

IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

TOM SITTON, THE ESTATE OF PAMELA)	
SITTON, DECEASED, TOM SITTON)	
ON BEHALF OF CHRISTIAN SITTON,)	
and JULIE PUGH,)	
)	
Plaintiffs,)	
)	
vs.)	
)	CIVIL ACTION FILE NO.
CEEDA ENTERPRISES, INC. d/b/a)	
RILEY'S SHOW BAR, JOHN DOE 1,)	
JON DOE 2, JOHN DOE 3, and)	
CORPORATIONS X, Y, Z)	
)	
Defendants.)	

COMPLAINT

COME NOW, the Plaintiffs Tom Sitton, the Estate of Pamela Sitton, Christian Sitton and Julie Pugh and files this Complaint against the Defendants, showing the Court as follows:

INTRODUCTION

1.

This is an action for wrongful death, personal injury, pain and suffering, lost value of the life, and emotional pain and suffering, and all other damages suffered by the Plaintiffs and proximately caused by the Defendants. The Defendants willfully, knowingly, and unlawfully sold, furnished, or served alcohol to a minor, Shanieca Waters, knowing that she would soon be driving a vehicle. Further, the Defendants knowingly sold, furnished, or served alcohol to Shanieca Waters when she was in a state of noticeable intoxication and knowing she would soon be driving a vehicle. As a proximate cause of Defendants' tortious acts and omissions, Christian Sitton, Pamela Sitton, and Julie Pugh were involved in a vicious car accident with Shanieca waters, which killed

Pamela Sitton and grievously injured Christian Sitton and Julie Pugh. This is an action to recover for the injuries caused by Defendants' tortious acts and omissions.

JURISDICTION AND VENUE

2.

The plaintiffs are Tom Sitton, the Estate of Pamela Sitton, deceased, Christian Sitton, and Julie Pugh. All are Georgia residents. Tom Sitton is the surviving spouse of Pamela Sitton, deceased. The Estate of Pamela Sitton has been established in the probate court of Douglas County, GA, with Tom Sitton established as the administrator. Christian Sitton is the son of Pamela Sitton, deceased, and Tom Sitton. Christian is a minor and, therefore, his interests are being represented by his father Tom Sitton. Julie Pugh is the mother of Pamela Sitton, deceased. All the Plaintiffs have substantial claims against the Defendants for their tortious acts and omissions alleged herein.

3.

The Defendant Ceeda Enterprises Inc. ("Ceeda") is a Georgia Corporation maintaining as its registered agent, James N. Cline, 570 Colonial Park Drive, Suite 303, Roswell, Fulton County, Ga., 30075, where it may be served with process. Ceeda is therefore subject to the jurisdiction and venue of this court. Ceeda owns and operates Riley's Show Bar ("Riley's") which is a bar and strip club operating at 4425 Fulton Industrial Blvd. S.W., Atlanta, Ga., 30336. (Collectively, Ceeda and Riley's will be referred to herein as "Riley's").

4.

John Does 1, 2 and 3, and Corporations X, Y and Z, whose identity is presently unknown, are named as John Does and Corporations X, Y, Z, so in the event discovery and investigation shows that they were managers, employees, agents or otherwise control persons, or related companies of Riley's on March 28, 2016, and were involved in the providing of alcohol to a minor,

to wit, Waters, and thus negligent and negligent per se they would be liable for violating the Dram Shop Act.

5.

This Court has jurisdiction over this personal injury action. O.C.G.A. § 15-10-2.

6.

Venue is proper in Fulton County, as Riley's maintains its registered agent in said county. O.C.G.A. § 14-2-510(b)(1).

FACTS

7.

On or about March 28, 2016, Pamela Sitton was driving her vehicle (the "Sitton Vehicle") accompanied by her son, Christian, and her mother, Julie Pugh, westbound on Discovery Boulevard approaching the intersection with Lee Industrial Boulevard in Cobb County, Georgia (the "Intersection"). At or about this same time, Shanieca Waters was operating a vehicle northbound on Mabelton Parkway, approaching the same Intersection. The Sitton Vehicle proceeded through the Intersection in accordance with a green light. At that time, Shanieca Waters blew past a red light, at a grossly excessive speed, and plowed into the Sitton Vehicle in the Intersection.

8.

As a result of the subject incident, Pamela Sitton was killed; Christian Sitton was severely injured, physically and emotionally; and, Julie Pugh was severely injured, necessitating over one month of hospitalization and incurring over \$1,000,000.00 in medical expenses.

9.

Christian Sitton's injuries included the laceration of his hand and broken finger as well as the severe emotional distress arising from witnessing his mother's catastrophic injuries and her death.

10.

As a result of an extensive investigation by the Cobb County Police Department, Waters was charged with Homicide by Vehicle in the First Degree, Serious Injury by Vehicle (three counts), Driving under the Influence of Alcohol (under the Age of 21), and Violation of the Controlled Substances Act (Possession of Cocaine).

11.

Shortly prior to the car accident, Waters, a minor, was served alcohol at Riley's in violation of Georgia law. The Defendants and Riley's, through its employees/agents operating within the course and scope of their employment/agency, willfully, knowingly, and unlawfully sold, furnished, or served alcohol to a minor, Waters, knowing that she would soon be driving a vehicle. This was a violation of O.C.G.A. § 51-1-40.

12.

In addition, shortly prior to the car accident, the Defendants knowingly sold, furnished, or served alcohol to Shaniece Waters when she was in a state of noticeable intoxication and knowing she would soon be driving a vehicle. This was another violation of O.C.G.A. § 51-1-40.

13.

Furthermore, upon information and belief, Defendants and Riley's, through its employees/agents operating within the course and scope of their employment/agency, orchestrated Waters; use of alcohol as part of their business model and for Riley's economic profitability.

14.

On March 28, 2016, shortly prior to the accident, Waters was a minor who had been served alcohol at Riley's. As Waters has been charged with being under the influence of alcohol, Plaintiffs allege on information and belief that the management and employees of Riley's orchestrated her use of alcohol as part of their business model and for Riley's economic profitability. Selling or providing minors with alcohol is a violation of O.C.G.A. 51-1-40.

15.

Alternatively, Defendants and Riley's, operating through its employees and agents, was negligent and negligent per se in supplying Waters with alcohol at their facility.

16.

These acts and omissions of Defendants proximately resulted in the subject accident and the death of Pamela Sitton, and the injuries to Pamela Sitton, Christian Sitton and Julie Pugh.

COUNT ONE
VIOLATION OF O.C.G.A. § 51-1-40

17.

Plaintiff incorporates the preceding paragraphs 1 through 16 of the Complaint as if full restated herein verbatim.

18.

The acts and omissions of Defendants constitute violations of the Georgia Dram Shop Act O.C.G.A. § 51-1-40. Their violations proximately caused the death of Pamela Sitton, and the injuries to Pamela Sitton, Christian Sitton and Julie Pugh. They are, therefore, jointly and severely liable to the Plaintiffs for their claims of injury and damage.

COUNT TWO
NEGLIGENCE

19.

Plaintiff incorporates the preceding paragraphs 1 through 18 of the Complaint as if full restated herein verbatim.

20.

The acts and omissions of Defendants constitute negligence under Georgia law which negligence proximately caused the death of Pamela Sitton, and the injuries to Pamela Sitton, Christian Sitton and Julie Pugh. They are, therefore, jointly and severely liable to the Plaintiffs for their claims of injury and damage.

COUNT THREE
PUNITIVE DAMAGES

21.

Plaintiff incorporates the preceding paragraphs 1 through 20 of the Complaint as if full restated herein verbatim.

22.

The acts and omissions of the Defendants constitute willful misconduct, malice, fraud, wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to the consequences thereby allowing the Plaintiffs to recover punitive damages from the Defendants.

WHEREFORE, Plaintiffs demand judgment against the Defendants, joint and severally, in an amount sufficient to compensate them for their losses and damage and further demand that judgment be entered against the Defendants for punitive damages in an amount sufficient to deter

the same or similar conduct in the future. Plaintiffs further demand that all cost of this action be cast on the Defendants.

This 19th day of September, 2016.

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