

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

IN THE COURT OF COMMON PLEAS
OF THE FIRST JUDICIAL CIRCUIT
CASE NO. 2017-CP-38-01689

TRACY DAVENPORT, as representative)
for and next friend of Jewel R. Skelton,)
an incompetent person,)

Plaintiff,)

vs)

VIVINT SOLAR DEVELOPER, LLC,)

Defendant.)

SUMMONS

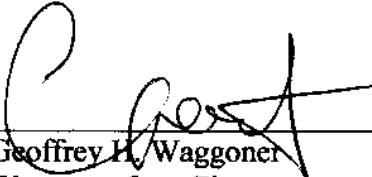
(Exploitation of a Vulnerable Adult)
(Unfair and Deceptive Trade Practices)

JURY TRIAL DEMANDED

TO THE DEFENDANT ABOVE NAMED:

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 the said Complaint upon the subscriber at his mailing address, Post Office Box 865, Mount Pleasant, SC 29465, 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 apply to the Court for the relief demanded in the Complaint.

SIGNATURE PAGE FOLLOWS


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December 13, 2017
Mt. Pleasant, South Carolina

STATE OF SOUTH CAROLINA)
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COUNTY OF ORANGEBURG)

IN THE COURT OF COMMON PLEAS
OF THE FIRST JUDICIAL CIRCUIT
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TRACY DAVENPORT, as representative)
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Plaintiff,)

vs)

VIVINT SOLAR DEVELOPER, LLC,)

Defendant.)

COMPLAINT

(Exploitation of a Vulnerable Adult)
(Unfair and Deceptive Trade Practices)

JURY TRIAL DEMANDED

TO THE DEFENDANT, ABOVE NAMED:

COMES NOW the Plaintiff, above named, who would allege and show unto this Court as follows:

1. The Plaintiff is a citizen and resident of Orangeburg County, South Carolina, and is the designated representative of Jewel R. Skelton, who is 94 years of age and lives alone and has been noted to suffer from Alzheimer's disease.

2. The Defendant Vivint Solar Developer, LLC (herein after "Vivint"), is a corporation, on information and belief formed and existing under the laws of the State of Delaware, but doing business through its subsidiaries, agents and employees in South Carolina, including Orangeburg County.

3. On information and belief, Ashley Auger is an individual who at all times relevant hereto resided in Charleston County and was engaged as an agent in activities on behalf of, and promulgated by, her employer, the Defendant Vivint Solar Developer, LLC, but, on information and belief, has moved to and is presently residing in the State of Connecticut.

For a First Cause of Action

Exploitation of a Vulnerable Adult

4. The allegations contained in Paragraphs 1-3, above, are repeated verbatim.

5. On information and belief, during a period spanning several weeks up to and including September 5, 2017, the Defendant Vivint, through its agent Ashley Auger, persisted in an aggressive series of visits to Ms. Skelton's home, advising her that with the installation and lease of solar panels her monthly electricity expense would be significantly reduced.

6. To all who meet and speak with her, Ms. Skelton would be recognized as incompetent to enter into any significant business transaction.

7. On information and belief, based on the numerous visits with Ms. Skelton, Ashley Auger recognized, or should have recognized, that Ms. Skelton was incompetent.

8. Based on the false representations of Ashley Auger, made on behalf of the Defendant Vivint, Ms. Skelton was persuaded to enter a digital signature to a 28 page lease, calling for her to pay gradually increasing monthly payments totaling more than \$26,800 over a period of 20 years.

9. The Defendant Vivint, through its agents and employees including Ashley Auger, created an e-mail address for Ms. Skelton for further communication when she had neither experience with nor desire for e-mail.

10. Additionally, the installation of solar panels on the front, back and side of Ms. Skelton's home, interrupted the integrity of the roof, which will require repair.

11. On information and belief the actions of the Defendant Vivint, though the acts of Ashley Auger and/or other subsidiaries, agents and employees, amounted to exploitation of a

vulnerable adult, in that Jewel Skelton was persuaded to purchase goods and services through undue influence and through cunning arts or devices, and for the profit of, the Defendant.

For a Second Cause of Action

Unfair and Deceptive Trade Practices

12. The allegations contained in Paragraphs 1-11, above, are repeated verbatim.

13. It was unfair of Defendant Vivint, through the actions of Ashley Auger, to sell and/or lease Defendant Vivint's services and solar panels to the obviously incompetent Ms. Skelton.

14. It was deceptive for the Defendant Vivint, through its agent Ashley Auger, to contract with a person such as Ms. Skelton who could not understand the terms and conditions of the contract or the oral representations of its agent Ms. Auger.

15. It was unfair and deceptive for Defendant Vivint to contract with a person such as Ms. Skelton whose electricity bills were too low to obtain a net benefit from the contract.

16. Defendant Vivint is responsible for the actions of its agent and employee Ashley Auger in attempting to contract for, and in contracting for, Defendant Vivint's services and the lease of its solar panels.

17. The state has a public interest in protecting the incompetent elderly from unfair and deceptive contracts.

18. By approaching, selling to, and/or contracting with the mentally incompetent Ms. Skelton, Defendant Vivint, through its agent and employee Ashley Auger negatively affected the public interest in protecting mentally incompetent or otherwise vulnerable adults.

19. By allowing its sales agent Ashley Auger to approach and contract with the mentally incompetent Ms. Skelton, Defendant Vivint adversely affected the public interest.

20. Defendant Vivint's policies and procedures relating to the encouragement and/or tolerance of sales agents approaching people at their residences, creates the potential for repetition of those acts by its employees and agents with other mentally incompetent or otherwise vulnerable adults.

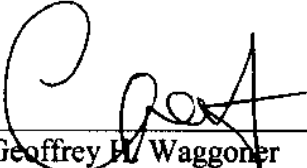
21. By the acts and actions described above Defendant Vivint, through its agent and employee Ashley Auger violated the South Carolina Unfair Trade Practices Act.

22. Plaintiff is entitled to an award of attorney fees under the South Carolina Unfair Trade Practices Act.

Wherefore, having fully set forth her Complaint herein, the Plaintiff prays for judgment against the Defendant Vivint Solar Developer, LLC, as follows:

For any and all financial obligations and/or losses incurred, plus the cost of cost of removal of panels and satisfactory repair or replacement of the roof and any other portion of Ms. Skelton's home damaged in connection with the activities of the Defendant.

Additionally, Plaintiff seeks an award of punitive damages, to be determined by the fact-finder, reasonable attorney fees, and such further and additional relief as may be considered appropriate by the Court.



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