

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

**Tiffiney Jenkins, as Administrator of
the Estate of Larry Grigsby, Jr. and as
Natural Guardian and Next Friend of
E.G. and A.G., minors,**

Plaintiff,

v.

**West Place Holdings, LLC d/b/a West
Chase Apartments and LK
Management, LLC,**

Defendants.

Case No. 17A65909

Complaint for Damages

Parties, Jurisdiction, And Venue

1.

On July 31, 2016, Larry Grigsby, Jr. was shot and killed. Mr. Grigsby died unmarried and intestate.

2.

Plaintiff Tiffiney Jenkins (“Plaintiff”) is a resident of the State of Georgia and is the duly appointed Administrator of the Estate of Larry Grigsby, Jr. pursuant to Letters of Administration issued by the Probate Court of Cobb County, Georgia on March 21, 2017, a true and accurate copy of which is attached hereto as Exhibit “1.”

3.

Plaintiff is the mother of E.G. and A.G., minors who were fathered by Mr. Grigsby and who are entitled to assert claims for the wrongful death of Mr. Grigsby pursuant to O.C.G.A. § 51-4-2.

4.

Defendant West Place Holdings, LLC is a domestic limited liability company organized under the laws of Georgia with its principal office located at 2801 Buford Hwy, NE, Suite 480, Brookhaven, DeKalb County, Georgia 30329.

5.

Service of process can be perfected upon Defendant West Place Holdings, LLC through its registered agent for service of process: Bo Wagner, c/o Wagner Law Group, 2801 Buford Hwy, NE, Suite 480, Brookhaven, DeKalb County, Georgia 30329.

6.

Defendant LK Management, LLC is a domestic limited liability company organized under the laws of Georgia with its principal office located at 198 Elmwood Avenue, Passaic, New Jersey 07055.

7.

Service of process can be perfected upon Defendant LK Management, LLC through its registered agent for service of process: Gregory Shenton, 127 Church Street, Suite 360, Brumby Building at Marietta Station, Marietta, Cobb County, Georgia 30060.

8.

At all relevant times, including July 31, 2016, Defendants West Place Holdings, LLC and LK Management, LLC (collectively, "Defendants") owned, occupied, operated, and managed West Chase Apartments located at 7200 Six Flags Parkway, Austell, Georgia ("the Premises").

9.

Defendants' officers, agents, and employees were involved in the acts and omissions that give rise to this lawsuit and committed tortious acts and omissions in the State of Georgia with respect to the Premises.

10.

Defendants are subject to the personal jurisdiction of this Court.

11.

Venue in this Court is appropriate as to Defendant West Place Holdings, LLC pursuant to O.C.G.A. § 14-5-510(b)(1) because it maintains its registered agent for service in DeKalb County, Georgia.

12.

Venue in this Court is appropriate as to Defendant LK Management, LLC, as a joint

tortfeasor, pursuant to Article VI, Section II, Paragraph IV of the Georgia Constitution.

Facts Applicable to All Counts

13.

On or about July 31, 2016, Mr. Grigsby was at the Premises.

14.

At all relevant times, Mr. Grigsby was an invitee at the Premises.

15.

As Mr. Grigsby was shot while driving inside the Premises.

16.

Mr. Grigsby's two children were also in his car when he was shot.

17.

Mr. Grigsby died in his car in front of his children.

Count 1: Failure to Keep the Premises Safe (O.C.G.A. § 51-3-1)

18.

At all relevant times, Defendants owed a duty of care to invitees, including Mr. Grigsby, to keep the Premises safe from dangerous and criminal acts by third parties on the Premises.

19.

Prior to July 31, 2016, Defendants knew or should have known that the Premises was in a high crime area.

20.

Defendants negligently failed to maintain a policy, procedure, or system of investigating, reporting, and warning of the aforementioned criminal activity.

21.

Defendants negligently failed to maintain, inspect, secure, patrol, and manage the Premises, thereby creating an unreasonable risk of injury to its residents and invitees, including Mr. Grigsby.

22.

Defendants negligently represented to its invitees and residents that the Premises were properly maintained and reasonably safe.

23.

Defendants negligently, recklessly, and wantonly failed to warn invitees, residents, and guests, including Mr. Grigsby, of the existence of the aforementioned criminal activity and the likelihood of further criminal attacks.

24.

Defendants negligently failed and refused to correct the circumstances giving rise to the criminal and dangerous activity by third parties.

25.

Defendants negligently failed to maintain adequate security devices to permit proper and safe use of the Premises, thereby causing an unreasonable risk of injury to its invitees, including Mr. Grigsby.

26.

Defendants negligently failed to provide adequate security protection or security personnel on the Premises.

27.

Defendants negligently failed to keep the Premises safe and failed to adequately and properly protect Mr. Grigsby, in breach of its duty of care owed to Mr. Grigsby.

Count 2: Allowing and Maintaining a Nuisance (O.C.G.A. § 41-1-1)

28.

Defendants negligently failed to remedy the dangerous condition of criminal and dangerous incidents that persisted over a period of time as a continuous and repetitious condition.

29.

Defendants had express notice and knowledge of the dangerous condition of criminal and dangerous incidents that persisted over a period of time as a continuous and repetitious condition.

Count 3: Failure to Repair (O.C.G.A. § 44-7-14)

30.

At all relevant times, Defendants owed a duty of care to Mr. Grigsby to properly construct and maintain the Premises and to keep the Premises in proper repair.

31.

Defendants breached their duty of care owed to Mr. Grigsby in that Defendants negligently, recklessly, and wantonly failed to properly construct, maintain, and repair the Premises.

Count 4: Negligent Hiring, Training, Supervision, and Retention

32.

Defendants were negligent in hiring, training, supervising, and retaining their employees working at and responsible for the Premises.

33.

Defendants' negligence in hiring, training, supervising, and retaining its employees working at and responsible for the Premises caused the shooting of Mr. Grigsby and his resulting injuries, damages, and death.

34.

Each of the forgoing acts and omissions constitute an independent act of negligence on the part of Defendants and one or more or all above stated acts or omissions were the direct and proximate cause of Mr. Grigsby's injuries, damages, and his ensuing death.

Damages

35.

As a proximate and foreseeable result of the negligence of Defendants, Mr. Grigsby sustained severe injuries, became aware of his impending death, endured pain and suffering, lost wages, mental anguish, wrongful death, loss of the enjoyment of life, and suffered other damages as will be proven at trial and permitted under Georgia law.

36.

Plaintiff is entitled to recover the foregoing damages for and on behalf of the Estate

of Larry Grigsby, Jr.

37.

For and on behalf of E.G. and A.G., the decedent's children, Plaintiff is entitled to recover the full value of the life of Mr. Grigsby for his wrongful death, and all other elements of damages allowed under Georgia law.

38.

Plaintiff is entitled to an award of punitive damages without limitation or cap because the actions of Defendant and its agents were willful and wanton, and showed an entire want of care which would raise the presumption of conscious indifference to consequences. Plaintiff is accordingly entitled to recover punitive damages, without limitation or cap, from Defendant, in accordance with the enlightened conscience of an impartial jury.

39.

Wherefore, Plaintiff respectfully requests:

- a) process issue as provided by law;
- b) a trial by jury against Defendants;
- c) judgment be awarded to Plaintiffs and against Defendants;
- d) Plaintiff be awarded damages in amounts to be shown at trial; and
- e) Plaintiff have such other relief as this Court deems just and appropriate.

Submitted on August 25, 2017, by:

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STATE COURT OF
DEKALB COUNTY, GA.
8/25/2017 3:56:11 PM
E-FILED
BY: Monica Gay

Exhibit 1



Probate Court of Cobb County

IN THE PROBATE COURT OF COBB COUNTY
STATE OF GEORGIA

FILED IN OFFICE

2017 MAR 21 PM 12:30

PROBATE COURT OF
COBB COUNTY, GA

IN RE: ESTATE OF

LARRY GRIGSBY, JR.,
DECEASED

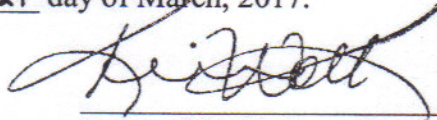
ESTATE NO. 16-1323

LETTERS OF ADMINISTRATION [Inventory and Returns Required]

At a regular term of Probate Court, this Court granted an order allowing **TIFFINEY JENKINS** to qualify as Administrator of the above-named Decedent, who was domiciled in this County at the time of his or her death or was domiciled in another state but owned property in this County at the time of his or her death, and that upon so doing, Letters of Administration be issued to such Personal Representative.

THEREFORE, the said Administrator, having taken the oath of office and complied with all necessary prerequisites of the law, is legally authorized to discharge all the duties and exercise all powers of Personal Representative, according to Georgia law.

IN TESTIMONY WHEREOF, I have hereunto affixed my signature as Judge of the Probate Court of said County and the seal of this office this 21 day of March, 2017.

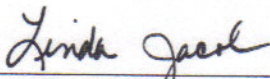


Judge of the Probate Court


NOTE: The following must be signed if the
Judge does not sign the original of
this document:

Issued by: Linda Jacob

[Seal]



Clerk of the Probate Court

STATE OF GEORGIA
COBB COUNTY
I, THE UNDERSIGNED, Clerk of the Probate Court of
Cobb County, Georgia, HEREBY CERTIFY the
within and foregoing is a true and correct copy of the
original as it appears in record filed in the office of the
Probate Court of Cobb County, Georgia and that same is
in full and correct effect.
Witness my hand and seal of the Probate Court at
Marietta, Georgia, this _____ day of _____

Clerk of the Probate Court of Cobb County



IN RE: ESTATE OF
LARRY GRIGSBY, JR.
DECEASED

LETTERS OF ADMINISTRATION

At a regular term of Probate Court, this Court granted an order allowing TERRY JENKINS to qualify as Administrator of the above-named Decedent, who was domiciled in this County at the time of his or her death or was domiciled in another state but owned property in this County at the time of his or her death, and that upon so doing, Letters of Administration be issued to each Personal Representative of the Estate of the Decedent, and that the said Administration, having taken the oath of office and complied with all necessary provisions of the law, is hereby authorized to discharge all the duties and exercise all powers of Personal Representative, according to Georgia law.

IN TESTIMONY WHEREOF, I have hereunto affixed my signature as Judge of the Probate Court of this County and the seal of the office this 21st day of March, 2017.

[Signature]
Judge of the Probate Court

[Signature]
Clerk of the Probate Court

STATE OF GEORGIA
COBB COUNTY

I, THE UNDERSIGNED, Clerk of the Probate Court of Cobb County, Georgia, DO HEREBY CERTIFY the within and foregoing is a true and correct copy of the original as it appears on record and filed in the office of the Probate Court of Cobb County, Georgia and that same is in full force and effect.

WITNESS my hand and Seal of the Probate Court at Marietta, Georgia this the 21st day of March 2017

[Signature]
Clerk, Probate Court of Cobb County