

**IN THE STATE COURT OF DEKALB COUNTY  
STATE OF GEORGIA**

SARITA WILCOXSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action File No.:
	)	
HIGHLANDS AT EAST ATLANTA LP,	)	<b>Jury Trial Demanded</b>
NUROCK MANAGEMENT GROUP	)	
LLC, JOHN/JANE DOES 1-5; and JOHN	)	
DOE ENTITIES 1-3,	)	
	)	
Defendants.	)	

**COMPLAINT**

Sarita Wilcoxson (“Plaintiff”) files this Complaint against Defendants Highlands at East Atlanta LP, Nurock Management Group LLC, John/Jane Does 1-5, and John Doe Entities 1-3 and alleges in support of her claims the following:

**INTRODUCTION**

1.

At all times relevant to this civil action, Defendants owned and operated a multifamily residential property located at 2051 Flat Shoals Road, DeKalb County, Georgia, known as The Highlands at East Atlanta (the “Complex”). This action asserts claims under Georgia law arising from the Defendants’ maintenance of a public nuisance at the Complex and their failure to take reasonable care to keep invitees at the Complex safe from the known risk of criminal attack. Plaintiff demands a jury trial and seeks an award of monetary damages, including statutory treble damages, punitive damages, and attorneys’ fees pursuant to O.C.G.A. § 16-15-7.

## **PARTIES, JURISDICTION AND VENUE**

2.

Plaintiff Sarita Wilcoxson is a resident of DeKalb County, Georgia. She is the mother of decedent Sariah Wilcoxson and the Administrator of her Estate.

3.

Defendant Highlands at East Atlanta LP (“HEALP”) is a domestic limited partnership having its principal place of business at 800 North Point Parkway #125, Fulton, Alpharetta, GA, 30005. HEALP may be served with process through its registered agent, Robert G. Hoskins, at 800 North Point Parkway #125, Fulton, Alpharetta, GA, 30005.

4.

Defendant Nurock Management Group, LLC (“Nurock”), is a domestic limited liability company having its principal place of business at 227 Sandy Springs Place, D103-184, Atlanta, GA, 30328. NMG may be served with process through its registered agent, Robert G. Hoskins, at 800 North Point Parkway #125, Fulton, Alpharetta, GA, 30005.

5.

John/Jane Does 1-5 are unknown employees of HEALP, Nurock or John Doe Entities 1-3. Service will be made upon said individuals when their identities are made known through discovery.

6.

Upon information and belief, John Doe entities 1-3 provided security services. Said entities will be properly served once their identities are revealed through discovery.

7.

Venue is proper over Defendants in DeKalb County because Defendants Nurock and HEALP maintain an office and transact business in DeKalb County and Plaintiff's causes of action arose in DeKalb County.

8.

This Court has jurisdiction of the subject matter and has personal jurisdiction over both Defendants.

9.

The Highlands at East Atlanta is a low-income housing complex in DeKalb County, Georgia. At all relevant times, Defendants operated the Complex on a shoestring budget, while providing little or no oversight and little or no security for the Complex's residents.

10.

As a result of Defendants' negligent management, the Complex became a hotbed of chronic criminal gang activity.

11.

Gang activity resulted in numerous shootings and other violent crimes at the Complex during 2015. On average, police were called to the Complex about fifty or sixty times per month, often several times a day. In December 2015, a four-year-old child was shot during an armed robbery attempt at the Complex. Residents described the Complex as a "war zone," and police described it as a nuisance. In late 2015, DeKalb County Police Department sent special police details to patrol the Complex as part of Operation D.A.G.G.E.R. (DeKalb Anti-Gang Guns Enforcement and Reduction) to respond to an increase in recruitment and violence at the Complex by the Bloods and SMM (Sex Money Murder) criminal street gangs.

12.

Sariah Wilcoxson was a 17-year-old resident of the Complex. She had just gotten her GED and was planning to attend military school in Savannah, Georgia.

13.

On the evening of January 11, 2016, Sariah was on an approach to the Complex at or near a bus stop on Flat Shoals Road. The bus stop is right next to the entrance of the Complex, is either on the Complex property or within a few steps of the property line, and is used daily by residents to travel to and from the Complex.

14.

While at or near the bus stop by the entrance to the Complex, Sariah was shot multiple times by a man named Deandre Seabrooks. Mr. Seabrooks is a longtime resident of the Complex and a known member of the Bloods criminal street gang.

15.

As Sariah lay dying by the side of the road, she experienced terrible pain and suffering, including the pain of her injuries, the terror of her impending death, and the loss of her dreams for a better life.

16.

Sariah died from her injuries. Her body was found on the verge of Flat Shoals Road, between the curb and the fence at the edge of the Complex.

**COUNT 1 – PREMISES LIABILITY**

17.

Plaintiff realleges and incorporates Paragraphs 1 through 16 as if fully set forth herein.

18.

As the owners and operators of the Complex, Defendant HEALP had a non-delegable duty under Georgia law to exercise reasonable care to protect invitees against a known risk of violent crime.

19.

At the time she was attacked and killed, Sariah Wilcoxson was an invitee of Defendants on the Complex property and/or its approaches.

20.

All Defendants failed to exercise reasonable care to protect invitees such as Sariah from the known risk of violent criminal gang activity at the Complex.

21.

Defendants' negligence was a direct and proximate cause of Sariah's injuries, conscious pain and suffering, and death.

**COUNT 2 – PUBLIC NUISANCE**

22.

Plaintiff realleges and incorporates Paragraphs 1 through 21 as if fully set forth herein.

23.

The Complex is, and was at all relevant times, “real property which is . . . used by [one or more] criminal street gang[s] for the purpose of conducting criminal gang activity,” within the meaning of O.C.G.A. § 16-15-7(a). The lack of adequate security at the Complex enabled criminal street gangs to overtake the property to the point that residents referred to the Complex as a “war zone,” police told the media that the Complex was a nuisance, and special police patrols were dispatched to the Complex to deter and respond to gang recruitment and violence.

24.

Because of this chronic criminal gang activity on the property, the Complex constituted a public nuisance under O.C.G.A. § 16-15-7.

25.

As a proximate result of the nuisance maintained by Defendants at the Complex, Sariah Wilcoxson was injured by reason of criminal gang activity as defined by O.C.G.A. § 16-15-3(1). The Estate of Sariah Wilcoxson therefore has a cause of action against Defendants for statutory treble damages and attorneys' fees pursuant to O.C.G.A. § 16-15-7.

26.

The Georgia General Assembly has declared that all persons have a legally protected right to be secure and protected from fear, intimidation, and physical harm caused by the activities of violent groups and individuals. By turning a blind eye towards criminal gang activity for the sake of their own profits, Defendants gave criminal street gangs the run of the Complex and fostered an environment of chronic senseless violence. Tragically, Sariah was cut down just as she was preparing to escape this deadly environment and embark on a better life. An award of statutory treble damages and attorneys' fees against Defendants will help deter criminal street gang activity, and disrupt the organization of criminal street gangs, by sending a powerful message to Defendants and to other owners of low-income housing that they must maintain adequate security and must not tolerate chronic gang activity on their properties. Although that message will come too late to save Sariah, it will help give other children the chance to escape before their lives, too, are claimed by gang violence.

**COUNT 3 – WRONGFUL DEATH**

27.

Plaintiff realleges and incorporates Paragraphs 1 through 26 as if fully set forth herein.

28.

Sariah Wilcoxson was not married and had no children at the time of her death. As Sariah’s mother, Plaintiff has a cause of action for wrongful death against Defendants pursuant to O.C.G.A. § 19-7-1.

29.

The wrongful conduct of Defendants as alleged herein was a direct and proximate cause of Sariah’s death.

30.

Defendants’ breach of duty in maintaining a public nuisance was a direct and proximate cause of Sariah’s death.

31.

Plaintiff, as Sariah’s wrongful death beneficiary, is entitled to damages including the full economic and non-economic value of Sariah’s life as measured by the enlightened conscience of a fair and impartial jury, statutory treble damages, costs of investigation and litigation, and attorneys’ fees pursuant to O.C.G.A. § 16-15-7.

**COUNT 4 - VICARIOUS LIABILITY OF HEALP, NUROCK, AND  
JOHN DOE ENTITIES 1-3**

32.

Plaintiff realleges and incorporates Paragraphs 1 through 31 as if fully set forth herein.

33.

At the time of the subject incident, John/Jane Doe individuals 1-5 were employees of, and were subject to the direction and control of, Defendants HEALP, Nurock, and/or John Doe Entities 1-3.

34.

John/Jane Doe individuals 1-5 were acting within the scope and course of their employment and for the benefit of Defendants HEALP, Nurock, and John Doe entities 1-3 when they failed to take actions to provide a safe environment for the residents of the apartment complex.

35.

John/Jane Doe individuals' negligence proximately caused the death of Sariah Wilcoxson.

36.

Defendants HEALP, Nurock and John Doe entities 1-3 are vicariously liable for the actions of their employees.

**COUNT 5 - RECOVERY OF ATTORNEY'S FEES**

(Official Code of Georgia Annotated §13-6-11)

37.

Plaintiff realleges and incorporates Paragraphs 1 through 36 as if fully set forth herein.

38.

Defendants' actions were in bad faith and caused Plaintiff additional damages.

39.

Defendants' actions are also stubbornly litigious and/or have caused Plaintiff unnecessary trouble and expense.

40.

Plaintiff is therefore entitled to recover her expenses of litigation, including reasonable attorney's fees.

**COUNT 6 – PUNITIVE DAMAGES**

41.

Plaintiff realleges and incorporates Paragraphs 1 through 40 as if fully set forth herein.

42.

Defendants' actions as alleged herein showed willful misconduct, malice, wantonness, oppression, and/or that entire want of care which would raise the presumption of conscious indifference to consequences.

43.

Plaintiff should be awarded punitive damages in an amount sufficient to punish, penalize, and/or deter Defendants' wrongful conduct.

WHEREFORE, Plaintiff respectfully prays:

- (a) That the Court award Plaintiff monetary damages against Defendants in an amount to be determined by the enlightened conscience of an impartial jury;
- (b) That the Court award statutory treble damages pursuant to O.C.G.A. § 16-15-7;
- (c) That the Court award punitive damages in an amount sufficient to punish, penalize, and/or deter Defendants' wrongful conduct;
- (d) That the Court grant Plaintiff her costs of investigation and litigation, as well as

reasonable attorney's fees in an amount to be determined at trial;

(e) That Plaintiff be granted a trial by jury on all issues so triable; and

(f) That Plaintiff be granted such other and further relief as this Court deems just and proper.

This 11<sup>th</sup> day of November, 2016.

Respectfully submitted,

/s/Thomas G. Sampson II

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