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CLERK SUPERIOR COURT  
CLARKE COUNTY, GEORGIA

IN THE STATE COURT OF ATHENS-CLARKE COUNTY  
STATE OF GEORGIA

2017 AUG -9 PM 4:02

BEV: 17 12 2017  
CLARKE COUNTY, GEORGIA

GLADYS STALEY,  
Plaintiff

CIVIL ACTION

V.

FILE NO. ST-17-CV-0290

IRENE GREGG,  
Defendant.

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**COMPLAINT FOR PERSONAL INJURY**

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Comes Now, Gladys Staley, by and through her counsel, Clark E. Gulley, and brings this action for personal injury against the above-named Defendant and shows as follows:

**CASE HISTORY**

1. This action is a re-filing of an action for personal injury previously filed in this court on June 8, 2015.
2. The previous action was dismissed by Plaintiff pursuant to O.C.G.A. § 9-11-41(a) on February 10, 2017.
3. The Court required the Clerk to produce a bill of costs by Order dated February 13, 2017.
4. The costs of the previous action amount to \$265.00 pursuant to the "Accounting Activity for Case Number: ST15CV0210."
5. Pursuant to O.C.G.A. § 9-11-41 (d), Plaintiff shows that all court costs of the action previously dismissed have been paid by Plaintiff.
6. Therefore this action is filed pursuant to O.C.G.A. § 9-2-61 (a) within six months of the date of dismissal.

### **THE PARTIES**

7. Irene Gregg, the Defendant, being sui juris, is a resident and domiciled at 265 Woodhaven Parkway, Athens, GA 30606-1917, located with Athens-Clarke County, Georgia, making this defendant subject to the jurisdiction of this Court.
8. Gladys Staley at all times relevant to the claims made in this action was performing domestic services for the Defendant, and therefore enjoyed the status of an "invitee" with regard to the duty owed to her, pursuant to O.C.G.A. §51-3-1.
9. At all times relevant to the claims made in this action, Irene Gregg was the owner or occupier of the premises located at 265 Woodhaven Parkway, Athens, GA located within Athens-Clarke County, Georgia.

### **JURISDICTION AND VENUE**

10. Irene Gregg may be served with summons and process, by personal service at her residence and domicile at 265 Woodhaven Parkway, Athens, GA 30606.
11. All acts of negligence complained of in this action occurred with Athens-Clarke County, Georgia.
12. Jurisdiction and venue is proper in this County and this Court.

### **ADOPTION AND REALLEGATION OF ORIGINAL COMPLAINT**

13. Plaintiff adopts, incorporates, ratifies, and re-alleges all of the facts set forth in her original Complaint filed on June 8, 2015 including the verification page filed in that action.

### **FACTUAL BASIS**

14. On or about February 27, 2015, Plaintiff Gladys Staley was performing domestic services at the residence of Irene Gregg in Athens-Clarke County, Georgia.
15. At the request of Mrs. Gregg, Plaintiff accompanied Mrs. Gregg into the attic crawl space of the residence to look for a specific curtain rod.
16. Prior to February 27, 2015, Plaintiff had never entered the attic crawl space in Defendant's residence.

17. While assisting Mrs. Gregg in retrieving the curtain rod, Mrs. Gregg directed Plaintiff to retrieve a picture frame located in the space.
18. As Plaintiff was moving toward the frame to retrieve it, the flooring underneath Plaintiff's feet gave way, and Plaintiff fell through the sheetrock ceiling into the garage space below. The damage to the car in the garage was significant.
19. As Plaintiff fell, she heard Mrs. Gregg say to her, "Don't step there," or words to that effect.
20. As a result of the fall through the ceiling, Plaintiff suffered serious and severe injuries to her person, including but not limited to: a laceration to her lip; contusion and concussion of the brain and head and neck; contusion and injury to her sacrum and spine; muscle spasm in her back and legs; and general bruising and abrasions.
21. As a result of the fall through the ceiling, Plaintiff has further suffered neurological injuries, including but not limited to: post concussive disorder; sleep disorder; short term memory loss; recurring headache.
22. As a result of the fall through the ceiling, Plaintiff has suffered a disruption in her normal activities of daily living, including, but not limited to: inability to get restful sleep, resulting in drowsiness during the day; memory loss and forgetfulness; dizziness, stiffness in lower extremities; numbness in lower extremities; difficulty chewing; difficulty concentrating; occasional loss of hearing; feelings of anxiety and stress over her injuries; feelings of anxiety and stress over her medical bills; feelings of anxiety and stress over her inability to work.

**COUNT ONE**  
**NEGLIGENCE**

23. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 22 above as if they were fully restated verbatim herein.
24. As the owner and occupier of land, Mrs. Gregg owed a duty to Plaintiff to exercise ordinary care in keeping the premises and approaches safe.
25. Mrs. Gregg had superior knowledge of the conditions of the attic crawl space as evidenced by the invitation to Plaintiff to accompany her there to retrieve the curtain

- rod, and to retrieve the picture frame which were located there and known only to Mrs. Gregg.
26. Mrs. Gregg evidenced her superior knowledge of a dangerous condition in the attic crawl space by her instruction, albeit too late, warning Plaintiff “Don’t step there” or words to that effect.
  27. Plaintiff, at all times, was unfamiliar with the surroundings in the attic crawl space, but followed the direction of her employer to retrieve the picture frame located in a dangerous part of the attic.
  28. Plaintiff’s fall and subsequent injuries occurred as direct result of and was proximately caused by the careless, negligent, grossly careless and reckless conduct of the Defendant in the following particulars:
    - a. Failing to adequately construct and or maintain a safe walking environment in the attic crawl space;
    - b. Failing to inspect the attic crawl space prior to inviting Plaintiff to enter the space to work;
    - c. Failing to adequately maintain and or repair the walking surfaces in the crawl space in a safe condition to insure that Plaintiff would not fall through the ceiling and onto the concrete floor below.
    - d. Failing to warn the Plaintiff with regard to an unsafe and dangerous condition which could have, and in fact, did cause great bodily injury;
    - e. Otherwise, failing to exercise that degree of care required under the circumstances.

#### DAMAGES

29. As a direct and proximate result of Defendant’s negligence and breach of duty, Plaintiff has suffered Special Damages consisting of medical expenses and lost wages as well as General Damages for physical and mental pain and suffering and impairment, all in an amount to be proved at trial.
30. As a direct and proximate result of Defendant’s negligence and breach of duty, Plaintiff continues to suffer, and will continue to suffer in the future, medical


expenses for treatment of her current injuries, lost wages owing from her inability work and maintain gainful employment due to her injuries.

31. Additionally, Plaintiff has suffered and will likely in the indeterminate future continue to suffer great pain, inconvenience, and permanent impairment as a direct result of her injuries, including but not limited to: headaches, loss of memory, confusion, anxiety, sleep deprivation, and inability to maintain gainful employment.
32. Further, Plaintiff has been deprived of and likely will continue to be deprived of the ordinary pleasures of life, loss of well-being, and equanimity and loss of her overall health, strength and vitality.

**WHEREFORE**, Plaintiff prays,

- [a] That the Court accept this Complaint for filing and consider same;
  - [b] That the Defendant be served as authorized and required by law, and be ordered to file a written Answer to this Complaint, thus joining the issues;
  - [c] That the Court convene a jury to hear the evidence to be presented by Plaintiff in support of her claims for personal injury;
  - [d] That Plaintiff recover from Defendant an amount to compensate for mental and physical pain and suffering;
  - [e] That Plaintiff recover from Defendant an amount as will compensate her for the expenses necessary to provide relief and a cure for the injuries received;
  - [f] That Plaintiff recover from Defendant an amount as will compensate for all other legally allowable general and special damages in such amounts awarded by an impartial jury based on the evidence presented;
  - [g] That the Court issue such orders and judgments as the circumstances warrant giving such additional and further relief to Plaintiff as may be lawful.
- Respectfully submitted, this 9<sup>th</sup> day of August, 2017.

PO BOX 699  
Colbert, GA 30628  
(706) 788-3500  
[cegulley@gmail.com](mailto:cegulley@gmail.com)

  
Clark E. Gulley, GA Bar No. 315191

Attorney for Plaintiff

VERIFICATION

Personally appeared, Gladys Staley, before the undersigned officer duly authorized to administer oaths, and after having been sworn, states that she has read the foregoing Complaint for Personal Injury, and that the facts set forth therein are true and correct to the best of her knowledge, information and belief.

This 9<sup>th</sup> day of August, 2017.

Gladys Staley  
GLADYS STALEY

Sworn to and subscribed before me  
This 9<sup>th</sup> day of August, 2017.

[Signature]  
Notary Public

