

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

STEVE R. RAUTENBERG, )

Plaintiff, )

v. )

Civil Action No. 15A56154E3

ROBERT L. POPE, POPE )  
PROPERTIES & INVESTMENTS, )  
L.P., and GLOBAL PARTS, INC., )

Defendants. )  
\_\_\_\_\_ )

**COMPLAINT FOR DAMAGES**

**COMES NOW**, the Plaintiff, **STEVE R. RAUTENBERG**, in the above-captioned case and files this his Complaint for Damages against the above-named Defendants as follows:

1.

This case is a re-filed action pursuant to O.C.G.A. Sections 9-2-61 and 9-11-41. The Plaintiff has not previously exercised the right of renewal.

2.

Court costs in the previously filed action were paid, and there is no outstanding bill of cost.

3.

Defendant Pope Properties & Investments, L.P., is a Georgia limited partnership with its principal place of business in Peachtree City, Georgia. Defendant Pope Properties & Investments, L.P., may be served with process through its registered agent, Angela Pope, at 120 Sweetwater Oaks, Peachtree City, Georgia, 30269.

4.

Defendant Global Parts, Inc., is a Georgia corporation with its principal place of business in Conley, Georgia. Defendant Global Parts, Inc., may be served with process through its registered agent, Robert Pope, at 4145 Bonai Road, Conley, Georgia, 30288.

5.

Defendant Robert Pope is a resident of Georgia and may be served with process at 4145 Bonsai Road, Conley, Georgia, 30288.

6.

The Defendants are subject to the jurisdiction of the State Court of DeKalb County, Georgia.

7.

Venue is proper in the State Court of DeKalb County, Georgia.

8.

On June 20, 2012, the Plaintiff, a truck driver, was injured by an unknown intruder in an incident that occurred at 2952 Moreland Avenue, Conley, Georgia 30288, where the Plaintiff dropped a trailer and was waiting for his next load.

9.

At the time of the incident, an unknown intruder attempted to enter the cab of the Plaintiff's truck as the Plaintiff was asleep in the sleeping compartment of his truck.

10.

The Plaintiff believes the unknown intruder was either attempting to steal some of the contents from the Plaintiff's truck or steal the truck.

11.

The Plaintiff assumed a noise he heard at the driver's side door of his truck was being made by a driver scheduled to meet the Plaintiff at the fenced lot regarding a load of freight.

12.

As the Plaintiff exited the cab of his truck, he saw an unknown man (the intruder) walk around the side of a bob-tail truck (*i.e.*, a truck without a trailer) parked immediately adjacent to the Plaintiff's truck.

13.

The bob-tail truck was not parked beside the Plaintiff's truck when he climbed into the sleeping compartment of his truck.

14.

Upon exiting his vehicle, the Plaintiff stepped from his vehicle onto the running board of the bob-tail tractor parked immediately adjacent to the Plaintiff's truck to ask the unknown man what he wanted. The Plaintiff exited his truck in this manner because it was the only way he could exit his truck since the other truck was parked so close.

15.

The Plaintiff was acting under the assumption that the unknown man was the person the Plaintiff was meeting about a load of freight.

16.

With the Plaintiff still on the running boards, and without any warning whatsoever, the bob-tail truck driven by the unknown man (intruder) sped away as the Plaintiff struggled to hold onto to the cab of the bob-tail truck.

17.

The intruder brushed the Plaintiff off of the cab of the bob-tail truck by side-swiping a trailer in the yard.

18.

The intruder then ran over the Plaintiff with the bob-tail truck as he exited the yard.

19.

The Plaintiff believes the intruder was attempting to enter the Plaintiff's vehicle in an effort to perpetrate a crime because he was carrying a large screw driver as he rounded the cab of the bob-tail truck, and he immediately fled the scene when the Plaintiff exited his vehicle after the unknown intruder saw the Plaintiff.

20.

At the time of the incident, the Defendants knew or reasonably should have known that drivers for the trucking companies that leased space at the location would be sleeping in their rigs at the lot.

21.

At the time of the incident, the Defendants knew or reasonably should have known of the risk posed to drivers by unknown intruders attempting to enter the property to commit thefts and other crimes on the premise.

22.

The Plaintiff was injured by the unknown intruder while he was attempting to commit a crime. The Plaintiff was injured as a direct and proximate result of the negligence of the Defendants in failing to keep its premises and approaches safe.

23.

At the address in question, Defendant Robert L. Pope operated a business known as Global Parts, Inc.

24.

Defendant Robert L. Pope was also a partner in a partnership known as Pope Properties & Investments, L.P. This partnership owned the property at 2952 Moreland Avenue, Conley, Georgia 30288.

25.

Global Parts, Inc., and Pope Properties & Investments, L.P., are closely held entities. Robert L. Pope has complete control over all of the day-to-day decision making such that the entities are his alter ego. Consequently, Defendant Robert L. Pope is personally liable to the Plaintiff in this case.

26.

A part of the Defendants' business at 2952 Moreland Avenue, Conley, Georgia 30288, included the leasing of space on a portion of the property to several trucking companies so the trucking companies could have a safe and secure location for their drivers to park their tractors and trailers.

27.

The leased spaces for the tractors and trailers were in a gated, fenced lot with security cameras. The gate to the lot was an electrical gate with access controlled by a security code.

28.

Space in the lot was being leased by the Defendants or their agents to the Plaintiff's

employer, J&R Schugel.

29.

The unknown intruder should have been denied access to the lot by the security measures the Defendants had in place at the time of the incident. Additionally, his criminal misconduct would have been deterred by adequate, operable security measures. Consequently, the Defendants were negligent in failing to prevent the unknown intruder from accessing the property and in failing to have adequate, operable security measures.

30.

There were also other reasonable security measures that the Defendants should have had in place at the time of the incident in question, which they failed to undertake. Consequently, the Defendants were negligent by failing to maintain adequate security.

31.

As a consequence of mechanical and/or electrical failures, which the Defendants knew or reasonable should have known of at the time of the incident, the Defendants were also negligent in failing to have an operable security gate, operable security cameras, an operable gate access key pad, and security guards to prevent an incident of criminal misconduct that was foreseeable.

32.

As a consequence of mechanical and/or electrical failures, which the Defendants knew or reasonably should have known of at the time of the incident, the Defendants were also negligent in failing to repair an inoperable security gate, inoperable security cameras, and an inoperable gate access key pad. Until such repairs were made, the Defendants should have employed security guards to prevent an incident of criminal misconduct that was foreseeable.

33.

The Defendants were also negligent by failing to warn the Plaintiff of the breaches in their security measures and in failing to alert the Plaintiff and other drivers using the lot of potential criminal misconduct that was foreseeable as a consequence of such security breaches.

34.

Consequently, the Defendants failed to exercise ordinary care, and their conduct violated their affirmative duties set forth under O.C.G.A. §§ 44-7-13, 44-7-14, and 51-3-1.

35.

As a consequence of the negligence of the Defendants, the Plaintiff experienced great pain, suffering, and emotional distress at the time of the incident and for a period of time following the incident.

36.

As a consequence of the negligence of the Defendants, the Plaintiff incurred medical expenses and other compensable losses as a result of the negligence at issue in this action.

37.

As a consequence of the acts and omissions of the Defendants, the Plaintiff is entitled to recover damages in an amount to be proven at trial.

**WHEREFORE**, the Plaintiff prays as follows: (a) that process issue and service be had; (b) for a jury trial; (c) for a judgment against Defendant for damages in an amount deemed appropriate by the Court; and (d) for such other and further relief as the Court may deem just and equitable.

This 25<sup>th</sup> day of June, 2015.

**HARRIS PENN LOWRY LLP**

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