

IN THE STATE COURT OF MUSCOGEE COUNTY
STATE OF GEORGIA

GEORGIA, MUSCOGEE COUNTY
SUPERIOR / STATE COURT
FILED IN OFFICE
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DEPUTY CLERK
ANN L. HARDMAN, CLERK

SC 17 CV 572

CASE NO.

CHRISTINA THORNTON
Individually and as Administrator of the
Estate of CHARLES HART
v.
RALSTON GA LLC d/b/a THE RALSTON,
PF RALSTON, LLC,
PF HOLDINGS, LLC,
SCHOOLHOUSE ROAD ESTATES, INC.,
YAAKOV LITVIN, and
JOHN DOES 1-4,
Defendants
*

CHRISTINA THORNTON'S COMPLAINT FOR THE WRONGFUL
DEATH OF HER FATHER CHARLES HART

Comes now Christina Thornton, individually and as Administrator of the Estate of Charles Hart, by and through her counsel, and files her Complaint against Ralston GA LLC d/b/a "The Ralston", PF Ralston LLC, PF Holdings LLC, Schoolhouse Road Estates, Inc., Yaakov Litvin, and John Does 1-4 (collectively, "Defendants"), for the wrongful death and suffering of her father Charles Hart. Christina Thornton respectfully shows this Court as follows:

I. INTRODUCTION

In its prime, The Hotel Ralston located at 211 W. 12th Street was one of Columbus, Georgia's finest establishments. Now, The Hotel Ralston is known as "The Ralston" and is the epitome of a living hell.¹ The Ralston has a total of 269 units, all of which are Section 8 assisted living units. The Ralston advertises that it provides low-income housing for the disabled and

¹ "The Ralston" operates under the legal name Ralston GA LLC. References to "The Ralston" include the legal entity Ralston GA LLC.

elderly. The Ralston is currently managed by PF Holdings LLC. Yaakov Litvin is the regional manager for PF Holdings LLC and is responsible for managing The Ralston.

Charles Hart was born September 4, 1955. Charles was preceded in death by his wife, Kathy Duncan Hart. During his lifetime, he was blessed with a single child, Christina Thornton who has been appointed the Administrator of Charles' Estate. Prior to his untimely death on July 6, 2017, residents at The Ralston enjoyed Charles' company. The Residents gave Charles the nickname "the candy man" because he always shared candy with the other residents. Charles provided many of the residents a sense of comradeship and spirit of friendship even though they all endured the same deplorable living conditions together.

Prior to Charles' death many residents of The Ralston signed a May 30, 2017 petition regarding the broken air-conditioning system at The Ralston. Most of the residents who signed the petition stated that their air-conditioning had not worked for weeks, if not, months. Some of the residents stated that their air-conditioning had not worked for years. See, Petition attached hereto as Exhibit 1. PF Holdings and Yaakov Litvin were notified multiple times of air conditioning issues with The Ralston weeks before Charles was found dead in his room that was more than 98 degrees. John Hudgison, Columbus' Director of Building Inspections & Code Enforcement Department has stated that he brought the air-conditioning issues to PF Holdings and Yaakov Litvin's attention approximately one week after receiving the May 30, 2017 petition. See, 07/24/2017 Ledger Enquirer Article, attached hereto as Exhibit 2. The National Housing Compliance notified The Ralston's on-site management of air-conditioning issues on May 31, 2017. The National Housing Compliance stated that they received another call about the broken air-conditioning system at The Ralston on June 15, 2017, and reported the issues to Yaakov Litvin. See, Exhibit 2.

Defendants collectively failed to properly maintain and repair the air-conditioning system at The Ralston. Defendants' collective failure to properly maintain The Ralston caused Charles Hart's death. Charles Hart's death was caused by Defendants' greed. In 2014, the Downtown Development Authority of Columbus, Georgia adopted a bond resolution authorizing the issuance of \$10,500,000.00 in aggregate principal amount of its Senior Housing Rental Revenue Bonds, under the terms of which the Downtown Development Authority of Columbus, Georgia loaned the proceeds from the sale of the Bonds to Schoolhouse Road Estates, Inc., and Ralston GA LLC to fund the costs of the acquisition, rehabilitation and equipping of a 269-unit senior rental facility in Columbus, Georgia, i.e., The Ralston. According to a July 10, 2014 limited warranty deed filed in Muscogee County, Ralston GA LLC is a Georgia limited liability company, the sole member of

07/06/2017 email attached hereto as Exhibit 3 (emphasis added).

They have complained to your management staff and are afraid of retaliation including evictions of tenants that speak up about the conditions there. With this being South Georgia, and an elderly lady calling yesterday telling me that inside her unit it is over 100 degrees. I need to know what is PF Holdings doing to remedy this before this also reaches an "unfit for human occupancy" threshold.

As we are working on closing out the Fire Alarm issue, the air conditioning is becoming a problem we are receiving several calls on from tenants. I have an attached list that was hand delivered to the Mayor Office in May outlining the people that have complained about the air or lack thereof on the property. We do not have any phone numbers to contact the tenants but due to the calls coming in, I would assume this issue has not been resolved.

evictions of tenants that speak up about the conditions there. The email stated as follows:

On July 6, 2017, the same day that Charles died, Columbus' Director of Building Inspections & Code Enforcement Department sent an email to Yaakov Litvin, the regional manager of PF Holdings LLC, stating that many residents have complained to the City of Columbus regarding the conditions of The Ralston, but are afraid of "retaliation including

which is Schoolhouse Road Estates, Inc., a New York nonprofit corporation and an exempt organization described in section 501(c)(3) of the Code, which is exempt from federal income taxation under 501(a) of the Code.

Schoolhouse Road Estates for the tax year of 2014 shows revenue of \$2,155,988 from The Ralston and also shows they paid educational grants in the total amount of \$995,000 to two religious non-profit organizations. The owners and management failed to make necessary repairs to the air-conditioning system in order to maximize their profits and sent educational grants to schools in New York. Charles Hart's untimely death could have been prevented if Defendants would have maintained and repaired The Ralston, which they had a duty to do.

II. PARTIES, JURISDICTION, AND VENUE

1. Christina Thornton is a Georgia resident. She is the surviving daughter of Charles Hart and is the Administrator of Charles Hart's Estate.

2. The Ralston a/k/a Ralston GA LLC, is located in Muscogee County, Georgia, and may be served with process via its managing agent at its physical address, to wit: 211 W. 12th Street, Columbus, Georgia. Ralston GA, LLC is a Georgia limited liability company whose principal address is 1223 East 13th Street, Brooklyn, New York 11230. Ralston GA, LLC leases the property "dirt" where The Ralston is located in Columbus, Georgia from Defendant PF Ralston LLC, and according to a lease recorded in Muscogee County is responsible for the maintenance and operation of The Ralston.

3. PF Ralston LLC is a domestic limited liability company with a principal office address located at 10 Hill Street, Newark, New Jersey, 07102. PF Ralston LLC may be served with process via its registered agent, to wit: Yaakov Litvin, 515 Timber Valley Road NE, Atlanta, Georgia 30342. PF Ralston LLC owns the land "dirt" on which The Ralston sits and has significant contacts

within the state of Georgia, and does business in Columbus, Georgia. Therefore, this Court has jurisdiction over PF Ralston LLC and venue is proper in this Court.

4. PF Holdings LLC is a New Jersey company that currently manages The Ralston. PF Holdings LLC may be served with process via its regional manager, to wit: Yaakov Litvin 515 Timber Valley Road NE, Atlanta, Georgia 30342 and/or at its principal address 84 Park Avenue, Suite G210C, Flemington, NJ 08822. PF Holdings LLC has significant contacts with Georgia and manages The Ralston in Muscogee County, Georgia. Therefore, this Court has jurisdiction over PF Holdings LLC and venue is proper in this Court.

5. Schoolhouse Road Estates, Inc., is the sole member and direct controlling entity of Ralston GA LLC. Schoolhouse Road Estates, Inc., is responsible for the rehabilitation of the Ralston according to the March 2014 \$10,500,000.00 Bond Issuance approved by the Downtown Development Authority of Columbus. Schoolhouse Road Estates, Inc., has significant contacts with Georgia and conducts business in Muscogee County, Georgia through The Ralston. This Court has jurisdiction over Schoolhouse Road Estates, Inc., and venue is proper in Muscogee County. Schoolhouse Road Estates, Inc., may be served with process via its principal officer to wit: Issac Ehrenfeld, 1876 50th Street Brooklyn, New York 11204.

6. Yaakov Litvin is a resident of Georgia. Mr. Litvin is the regional manager of PF Holdings LLC and is responsible for managing The Ralston. Mr. Litvin may be served with process at 515 Timber Valley Road NE, Atlanta, Georgia 30342. Therefore, this Court has jurisdiction over Yaakov Litvin and venue is proper in this Court.

7. At all times material hereto, Defendant John Does 1-4 are entities and/or persons who are property owners, managers, employees or independent contractors responsible for maintenance of

15. Charles Hart signed a lease with "The Ralston".
14. Charles Hart and other residents of The Ralston have suffered because of the Defendants' collective failure to properly maintain and repair The Ralston.
13. Schoolhouse Road Estates, Inc., could have, but chose not to, use the \$995,000.00 that it gave in educational grants to repair and renovate the air-conditioning system at The Ralston.
12. According to those same IRS Form 990 Tax Returns, Schoolhouse Road Estates, Inc., gave educational grants to the United Intl Mattesdorf in the amount of \$895,000.00 and to Yeshivas Chasan Sofer in the amount of \$100,000.00 in the year 2014.
11. According to IRS Form 990 Tax Returns filed by Schoolhouse Road Estates, Inc., it is the direct controlling entity of Ralston GA LLC and is therefore responsible for the operation and maintenance of "The Ralston", including but not limited to, the leasing of the premises to residents such as Ricky Talley.
10. According to a Ground Lease recorded in Muscogee County, Georgia, Ralston GA LLC is a Georgia limited liability company, whose sole member and direct controlling entity is Schoolhouse Road Estates, Inc. According to the same Ground Lease, Ralston GA LLC is responsible for the operation and maintenance of "The Ralston".
9. PF Ralston LLC is an owner of "The Ralston" and is responsible for the operation and maintenance of "The Ralston".
8. According to the Muscogee County Board of Assessors, Ralston Holdings LLC sold The Ralston to PF Ralston LLC on July 2, 2014.

III. FACTS

the property, whose identity and exact whereabouts are currently unknown. John Does 1-4 will be named once its/his/her/their identity is revealed.

conditioning issues at The Ralston weeks before Charles Hart died.

23. The City of Columbus and The National Housing Compliance notified Defendants of air-

See, 06/05/2017 Facebook post, attached hereto as Exhibit 5 (emphasis added).

They discriminate against anyone that they don't like ... the do not like me ... I have no air in the summers and no heat in the winter.

follows:

22. On June 5, 2017, a Facebook user wrote on The Ralston's Facebook page and stated as

See, 04/25/2017 Facebook post, attached hereto as Exhibit 5 (emphasis added).

DISGUSTING!!! Roaches, bed bugs ... Problems with air conditioners. electrical problems, dirty, frequent flooding by floors above through light fixtures. Unfit for human habitat! This is on top of the unsafe fire inspection.

living conditions at The Ralston and stated as follows:

21. On April 25, 2017, a Facebook user wrote on The Ralston's Facebook page regarding the

See, 05/22/2017 Yelp review attached hereto as Exhibit 4 (emphasis added).

this is the worst place I have ever seen. I see that they advertise as a place for elderly and handicap, there is no way anyone with health issues should live here. The heating and air doesn't work half the time, elevators are broke all the time and the place is ridden with bugs. I have a family member who has been living here and since she moved in it has gone downhill. They moved people off the street into the building but made no provision to make sure the building and current Tenant's (at that time) were taken care of. I would like to see the mayor or any city official stay in that place for one night, they wouldn't last! They need to be monitoring the area for drugs and checking on the Tenant's to make sure they are compliant with the rules. This place is a health hazard and you wish someone would really inspect and do what needs to be done. It's inhumane living conditions!

20. On May 22, 2017, a person reviewed The Ralston on the website "Yelp" and stated that

19. Yaakov Litvin is responsible for the management and operation of The Ralston.

18. Yaakov Litvin is the regional manager of PF Holdings, LLC.

17. PF Holdings, LLC is responsible for the maintenance and operation of The Ralston.

16. The Ralston is managed by PF Holdings, LLC.

24. In a telephone conversation prior to Charles Hart's death, John Hudgison, Columbus' Director of Building Inspections & Code Enforcement Department, told Yaakov Litvin about the petition that was sent to the City of Columbus regarding tenants' complaints about the air conditioning at The Ralston.
25. On May 31, 2017, National Housing Compliance president Valerie Todaro notified management of The Ralston of air-conditioning issues at The Ralston.
26. On June 15, 2017, National Housing Compliance contacted Yaakov Litvin about the May and June air conditioning issues.
27. Approximately three weeks prior to Charles Hart's death, a resident at The Ralston had a heat stroke because his unit hit 96 degrees. See, 07/10/2017 Ledger Enquirer Article Attached hereto as Exhibit 6.
28. After Charles Hart's death, 26 units at The Ralston were declared non-compliant with directives set by the city, meaning that the units could not maintain a temperature less than 80 degrees.
29. Yaakov Litvin and Defendants have attempted to cover-up the cause of Charles Hart's death.
30. On July 7, 2016, John Hudgison, Columbus' Director of Building Inspections & Code Enforcement Department, sent an email to Yaakov Litvin to inform him that Charles Hart died at The Ralston.
31. Mr. Litvin responded to Mr. Hudgison's email and attached a statement from The Ralston's property manager.
32. The statement from The Ralston stated as follows:
- On 07/06/2017, at approximately 6:00 p.m., I, Kimberly Chapman, accompanied by Jonathan Konefal, went to unit 322, with Coroner Freeman Worley to check the

- air. He had informed us that he was ruling the death suspicious due to the temperature in the room being at 98 degrees. It was then that I asked him if the AC unit was running to which he responded "Well, I don't know."
- We asked him if we could go up and check and he said it was fine. He took us upstairs where we observed the thermostat was in the off position. We turned it on and found that it had been set at 98 degrees by the resident. We adjusted the temperature and the unit kicked on immediately and started blowing cool air.
33. The above-referenced statement by The Ralston is false.
34. Muscogee County's Deputy Coroner Freeman Worley made the following Death Report, which contradicts The Ralston's statement. Freeman Worley's statement is as follows:
- I walked into [Mr. Hart's] room and it was very hot actual air temp was 98.6. His skin was hot to the touch. He was in rigor mortis. Staff turned on the A/C in his room which was somehow locked out. It started blowing air but was not cool. The inside temp never came under 98.0 degrees. At one time it reached 99.0. He did have a fan running in his room. Cause of death heat related/COPD.
- 07/06/2017 Statement of Deputy Coroner Freeman Worley attached hereto as Exhibit 8 (emphasis added).
35. Defendants' statement that Charles Hart turned off his air-conditioning and that it started blowing cool air when it was turned back on is false.
36. The Muscogee County Deputy Coroner has stated that the air-conditioning in Mr. Hart's room was "locked-out" and when it was turned on it started blowing air but was not cool.
37. While the Muscogee County Deputy Coroner investigated Charles Hart's death, the temperature inside his room never went below 98 degrees.
38. Charles Hart's cause of death was heat related.
39. Defendants are responsible for the maintenance of the air-conditioning system at The Ralston.

40. Defendants have a responsibility to make sure the air-conditioning system is working at The Ralston.

41. Defendants have received numerous warnings from the Columbus Consolidated Government regarding the conditions of The Ralston.

42. Yaakov Litvin and PF Holdings LLC have received warnings directly from the Columbus Consolidated Government regarding the conditions of The Ralston.

43. On March 15, 2017, Columbus' Director of Inspection & Code issued a warning to The Ralston for several fire code violations, to the point where the building was declared unsafe. See, 03/15/2017 Letter from John Hudgison, attached hereto as Exhibit 9.

44. On July 7, 2017, the Columbus Consolidated Government issued a warning to PF Holdings, LLC to immediately remedy the cooling systems at The Ralston or be shut down. 07/07/2017 Warning Attached hereto as Exhibit 10.

45. The warning stated that over the last year, PF Holdings has been placed on notice of violations by the Columbus Consolidated Government regarding various system inadequacies such as fire alert and suppression systems and cooling system malfunctions.

46. On July 7, 2017, PF Ralston LLC was also issued a notice from Columbus' Inspection and Code Director, which stated that "a portion of your facility is unsafe for human occupancy and, therefore, in violation of the Section 8-84 of the Columbus Code due to excessive heat. See, 07/07/2017 Letter to PF Ralston LLC, attached hereto as Exhibit 11.

47. Defendants' failure to repair and maintain the premises constitutes a violation of their legal duty established by Georgia law.

48. Yaakov Litvin may be held individually liable because he personally participates and/or cooperates in the torts alleged in this Complaint.

49. Schoolhouse Road Estates Inc., is the direct controlling entity of Ralston GA LLL and has participated and/or cooperated in the failure to maintain the premises and other torts alleged in this Complaint.

50. An LLC member may be held individually liable if he or she personally participates or cooperates in a tort committed by the LLC or directs it to be done. Bo Phillips Co., Inc. v. R.L. King Properties, LLC, 336 Ga. App. 705, 710 (2016).

51. The Defendants are joint-tortfeasors and are all responsible for the death of Charles Hart.

IV. CAUSES OF ACTION

COUNT ONE – VIOLATION OF GEORGIA’S FAIR BUSINESS PRACTICES ACT (“FBPA”)

52. Christina Thornton incorporates all of the allegations made in this Complaint herein by reference.

53. Georgia’s FBPA provides that unfair or deceptive acts or practices in the conduct of consumer transactions and consumer acts or practices in trade or commerce are unlawful.

54. Consumer acts or practices means acts or practices intended to encourage consumer transactions. Consumer transaction means the sale, purchase, lease, or rental of goods, services, or property, real or personal, primarily for personal, family, or household purposes.

55. The Ralston advertises to the public that it provides income based housing for elderly (62 or older) or disabled individuals in Columbus, GA. See, Ralston Facebook page excerpt attached hereto as Exhibit 5.

56. The Ralston also advertises to the public that it provides “quality living at a price you can afford” and that “we have everything you need to live comfortably and independently.” See, Craiglist Advertisement attached hereto as Exhibit 12.

57. The Ralston’s advertisement that it provides quality living is false.

58. The Ralston's advertisement that it has everything you need to live comfortably is false.

59. Defendants created these false advertisements to induce the elderly and or disabled to rent its apartments. Defendants have made false advertisements with regard to other properties owner and/or managed by PF Holdings in other states such as Ohio, Mississippi, and Pennsylvania. Defendants' properties in Ohio were recently taken over through a permanent injunction and receivership because of the deplorable conditions.

60. Prior to filing this lawsuit, counsel for Christina Thornton sent Defendants a written demand to settle pursuant to O.C.G.A. § 10-1-399(b).

61. Defendants failed to make a reasonable offer of settlement within the time limit provided in O.C.G.A. § 10-1-399(b).

62. Charles Hart was deceptively and unfairly duped into the consumer transaction of leasing an apartment at The Ralston and believing that his rented premises were habitable and would be maintained in such a condition as the safety of Charles Hart required pursuant to Georgia law.

63. Charles Hart relied on Defendants' representations that the leased premises would be maintained in such a condition as the safety of Charles Hart required pursuant to Georgia law.

64. Defendants failed to properly maintain and repair the premises, specifically the air-conditioning system, which failure caused Charles Hart's death.

65. Defendants failed to maintain the air-conditioning systems at The Ralston.

66. Many residents at The Ralston have not had functioning air-conditioning in their apartments.

67. Defendants failed to properly maintain the premises, including the air-conditioning systems, and instead sent significant sums of money to schools in New York as educational grants.

at The Ralston, in violation of O.C.G.A. §§ 44-7-13, 44-7-14.

84. Defendants negligently maintained The Ralston, specifically the air-conditioning system reference.

83. Christina Thornton incorporates all of the allegations made in this Complaint herein by

COUNT TWO – NEGLIGENCE

deceptive conduct.

82. Defendants are also liable for Christina Thornton's attorney's fees for their unlawful and prior to his death, which damages shall be trebled.

Charles Hart's death, including for the full value of Charles Hart's life and his pain and suffering

81. Pursuant to O.C.G.A. § 10-1-399(b)-(c), Defendants are liable for all damages arising from alleged herein and are liable for their conduct.

80. Defendants, as owners and/or managers of The Ralston, have all participated in the conduct to New York.

Complaint by purposefully failing to repair The Ralston and sending profits as educational grants duty to maintain and repair The Ralston, and knowingly participated in the conduct alleged in this

79. Schoolhouse Road Estates, Inc., as the direct controlling entity of Ralston GA LLC has a and repair The Ralston.

78. Yaakov Litvin personally participated in the conduct alleged herein by failing to maintain Defendants never intended to provide a facility that is safe for human occupancy and habitable.

77. Defendants deceptively leased an apartment at The Ralston to Charles Hart even though Georgia's FBPA.

76. Defendants have violated Georgia law, namely O.C.G.A. § 44-7-13, and have violated certain codes of the City of Columbus, i.e., Section 8-84. Those violations are violations of

68. Defendants have intentionally failed to properly maintain the premises so that it can maximize its profits and instead sends educational grants to New York.
69. Defendants threaten to evict residents who voice complaints regarding the conditions of The Ralston.
70. A former employee of Defendants was recently interviewed by a local news station and stated that management threatened and talked down to the residents when issues arose.
71. The former employee stated that he "could write a book about the issues people had and they wouldn't fix. Their attitude was you are nobody and I am the manager you will do what I say or I will get you kicked out."
72. As recently as, July 6, 2017, Columbus' Director of Building Inspections & Code Enforcement Department sent an email to Yaakov Litvin, the regional manager of PF Holdings LLC, stating that many residents have complained to the City of Columbus regarding the conditions of The Ralston, but are afraid of "retribution including evictions of tenants that speak up about the conditions there." See, 07/06/2017 Email to Yaakov Litvin attached hereto as Exhibit 3.
73. On that same day, July 6, 2017, Columbus' Director of Building Inspections & Code Enforcement Department sent an email to a Senior Compliance Manager with the National Housing Compliance stating that tenants call into the office to complain but will not place formal complaints for fear of retribution from the management staff.
74. The email stated further that "we have heard stories that once people complain to the management they are evicted and that has made people afraid to place complaints."
75. Rather than repair the air-conditioning system at The Ralston, Defendants have sent money as educational grants in the hundreds of thousands of dollars to schools in New York.

- conditioning issues at The Ralston weeks before Charles Hart died.
89. The City of Columbus and The National Housing Compliance notified Defendants of air-
See, 06/05/2017 Facebook post, attached hereto as Exhibit 5 (emphasis added).
- They discriminate against anyone that they don't like ... the do not like me ... I have no air in the summers and no heat in the winter.
- Ralston's Facebook page and stated as follows:
88. On June 5, 2017, one month prior to Charles Hart's death, a Facebook user wrote on The
See, 04/25/2017 Facebook post, attached hereto as Exhibit 5 (emphasis added).
- DISGUSTING!!! Roaches, bed bugs ... Problems with air conditioners,
electrical problems, dirty, frequent flooding by floors above through light fixtures.
Unfit for human habitat! This is on top of the unsafe fire inspection.
- The Ralston's Facebook page regarding the living conditions at The Ralston and stated as follows:
87. On April 25, 2017, two months prior to Charles Hart's death, a Facebook user wrote on
See, 05/22/2017 Yelp review attached hereto as Exhibit 4 (emphasis added).
- this is the worst place I have ever seen. I see that they advertise as a place for elderly and handicap, there is no way anyone with health issues should live here.
The heating and air doesn't work half the time, elevators are broke all the time
and the place is ridden with bugs. I have a family member who has been living here
and since she moved in it has gone downhill. They moved people off the street into
the building but made no provision to make sure the building and current Tenant's
(at that time) were taken care of. I would like to see the mayor or any city official
stay in that place for one night, they wouldn't last! They need to be monitoring the
area for drugs and checking on the Tenant's to make sure they are compliant with
the rules. This place is a health hazard and you wish someone would really inspect
and do what needs to be done. It's inhumane living conditions!
- Ralston on the website "Yelp" and stated that
86. On May 22, 2017, nearly two months prior to Charles Hart's death, a person reviewed The
functioning correctly at The Ralston prior to Charles Hart's death.
85. Defendants knew or should have known that the air-conditioning system was not

90. In a telephone conversation prior to Charles Hart's death, John Huddgison, Columbus' Director of Building Inspections & Code Enforcement Department, told Yaakov Litvin about the petition that was sent to the City of Columbus regarding tenants' complaints about the air conditioning at The Ralston.
91. On May 31, 2017, nearly one month prior to Charles Hart's death, the National Housing Compliance president Valerie Todaro notified management of The Ralston of air-conditioning issues at The Ralston.
92. On June 15, 2017, National Housing Compliance contacted Yaakov Litvin about the May and June air conditioning issues.
93. Approximately three weeks prior to Charles Hart's death, a resident at The Ralston had a heat stroke because his unit hit 96 degrees. See, 07/10/2017 Ledger Enquirer Article Attached hereto as Exhibit 6.
94. After Charles Hart's death, 26 units at The Ralston were declared non-compliant with directives set for by the city, meaning that the units could not maintain a temperature less than 80 degrees.
95. Defendants negligently failed to provide a habitable apartment to Charles Hart.
96. Defendants ignored and/or failed to remedy the malfunctioning air-conditioning system at The Ralston.
97. Defendants have a duty pursuant to O.C.G.A. §§ 44-7-13, 44-7-14 to keep the leased premises in repair.
98. Defendants breached their duty to Charles Hart to keep the leased premises in repair and Defendants' breach of their duty caused Charles Hart's death.

99. Yaakov Litvin personally participated in the conduct alleged herein by failing to maintain and repair The Ralston and by creating a hostile environment wherein residents are scared to complain about the living conditions.

100. Schoolhouse Road Estates, Inc., as the direct controlling entity of Ralston GA LLC has a duty to maintain and repair The Ralston, and knowingly participated in the negligence alleged in this Complaint by purposefully failing to repair The Ralston, by creating a hostile environment wherein residents are scared to complain about the living conditions, and by sending profits as educational grants to New York rather than repair the premises.

101. Defendants, as owners and/or managers of The Ralston have all participated in the conduct alleged herein and are liable for their conduct.

102. Christina Thornton has suffered damages as a result of Defendants' conduct.

103. As a direct proximate cause of Defendants' conduct, Defendants are liable for all damages arising from Charles Hart's death, including for the full value of Charles Hart's life and his pain and suffering prior to his death.

104. An individual's claim for wrongful death and an estate's claim for the decedent's pain and suffering are distinct causes of action. See generally O.C.G.A. §§ 51-4-2(a), 51-4-5(b).

105. Christina Thornton in her individual capacity and in her capacity as administrator are legally different persons.

106. As the surviving child of Charles Hart, Christina Thornton is entitled to recover damages for the full value of the life of Charles Hart caused by Defendants' wrongful death of Charles Hart.

107. Christina Thornton is entitled to recover for the pain and suffering Charles Hart suffered prior to his death.

reference.

114. Christina Thornton incorporates all of the allegations made in this Complaint herein by

COUNT THREE – ATTORNEYS’ FEES

Charles Hart suffered prior to his death.

Administrator of Charles Hart’s Estate is entitled to recover for the conscious pain and suffering

113. As a direct proximate cause of Defendants’ conduct, Christina Thornton as the

child of Charles Hart is entitled to recover damages for the full value of Charles Hart’s life.

112. As a direct proximate cause of Defendants’ conduct, Christina Thornton as the surviving

alleged herein and are liable for their conduct.

111. Defendants, as owners and/or managers of The Ralston have all participated in the conduct

profits as educational grants to New York rather than repair the premises.

environment wherein residents are scared to complain about the living conditions, and by sending

Amended Complaint by purposefully failing to repair The Ralston, by creating a hostile

duty to maintain and repair The Ralston, and knowingly participated in the fraud alleged in this

110. Schoolhouse Road Estates, Inc., as the direct controlling entity of Ralston GA LLC has a

complain about the living conditions.

and repair The Ralston and by creating a hostile environment wherein residents are scared to

109. Yaakov Litvin personally participated in the conduct alleged herein by failing to maintain

death from heat exhaustion.

system at The Ralston caused Charles Hart’s room to reach 98 degrees and ultimately caused his

108. As alleged throughout, Defendants’ failure to repair and maintain the air-conditioning

115. The conduct of the Defendants alleged throughout this Complaint evidenced bad-faith and a willful and wanton disregard for the safety of others, including Charles Hart and Christina Thornton.

116. Defendants have acted in bad faith, have been stubbornly litigious, and have caused Plaintiff unnecessary trouble and expense, entitling her to recover attorneys' fees and expenses under O.C.G.A. § 13-6-11 and under Georgia's Fair Business Practices Act.

COUNT FOUR -- PUNITIVE DAMAGES

117. Christina Thornton incorporates all of the allegations made in this Complaint herein by reference.

118. Defendants' collective failure to maintain its premises is evidence of a reckless disregard and/or conscious indifference to the consequences and may give rise to an award of punitive damages. See, Crow v. Evans, 183 Ga. App. 581 (1987); see also, McWilliams v. Hayes, 190 Ga. App. 709-710 (1989) (where evidence showed that landlord knew or should have known that the plaintiff's alleged injuries would result from the manner in which it negligently maintained the premises, an award of punitive damages was authorized).

119. Defendants knew weeks prior to Charles Hart's death that the air-conditioning system at The Ralston was not functioning correctly.

120. Defendants ignored the malfunctioning air-conditioning system at The Ralston, which caused Charles Hart's death.

121. The conduct of the Counter-Defendants alleged throughout this Complaint evidences bad-faith and a willful and wanton disregard for the safety of others.

122. Defendants have made **educational grants** in the hundreds of thousands of dollars, if not, in the millions of dollars to schools in New York rather than maintain and repair The Ralston.

123. Defendants are liable for punitive damages for their willful, malicious, and reckless conduct and specific intent to cause harm to Charles Hart.

V. PRAYER FOR RELIEF

WHEREFORE, Christina Thornton, individually and as Administrator of the Estate of Charles Hart, prays for judgment against Defendants as follows:

1. That Summons be issued requiring Defendants to appear as provided by law to answer this Complaint;

2. That Christina Thornton recover special and compensatory damages as permitted under Georgia law;

3. That Christina Thornton recover her attorneys' fees and punitive damages as permitted under Georgia law;

4. That Christina Thornton's damages be trebled pursuant to Georgia's Fair Business Practices Act;

5. For a trial by a jury; and

6. For such other and further relief as is allowed by law and as the Court may deem just and proper.

Respectfully submitted this 19th day of September, 2017.



CHARLES A. GOWER
Georgia Bar No. 303500
SHAWN P. O'HARA
Georgia Bar No. 749503
MIRANDA J. BRASH
Georgia Bar No. 475203

1425 Wymton Road
Post Office Box 5509
Columbus, Georgia 31906
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Attorneys for Christina Thornton

Exhibit 1

Posted about 4 hours ago on: 2017-08-29 9:28am

Contact Information:

\$25 Ralston Towers *UNDER NEW MANAGEMENT* (Columbus GA)

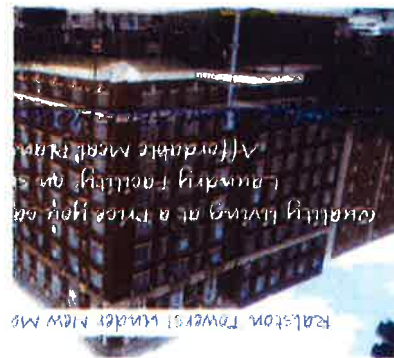


image 1 of 22



211 12th street

apartment available now

laundry in bldg

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Ralston Towers located in Beautiful downtown Columbus GA. Close to everything Columbus has to offer, enjoy nightly downtown activities only minutes away from the buildings front door step, or watch fireworks go off on the 4th of July and New Years from the privacy of your own apartment, or take a nice daily walk on the river walk. Location is great for those without transportation but if you need it we are located right on the bus line.

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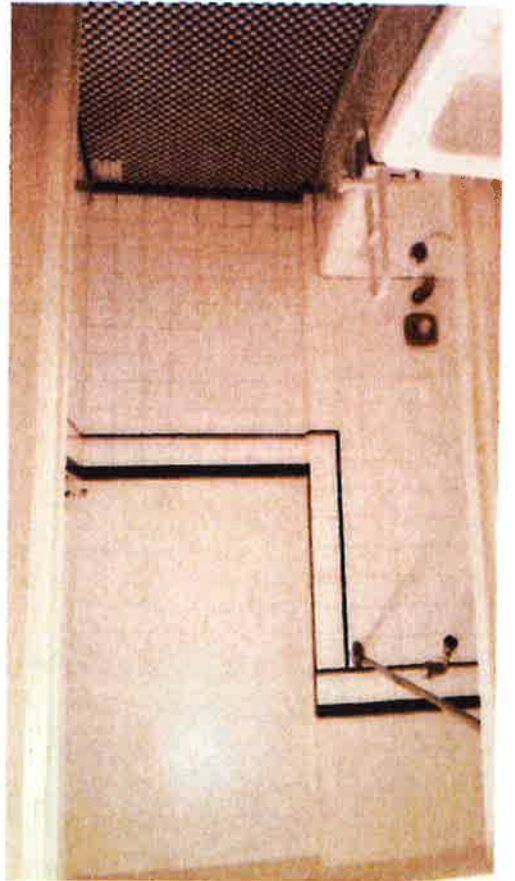
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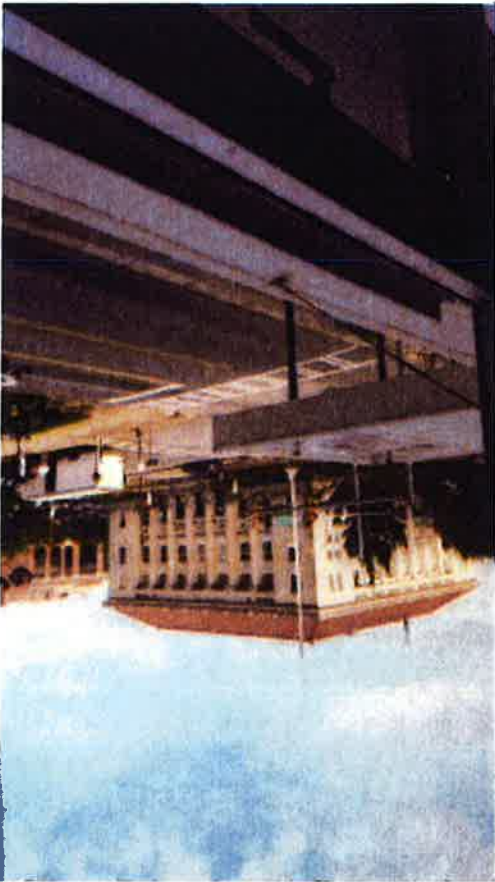


Exhibit 2



John Hudgison, inspection and Codes director, says the heat issues at The Ralston are under control after the staff installed window units. Ben Wright - benw@ledger-enquirer.com

LOCAL

City, nonprofit agency warned Ralston of AC issues weeks before man's death

BY CHUCK WILLIAMS
chwilliams@ledger-enquirer.com
JULY 24, 2017 6:02 PM

The management company that operates The Ralston, a low-income apartment building in downtown Columbus, was notified multiple times of air conditioning issues inside the facility weeks and even hours before a resident was found dead in a room that was more than 98 degrees.

Charles Hart, 60, was pronounced dead at 5:23 p.m. on July 6 in his room at the 211 12th St. facility. The cause of death was heart-related due to medical conditions, said Muscogee County Chief Deputy Coroner Freeman Worley.

Three hours before Hart was found dead, the director of the Columbus Inspections and Codes Department sent an email to Yakov Levitin, a regional manager with PF Holdings LLC, the New Jersey-based corporation that owns and operates The Ralston, according to information obtained through Georgia's Open Records Act. John C. Hudgison's email to Levitin cited complaints from residents about the heat inside the rooms.

"They have complained to your management staff and are afraid of retaliation including eviction of tenants that speak up about the conditions there," Hudgison wrote in an email time-stamped at 2:23 p.m. on July 6. "With this being South Georgia, and an elderly lady calling me yesterday and telling me that inside her unit it is over 100 degrees. I need to know what PF Holdings is doing to remedy this before this also reaches an 'unfit for human occupancy' threshold."

Breaking News

Be the first to know when big news breaks



Mike Haskey - mhaskey@ledger-enquirer.com

The resident complaints to the city and the National Housing Compliance, a nonprofit regulatory organization that processes U.S. Department of Housing and Urban Development subsidies to The Ralston, started in late May.

A Ralston resident took a list of 17 tenants with complaints about the air conditioning to Mayor Teresa Tomlinson's office in the government center on May 30. The mayor's office forwarded that hand-written correspondence to Hudgison the same day.

Hudgison had been dealing with PF Holdings and Levitin on fire safety conditions in the building. After receiving the written complaint, Hudgison said he brought up the matter the next week with Levitin during a phone conversation.

"He said maintenance was looking into it," Hudgison said. In the July 6 email to Levitin that was sparked by additional residence complaints, Hudgison attached the complaint letter the mayor received more than a month earlier.

"We were so worried about retaliation that we did not want to put those names out there," Hudgison said of the delay in forwarding the names to PF Holdings. At the same time the city was receiving complaints about the heat and living conditions inside the 103-year-old building, National Housing Compliance notified the on-site management of air conditioning issues on May 31, NHC President Valerie Todaro said last week.

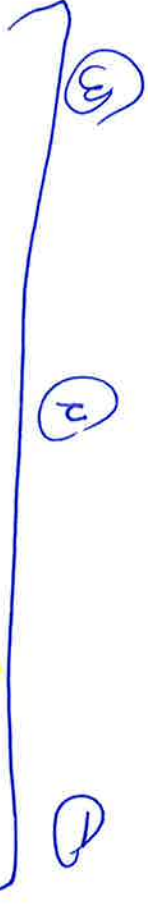
National Housing Compliance is an Atlanta-based nonprofit organization formed nearly 20 years ago by 10 Georgia public housing authorities, including the one in Columbus, and the Georgia Department of Community Affairs, the state organization that administers federal housing funding in Georgia.

A second call about air conditioning issues came on June 15, Todaro said. Todaro would not identify the residents making the complaints, but said the residents called NHC through a hotline number that is listed inside The Ralston.

NHC contacted two people, Jewel Earl in compliance and Levitin, about the May and June air conditioning concerns, Vadaro said.

RELATED STORIES FROM COLUMBUS LEDGER-ENQUIRER

Ralston resident responds after recent heat-related death of another resident



1 May 30 - Next work so June told Yaakov air issues

Did this happen?

Does Yaakov remember this call?

2 May 31st air issues

Will Yaakov agree that he spoke with NHC prior to Charles' death

3 June 15 air issues

Does Yaakov remember this

3 warnings about air issues prior to Charles Harts death



An attorney for PF Holdings LLC said last week that the management was notified of air conditioning issues with two units in late May and June. Both times the units were repaired, said Travis C. Hargrove with The Finley Group, a law firm with offices in Atlanta, Columbus and Auburn, Ala.

"It is my understanding that the work orders were issued and it did not involve Mr. Hart's room," Hargrove said.

Worley said the temperature was 98.6 degrees when he entered the room and the air conditioning was off. The air was then turned on, he said, but the temperature didn't drop after more than 30 minutes.

"My folks say otherwise," Hargrove said. He maintains that "The Ralston staff turned the air conditioning on in Hart's room after his body was found and cool air came out of the unit."

After Hart's death, The Ralston brought in a large portable cooling unit and placed it outside the building on the 12th Street sidewalk, creating a cool zone inside the lobby of the 103-year-old building.

The Ralston is a project-based HUD Section 8 site. There are 269 Section 8 slots contracted to the owners of the Ralston. Those monthly federal vouchers are used to house low-income residents. HUD is responsible for the facility inspections of The Ralston, which was last inspected in January, Todaro said, and NHC performs an operational review of the management group but is not responsible for inspection of the facility. The last operational inspection was done in October 2016, she said.

Through information posted inside the building, residents are encouraged to contact National Housing Compliance with any issues concerning the facility, Todaro said.

Project-based Section 8 housing is different than the nearly 3,000 individual Section 8 vouchers administered by the Housing Authority of Columbus. The owners of the building control the project-based funding. The individual vouchers are provided to people who meet the income qualifications. They then take those vouchers and go into the private real estate market where they are free to rent properties that meet HUD's qualifications.

The Housing Authority of Columbus has no control over project-based funding at The Ralston and is not involved with that project.

Chuck Williams: 706-571-8510, @chuckwilliams





Mike Haskey - mhaskey@ledger-enquirer.com

1 of 2

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Exhibit 3

John Hudgison

From: John Hudgison
Sent: Thursday, July 6, 2017 2:23 PM
To: Yaakov Litvin
Cc: Marsha Thomas
Subject: RE: Ralston Towers
Attachments: 20170530112312034.pdf

Importance: High

Tracking: Recipient

Yaakov Litvin

Marsha Thomas

Read: 7/6/2017 2:24 PM

As we are working on closing out the Fire Alarm issue, the air conditioning is becoming a problem we are receiving several calls on from tenants. I have an attached list that was hand delivered to the Mayor Office in May outlining the people that have complained about the air or lack thereof on the property. We do not have any phone numbers to contact the tenants but due to the calls coming in, I would assume this issue has not been resolved.

They have complained to your management staff and are afraid of retribution including evictions of tenants that speak up about the conditions there. With this being South Georgia, and an elderly lady calling yesterday telling me that inside her unit it is over 100 degrees. I need to know what is PF Holdings doing to remedy this before this also reaches an "unfit for human occupancy" threshold.

John C. Hudgison CBO, Assoc. AIA
Director, Building Inspections & Code Enforcement Department
Columbus Consolidated Government
(706) 226-3878 (Office)
(706) 570-2419 (Cell)

From: Yaakov Litvin [mailto:yaakov@pfholdingsllc.com]
Sent: Monday, June 19, 2017 7:51 PM

To: John Hudgison <jhudgison@columbusga.org>
Cc: Todd Turner <tturner@columbusga.org>; Pam Hodge <PHodge@columbusga.org>; Ricky Shores <RShores@columbusga.org>
Subject: Re: Ralston Towers

Mr. Hudgison
I asked Columbus Fire and Safety for a time frame for the completion of the new fire panel and system at the Ralston.
He estimates it will take between 4 and 5 months to complete the entire project.

Please let me know if you require anymore info or details.

Yaakov Litvin

On Jun 13, 2017, at 11:30 AM, John Hudgison <jhudgison@columbusga.org> wrote:

Exhibit 4



The Ralston Towers Unclaimed

1 review [in Details](#)

Apartments [Edit](#)

211 12th St
 Columbus, GA 31901
[Get Directions](#)
 (706) 322-7331
[Send to your Phone](#)

Recommended Reviews for The Ralston Towers

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Wed	9:00 am - 5:00 pm
Thu	9:00 am - 5:00 pm
Fri	9:00 am - 5:00 pm
Sat	Closed
Sun	Closed

[Edit business info](#)

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Work at The Ralston Towers? Claim your business

Towers could be huge. Start your review today.

5/22/2017 [First to Review](#)

This s the worst place I have ever seen. I see that they advertise as a place for elderly and handicap, there us no way anyone with health issues should live here. The heating and air doesn't work half the time, elevators are broke all the time and the place is ridden with bugs. I have a family member who has been living here and since she moved in it has gone down hill. They moved people off the street into the building but made no provision to make sure the building and current Tennant's(at that time) were taken care of. I would like to see the mayor or any city official stay in that place for one night, they wouldn't last! They need to be monitoring the area for drugs and checking on the Tennant's to make sure they are compliant with the rules. This place is a health hazard and u wish someone would really inspect and do what needs to be done. It's inhumane living conditions!

Terrl O.
 Phenix City, AL
 2 friends
 3 reviews



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Exhibit 5

The Ralston

Shaun Home 2



The Ralston @TheRalston

Home

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Create a Page

Public Posts at The Ralston

Visitor Photos

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Like

Follow

Recommend

Call Now

Message

85 Total Likes
84 Total Follows
370 Total Visits

Invite your friends to like The Ralston

Invite **Jennifer A Hacker**

Invite **Sally Gopfert Willis**

Invite **Sarah Matty Patterson**

See All Friends

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Just wondering why residents are without AC.

July 11 **Ashley Kerce** The Ralston

Like Comment Share

Write a comment

July 8 **Donald Ellis** The Ralston

Hopefully someone will see this post. It is a real shame that a resident of the Ralston Towers had to die of heat related death on July 6th. I lived there from 2000 to 2007. Though during my stay I never had to do without A/C conditioning there were numerous things wrong there. Mandatory meal plans, food poor quality, inadequate refrigeration or cooking appliances, so as a result you would have to eat out for supper, and if you were physically unable to go somewhere you w... [See More](#)

Like Comment Share

Write a comment

July 7 **Paul Hart** The Ralston

This place is a joke. The manager who I never met tells me that I can't come in and get my Uncles stuff. He died because of their neglect. To set the record straight the air still doesn't work. One on left is manager and one on right is security. Both laughed in our face. They need a different job.



Chat (26)



Like Comment Share
Write a comment...

Kathy Welch The Ralston
June 5

they discriminate against anyone that they don't like. they do not like me
-----I have no air in the summers and no heat in the winter!!!!!! 🤔👎👎👎

Like Comment Share
Write a comment...

Kathy Welch The Ralston
June 5

they discriminate against anyone that they don't like. they do not like me
-----I have no air in the summers and no heat in the winter!!!!!! 🤔👎👎👎

Like Comment Share
Write a comment...

Debbie Cobb Tilley The Ralston
April 28

broken air conditioners & frequently broken elevators, flooded floors,
collapsed ceilings, holes in walls, unretrieved dead people/tenants, invaded
with roaches, bed bugs.

Like Comment Share
Write a comment...

Debbie Cobb Tilley The Ralston
April 26

Dispicable!

Like Comment Share

Debbie Cobb Tilley Despicable!!!
Like Reply - April 26 at 10:02am
Write a comment...

Debbie Cobb Tilley The Ralston
April 25

DISGUSTING!!! Roaches, bed bugs... Problems with air conditioners,
electrical problems,dirty, frequent flooding by floors above through light
fixtures. Unit fit for human habitat! This is on top of the unsafe fire inspection.

Chat (26)

Chat (26)

Write a comment...

Like Comment Share

Has Ralston been sold?

April 1, 2016

James E B Miller The Ralston

Like · Reply · April 26 at 10:10am

Debbie Cobb Tilley This place gives Ralston Rowers a bad name.

Write a comment...

1

Like Comment Share

Top Comments



Maintenance is not up to code! I wrote to The Ralston on this via this website have not gotten a response. Will go and check on my brother to see if this hole has been fixed.

January 8

Luz Maria Torres-Rosario The Ralston

Write a comment...

Like Comment Share

Exhibit 6



ADVERTISING

The inspection came four days after 60-year-old Charles Hart died in a room topping 98 degrees. Chief Deputy Muscogee County Coroner Freeman Worley has said the cause of death will be heart-related due to medical conditions.

Mayor Teresa Tomlinson made the announcement, along with City Code Enforcement Director John Hudgins, during a news conference in the mayor's office. 26 units non-compliant with directives set forth by the city. City code enforcement officials inspected The Ralston Monday morning and found

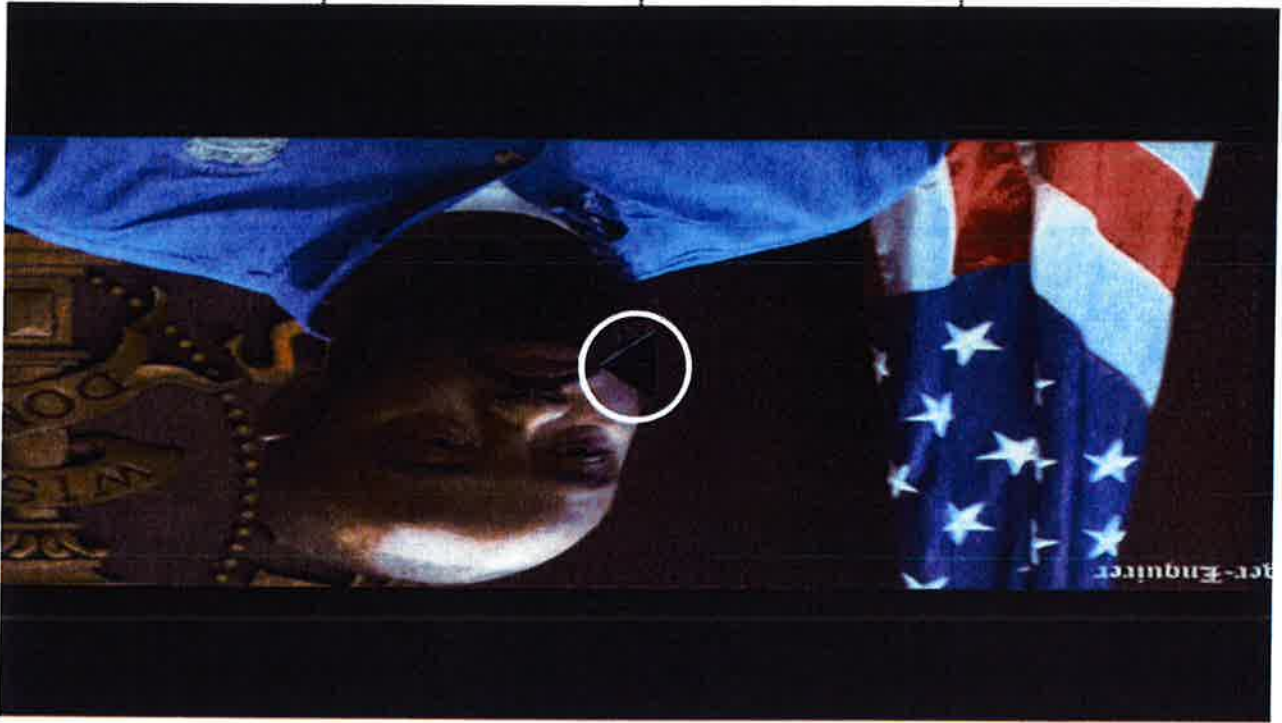
aljohnson@ledger-enquirer.com
BY ALVA JAMES-JOHNSON

26 units declared unsafe at the Ralston, city sets another deadline

LOCAL

JULY 10, 2017 4:25 PM





On Friday, the city ordered the building's New Jersey-based owner, PF Ralston LLC, to undertake temporary measures to protect residents from heat at 211 12th St. or relocate affected residents. The company was given until 9 a.m. Monday to comply.

Tomlinson said Hudgins and his staff arrived Monday morning and checked every room in the building to make sure the temperature was 80 degrees or below. "Out of the 269 units, approximately 200 of which are inhabited, 26 were found to be out of compliance, meaning they couldn't maintain a temperature less than 80 degrees," said Tomlinson. "There are approximately 50 vacancies in the Ralston right now. It is believed that at least 20 of those have operating air systems."

80 degrees is
unit, unit about
980

City personnel inspect The Ralston Monday morning

John Hudgison, the codes and inspections director for the Columbus Consolidated Government, talks during a Monday afternoon press conference about what he and his team found during their inspection of The Ralston Monday morning.

Mike Haskey - The Ledger-Enquirer

Tomlinson said the city hopes owners will bring the 26 units into compliance by Tuesday, or move occupants to rooms within The Ralston that meet the 80-degree threshold.

“Of course, as we have made it clear, should they not be brought into compliance and maintained in compliance, then we will not hesitate to shut down those particular units,” the mayor said. “... If it requires (residents) being moved out of the Ralston, they will be moved out of the Ralston at the expense of PF Holdings, LLC.”

In that case, the city would help relocate people through community partners such as Home for Good and the Columbus Public Housing Authority, she explained.

Tomlinson said she wanted to make it clear that The Ralston is not owned by the city or the Columbus Public Housing Authority. It's owned by PF Holdings, LLC, and funded, in part, by a federal Housing and Urban Development program, she said. HUD handles the building's annual inspections since it's the funding agency.

The mayor said Hudgison has alerted HUD of the city's findings, and she expects the federal agency will take necessary measures.

When asked who should be held responsible for the situation, the mayor said: “I would say the buck stops with the owner.”

Hudgison said he and his staffed inspected all 10 floors of the building on Monday, and then they red flagged all units where the cooling system was not operational.

In some units, the thermostats were not set properly, he said. In others, there were no thermostats at all or they were broken.

“We went to every unit,” he said. “Some people didn’t want us in there. Some of them said, ‘Yes, my air is working and I’m fine. Others were like, ‘I’m fine at 85 degrees.’ So we told the owner of the property to notate that properly. ”

Hudginson said the property owner had portable cooling equipment on hand Monday to address some of the problems. He said code enforcement would do a follow-up inspection by the end of the day Tuesday to determine if the 26 units have been brought into compliance

When asked if Hart’s air conditioning unit was off at the time of his death, as some have claimed, Hudginson said inspectors didn’t have owner information when they checked the units, but the information could be obtained.

While in the building, Hudginson said code inspectors also looked for leaky pipes, holes in walls that could harbor infestations and proper ingress/egress. He said Columbus Fire and Safety is in the process of rewiring the building’s fire alarm system.

Tomlinson said the city received complaints as early as May 30 about the air conditioning. Property owners were put on notice at that time, and the deadline was approaching at the time of Hart’s death.

On Monday, some Ralston residents sat outside the building in the sweltering heat. One 61-year-old man said the air conditioning unit in his apartment wasn’t working, and he’s been using fans to stay cool. Yet, he wants to stay in the unit. “I’ve been there for almost six years and I like where I’m at,” he said. “The only problem I’m having is heat.”

Another man on dialysis said he had a heat stroke about three weeks ago because his unit hit 96 degrees. He said he had to be rushed to Midtown Medical Center by ambulance. He spent 10 days there, and then went to his sister’s place for a week. The man said the air conditioning in his room began working Thursday. He’s back at The Ralston, but doesn’t believe the building is fit for habitation.

“Shut the whole thing down,” he said. “People shouldn’t be living here.”

Alva James-Johnson: 706-571-8521, @amjreporter

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5 Comments

COMMENTS



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Mike Haskey - mhaskey@ledger-enquirer.com



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Exhibit 7



THE RALSTON

To Whom it May Concern:

On 07/06/2017, at approximately 6:00 p.m., I, Kimberly Chapman, accompanied by Jonathan Konefal, went to unit 322, with Coroner Fireman Worley to check the air. He had informed us that he was ruling the death suspicious due to the temperature in the room being at 98 degrees. It was then that I asked him if the AC unit was running to which he responded "Well, I don't know."

We asked him if we could go up and check and he said it was fine. He took us upstairs where we observed the thermostat was in the off position. We turned it on and found that it had been set at 98 degrees by the resident. We adjusted the temperature and the unit kicked on immediately and started blowing cool air.

Kimberly Chapman
Kimberly Chapman

Jonathan Konefal
Jonathan Konefal

211 12th Street
Columbus, Georgia 31901
Telephone: 706-322-7331
Fax: 706-322-0062
TTY: 711



EQUAL HOUSING OPPORTUNITY

Exhibit 8

Log #: 415		Investigating Officer: Freeman Worley		Unit No: 681	EMS Names:		Buddy Bryan - Coroner Muscogee County, Georgia	
Hart		Decedent Last Name: Charles		Time Notified: 05:00 PM	Call Received From: 911	Source: 911		Unit No:
Address: 211 12th St Ralston Towers Apt 31901		Zip: 31901		Phone: [Serial Camera Area]		Home, Farm, Street? Apt		Serial Camera Area:
Place of Occurrence: 211 12th St Ralston Towers Room 322 Columbus Ga.		At Work? No		Date Arrived: 07/06/2017		Time: 05:20 PM		Hospital:
Race: Caucasian		Sex: Male		Age: 62		DOB: 09/04/1955		Status: DOS
Date Injured: [Time]		Date Pronounced: 07/06/2017		Time: 05:23 PM		Pronounced By: Freeman Worley		License #:
Cause of Death (1): COPD with acute exacerbation from heat		Funeral Home: Striffler - Hamby (Columbus GA) 706-563-2372		Cause of Death (2): LaGrange Ga. 706-957-0642		Cause of Death (3):		Other Significant Conditions:
Hep. C.		Autopsy? No		ME: [By]		GSI Notified? No		Agent:
CPD Notified? No		CPD Investigator:		Case No:		Funeral Home:		Decedent Removed:
Cause: Natural		Lab: No		Blood: No		Urine: No		Results:
Was Operation Performed? No		Date: No		Surgeon: No		Conditions For Which Performed: No		Physician:
COPD		Phone: 706-653-3260		Doctor or Coroner to sign: 08:23 PM		Date: 07/06/2017		Time:
Remarks:		Coroner to sign:		Time:		Date:		Time:
Mr. Hart was found laying across his bed. He has extensive medical history to include COPD. He was on home O2. He also has Hep. C.		I walked into his room and it was very hot actual air temp was 98.6 His skin was hot to the touch. He was in rigor mortis. Staff turned on the A/C in his room which was some how locked out. It started blowing air but was not cool. The inside temp never came under 98.0 degrees. at one time it reached 99.0 He did have a fan running in his room. Cause of death heat related / COPD.		RX:		Next of Kin: Kristy 706-594-9454		How Related? Daughter
Address:		Phone No:		Date:		Witness:		Date:
Received By:		Witness:		Date:		Witness:		Date:

Exhibit 9

Inspections and Code

420 10th Street
Post Office Box 1340
Columbus, Georgia 31902-1340

John Hudgison, C.B.O., Assoc. AIA
Director

Telephone (706) 653-4126
Fax (706) 653-4123

March 15, 2017

PF Ralston LLC
84 Park Ave, Suite G210C
Flemington, NJ 08822-0109

Re: Ralston Towers
1201 and 1204 2nd Ave

To whom it may concern:

The Ralston Towers located at 1201 and 1204 2nd Ave has several fire code violations to the point where I, the building official has declared it an unsafe building. Section 8-46 (b) (1) of the City of Columbus Code reads:

"All residential buildings, or structures used as such, which are unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are considered unsafe buildings. All such unsafe buildings, are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition."

Please see attached documentation of fire code violations. Per this declaration, this is our notice that you have up to 90 days to remedy all the fire code violations and to provide Inspections & Code and Fire & EMS departments with an extensive schedule to remove all fire code violations. If this timeline is not met, The City of Columbus will be forced to close this building to prevent occupancy.

Sincerely,

John C. Hudgison, CBO, Assoc. AIA
Inspections & Code Director

JH/jh

Exhibit 10

COLUMBUS CONSOLIDATED GOVERNMENT



Telephone (706) 653-4712
Call (706) 905-9570
FAX (706) 653-4970
TDD (706) 653-4494

FOR IMMEDIATE RELEASE
July 7, 2017

TERESA TOMLINSON
Mayor

COLUMBUS CONSOLIDATED GOVERNMENT ISSUES WARNING TO PF HOLDINGS, LLC OWNERS OF RALSTON TOWERS: IMMEDIATE REMEDY COOLING SYSTEMS OR BE SHUT DOWN

Ralston Towers, located at the corner of 12th Street and 2nd Avenue, is privately owned and operated by a New Jersey corporation: PF Holdings, LLC.

Over the last year, PF Holdings has been placed on notice of violations by the Columbus Consolidated Government (CCG) regarding various system inadequacies such as fire alert and suppression systems, which systems have either been brought into compliance or have been contracted to be remedied. Most recently, PF Holdings was put on notice to immediately remedy any cooling system malfunctions through repair or common cooling stations for the safety and benefit of its residents.

Today, CCG Inspections & Code Director John Hudgins has issued the attached notice to PF Holdings in order to ensure the safe habitation of residents of Ralston Towers. Enforcement will occur no later than 9:00 am, Monday, July 10th, as stated in the attached letter. CCG is presently working with our partners in the community in an attempt to arrange habitable housing for the Ralston residents should PF Holdings fail to comply as instructed.

For Further Information Contact:

Deputy City Manager, Pam Hodge: 706-905-8831, Phodge@columbusga.org

Exhibit 11

Inspections and Code

420 10th Street
Post Office Box 1340
Columbus, Georgia 31902-1340

John Hudgison, C.B.O., Assoc. AIA
Director

Telephone (706) 553-4126
Fax (706) 553-4123



July 7, 2017

PF Ralston LLC
84 Park Ave, Suite G210C
Flemington, NJ 08822-0109

Re: Ralston Towers
1201 and 1204 2nd Ave

To whom it may concern:

A portion of your facility is unsafe for human occupancy and, therefore, in violation of the Section 8-84 of the Columbus Code due to excessive heat. This unsafe condition appears to be due to a mechanical appliance failure in certain units, which is a violation of section 603.1 in the 2012 International Property Maintenance Code, which is the applicable code for the City of Columbus.

The urgency of this situation became evident yesterday when one of the residents died in his room, which was found by the attending Coroner to be without air conditioning and heat exhaustion was a contributing factor to the death. The wall thermostat showed a temperature of 98 degrees in this room. Given this department's concern for the potential health and safety of other residents, we ask that you immediately undertake the following measures to protect your residents until the entire existing air conditioning system can be repaired. Such temporary measures should be instigated no later than 9:00 AM, Monday July 10th and should include the following:

1. Moving tenants to areas in the building where the air conditioning is functioning properly.
2. Instruct residents as to the dangers of heat and the areas in the facility where they will be kept properly cooled.
3. Ralston staff shall assess each unit to determine its temperature and availability of air conditioning.
4. Any unit found that does not have air conditioning which can maintain a room temperature of 80 degrees, or less, shall have a notice posted on the door which states that the unit is not habitable and should be vacated by the resident.
5. Any tenant whose unit is closed shall be relocated at the owner's expense.

Inspections & Code personnel will be on site at 9:00 AM, Monday July 10th to review compliance. If upon inspection that the above conditions still constitute unsafe conditions, we will have no choice but to declare the building unsafe and prohibit in habitation or resident entry until the repairs are made.

Sincerely,



John C. Hudgison, CBO, Assoc. AIA
Inspections & Code Director

JH/jh

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