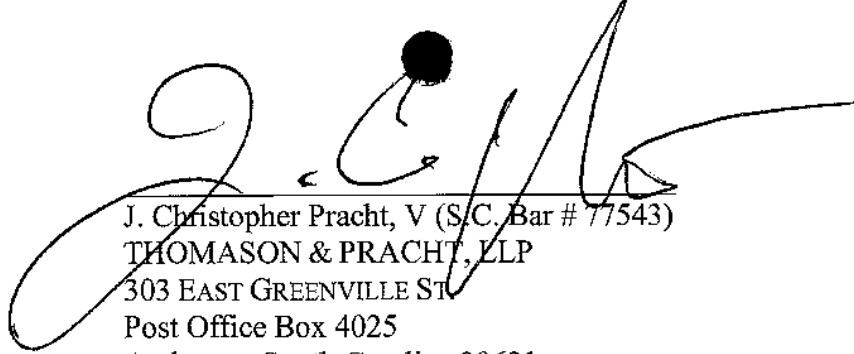
24. That the Court, because of the above information grant the immediate claim and delivery of the property described above.

25. That the Plaintiff is entitled to a judgment against Defendant for actual and compensatory damages, attorneys' fees, and the costs of this action, and for such other and further relief as this Court may deem just and proper.

WHEREFORE, the Plaintiffs pray for the Court to award judgment in their favor against the Defendant and grant the following relief:

1. For actual, consequential, economic, and punitive damages.
2. For special damages
3. For attorney's fees and costs.
4. For a bench trial on all relevant issues.
5. For such other relief as is just and proper.

**SIGNATURE ON FOLLOWING PAGE**



J. Christopher Pracht, V (S.C. Bar # 77543)  
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Post Office Box 4025  
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Date: 5/25/16  
Anderson, South Carolina

**ATTORNEY FOR PLAINTIFF**

COUNTY OF ANDERSON

FILED-CLERK'S OFFICE  
ANDERSON SC

ROSMORE AND AMY VILARDI

Plaintiff(s) 25 PM 4: 35

CIVIL ACTION COVERSHEET

vs.

COMMON PLEAS AND  
GENERAL SESSIONS

2016-CP-04- 01200

ANDERSON COUNTY SHERIFF'S OFFICE

Defendant(s)

Submitted By: J. CHRISTOPHER PRACTH  
Address: P.O. BOX 4025, ANDERSON, SC 29622

SC Bar #: 77543  
Telephone #: 864-226-7222  
Fax #: 864-226-7224  
Other: \_\_\_\_\_  
E-mail: CP@TANDPLEGAL.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)**

- |   |   |   |  |
|---|---|---|--|
| <p><b>Contracts</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Constructions (100)</li> <li><input type="checkbox"/> Debt Collection (110)</li> <li><input type="checkbox"/> General (130)</li> <li><input type="checkbox"/> Breach of Contract (140)</li> <li><input type="checkbox"/> Fraud/Bad Faith (150)</li> <li><input type="checkbox"/> Failure to Deliver/Warranty (160)</li> <li><input type="checkbox"/> Employment Discrim (170)</li> <li><input type="checkbox"/> Employment (180)</li> <li><input type="checkbox"/> Other (199) _____</li> </ul> <p><b>Inmate Petitions</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> PCR (500)</li> <li><input type="checkbox"/> Mandamus (520)</li> <li><input type="checkbox"/> Habeas Corpus (530)</li> <li><input type="checkbox"/> Other (599)</li> </ul> <p><b>Special/Complex /Other</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Environmental (600)</li> <li><input type="checkbox"/> Automobile Arb. (610)</li> <li><input type="checkbox"/> Medical (620)</li> <li><input checked="" type="checkbox"/> Other (699) <u>Claim and Delivery - Personal Property</u></li> <li><input type="checkbox"/> Sexual Predator (510)</li> <li><input type="checkbox"/> Permanent Restraining Order (680)</li> </ul> | <p><b>Torts - Professional Malpractice</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Dental Malpractice (200)</li> <li><input type="checkbox"/> Legal Malpractice (210)</li> <li><input type="checkbox"/> Medical Malpractice (220)</li> <li>Previous Notice of Intent Case # <u>20 -NI-</u></li> <li><input type="checkbox"/> Notice/ File Med Mal (230)</li> <li><input type="checkbox"/> Other (299) _____</li> </ul> <p><b>Administrative Law/Relief</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Reinstate Drv. License (800)</li> <li><input type="checkbox"/> Judicial Review (810)</li> <li><input type="checkbox"/> Relief (820)</li> <li><input type="checkbox"/> Permanent Injunction (830)</li> <li><input type="checkbox"/> Forfeiture-Petition (840)</li> <li><input type="checkbox"/> Forfeiture—Consent Order (850)</li> <li><input type="checkbox"/> Other (899)</li> </ul> | <p><b>Torts - Personal Injury</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conversion (310)</li> <li><input type="checkbox"/> Motor Vehicle Accident (320)</li> <li><input type="checkbox"/> Premises Liability (330)</li> <li><input type="checkbox"/> Products Liability (340)</li> <li><input type="checkbox"/> Personal Injury (350)</li> <li><input type="checkbox"/> Wrongful Death (360)</li> <li><input type="checkbox"/> Assault/Battery (370)</li> <li><input type="checkbox"/> Slander/Libel (380)</li> <li><input type="checkbox"/> Other (399) _____</li> </ul> <p><b>Judgments/Settlements</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Death Settlement (700)</li> <li><input type="checkbox"/> Foreign Judgment (710)</li> <li><input type="checkbox"/> Magistrate's Judgment (720)</li> <li><input type="checkbox"/> Minor Settlement (730)</li> <li><input type="checkbox"/> Transcript Judgment (740)</li> <li><input type="checkbox"/> Lis Pendens (750)</li> <li><input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)</li> <li><input type="checkbox"/> Confession of Judgment (770)</li> <li><input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780)</li> <li><input type="checkbox"/> Other (799) _____</li> </ul> | <p><b>Real Property</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Claim &amp; Delivery (400)</li> <li><input type="checkbox"/> Condemnation (410)</li> <li><input type="checkbox"/> Foreclosure (420)</li> <li><input type="checkbox"/> Mechanic's Lien (430)</li> <li><input type="checkbox"/> Partition (440)</li> <li><input type="checkbox"/> Possession (450)</li> <li><input type="checkbox"/> Building Code Violation (460)</li> <li><input type="checkbox"/> Other (499) _____</li> </ul> <p><b>Appeals</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Arbitration (900)</li> <li><input type="checkbox"/> Magistrate-Civil (910)</li> <li><input type="checkbox"/> Magistrate-Criminal (920)</li> <li><input type="checkbox"/> Municipal (930)</li> <li><input type="checkbox"/> Probate Court (940)</li> <li><input type="checkbox"/> SCDOT (950)</li> <li><input type="checkbox"/> Worker's Comp (960)</li> <li><input type="checkbox"/> Zoning Board (970)</li> <li><input type="checkbox"/> Public Service Commun. (990)</li> <li><input type="checkbox"/> Employment Security Comm (991)</li> <li><input type="checkbox"/> Other (999)</li> </ul> |
|---|---|---|--|

Date: 5/25/16

Submitting Party Signature:

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

**Effective January 1, 2016,** Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

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

**Pursuant to the ADR Rules, 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.
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.**