

IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

DEANGELA CURATE as natural mother  
and next friend of DC, a minor,

Plaintiff,

v.

SRI KRISHNA, LLC DBA BIG BROTHER  
GROCERY STORE; P&E GLASS, LLC,  
PALTU ROY, AND ABHISHEK DUBEY,

Defendants.

---

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

**Civil Action No.:**

**Jury Trial Demanded**

**COMPLAINT FOR DAMAGES**

COMES NOW DEANGELA M. CURATE, AS NATURAL MOTHER and NEXT FRIEND OF DC, A MINOR ("Plaintiff"), and hereby makes and files this Complaint for Damages against SRI KRISHNA LLC DBA BIG BROTHER GROCERY STORE; P&E GLASS, LLC; PALTU ROY; and ABHISHEK DUBEY ("Defendants"), by showing this Honorable Court the following:

**PARTIES, JURISDICTION AND VENUE**

1.

Plaintiff DEANGELA M. CURATE is a resident of the State of Georgia and files this civil action against Defendants SRI KRISHNA LLC DBA BIG BROTHER GROCERY STORE, LLC; P&E GLASS, LLC; PALTU ROY; and ABHISHEK DUBEY, to hold the Defendants accountable for the aggravated assault and false imprisonment upon her minor son, DC, on July 16, 2016.

2.

Defendant ABHISHEK DUBEY (hereinafter “Defendant DUBEY”) is a resident of Georgia and at all times relevant to the allegations of this Complaint was an employee and/or agent of Defendants SRI KRISHNA, LLC DBA BIG BROTHER GROCERY STORE DBA BIG BROTHER GROCERY STORE, LLC; P&E GLASS, LLC; and/or PALTU ROY. At all times relevant hereto, Defendant DUBEY was employed as a Clerk at BIG BROTHER GROCERY STORE that was owned by Defendants SRI KRISHNA, LLC DBA BIG BROTHER GROCERY STORE; P&E GLASS, LLC; and/or PALTU ROY, which is located at 1193 Lee Street, Atlanta, Fulton County, Georgia, 30310. Service may be made upon said Defendant DUBEY at 717 Lee Street, Atlanta, Georgia 30310, and when said Defendant is duly served with the Summons and Complaint in the manner prescribed by law he will be subject to the jurisdiction of this Court.

3.

At all times relevant hereto, Defendant DUBEY was acting in the course and scope of his employment with Defendants SRI KRISHNA, LLC DBA BIG BROTHER GROCERY STORE DBA BIG BROTHER GROCERY STORE; P&E GLASS, LLC; and/or PALTU ROY. Defendant DUBEY was also, at all times relevant hereto, acting in prosecution of the business of SRI KRISHNA, LLC DBA BIG BROTHER GROCERY STORE DBA BIG BROTHER GROCERY STORE; P&E GLASS, LLC; and/or PALTU ROY. Accordingly, Defendants SRI KRISHNA, LLC DBA BIG BROTHER GROCERY STORE DBA BIG BROTHER GROCERY STORE; P&E GLASS, LLC; and/or PALTU ROY are liable under *respondeat superior* and other principles of applicable agency law for the acts and omissions of Defendant DUBEY and other agents and/or employees.

4.

Defendant PALTU ROY (hereinafter “Defendant ROY”) is a resident of Georgia. At all relevant times to the allegations of this Complaint, including July 16, 2016, Defendant Roy owned, operated and/or managed Big Brother Grocery (hereinafter “BBG”) located at 1193 Lee Street, Atlanta, Georgia, 30310. Defendant Roy transacts business in Fulton County, Georgia.

5.

Service may be perfected upon Defendant ROY at 1193 Lee Street, SW, Atlanta, Fulton County, Georgia, 30310 or 1960 Spectrum Circle, SE, Apt 355, Marietta, Cobb County, Georgia 30067, and when said Defendant is duly served with the Summons and Complaint in the manner prescribed by law he will be subject to the jurisdiction of this Court

6.

At all times relevant hereto, Defendant ROY was liable under *respondeat superior* and other principles of applicable agency law for the acts and omissions of Defendant DUBEY and other agents and employees of Defendants SRI KRISHNA and/or PALTU ROY

7.

Defendant SRI KRISHNA (hereinafter sometimes referred to as “Defendant SRI KRISHNA” or “Big Brother Grocery Store”) is a Georgia domestic, for-profit corporation with its principal office located at 1193 Lee Street, Atlanta, Georgia, 30310. Defendant SRI transacts business in Fulton County, Georgia.

8.

Defendant SRI KRISHNA is subject to the jurisdiction and venue of this Court pursuant to O.C.G.A. § 14-2-510 and Article VI, §II, ¶ IV of the Georgia Constitution. Service of process can be perfected upon Defendant SRI’s registered agent for service of process, by delivering an

original Summons and Complaint to PALTU ROY, 1193 Lee Street, Atlanta, Fulton County, Georgia, 30310.

9.

At all relevant times, including July 16, 2016, Defendant SRI KRISHNA owned, occupied, operated and/or managed Big Brother Grocery located at 1193 Lee Street, Atlanta, Georgia, 30310.

10.

Defendant P&E GLASS, LLC (hereinafter sometimes referred to as “Defendant GLASS”) is a Georgia domestic, for-profit corporation with its principal office located at 1068 Arlington Avenue, SW, Atlanta, Fulton County, Georgia 30310. Defendant GLASS has an office and transacts business in Fulton County, Georgia.

11.

Defendant GLASS is subject to the jurisdiction and venue of this Court pursuant to O.C.G.A. § 14-2-510 and Article VI, §II, ¶ IV of the Georgia Constitution. Service of process can be perfected upon Defendant GLASS’ registered agent for service of process, by delivering an original Summons and Complaint to Preston Wimbish, Jr., 1068 Arlington Avenue, SW, Atlanta, Fulton County, Georgia 30310.

12.

At all relevant times, including July 16, 2016, Defendant GLASS occupied, operated and/or managed the premises located at 1193 Lee Street, Atlanta, Georgia, 30310.

13.

This Court has subject matter jurisdiction over the claims asserted herein and personal jurisdiction over the Defendants.

14.

Venue is proper in the State Court of Fulton County.

**FACTS**

15.

Plaintiff realleges and incorporates paragraphs 1 through 14 as if fully set forth herein.

16.

On July 16, 2016 the Defendants owned, operated, managed, and/or worked at Big Brother Grocery Store located at 1193 Lee Street, Atlanta, Fulton County, Georgia.

17.

Big Brother Grocery Store is a grocery store that sells primarily food and other assorted non-perishable items.

18.

On July 16, 2016 at approximately 1:25 a.m., Defendant ABHISHEK DUBEY was employed at Big Brother Grocery as a clerk or cashier.

19.

The Big Brother Grocery Store was designed so that a counter and glass enclosure separated the clerks/cashiers at the store from customers (clerk/cashier enclosure).

20.

On July 16, 2016 Defendant DUBEY was positioned behind the counter/glass enclosure, shielded away from customers.

21.

The clerk/cashier enclosure was not accessible to customers.

22.

An opening above the counter allowed the clerk/cashier to conduct sales and purchase transactions with customers.

23.

On July 16, 2016 at approximately 1:25 a.m., Big Brother Grocery was equipped with a videotaping system.

24.

This videotaping system recorded certain events going on inside the grocery store.

25.

On July 16, 2016 at approximately 1:25 a.m., Big Brother Grocery was equipped with a remote or electronic locking system that controlled the locking and unlocking of the entry/exit doors to Big Brother Grocery.

26.

From a location behind the counter Defendant ABHISHEK DUBEY was able to remotely or electronically control the locking and/or unlocking of the doors to the Big Brother Grocery Store.

27.

On July 16, 2016 at approximately 1:25 a.m., a gun was located behind the counter of the Big Brother Grocery Store.

28.

Defendant DUBEY had access to the gun.

29.

Upon information and belief that gun was not locked away so as to be unavailable to

clerks/cashiers.

30.

Upon information and belief the gun was readily accessible to clerk/cashiers employed by Big Brother Grocery.

31.

Upon information and belief the gun was readily accessible to Defendant DUBEY on July 16, 2016 at approximately 1:25 a.m.

32.

At approximately 1:25 a.m., a minor entered the Big Brother Grocery Store.

33.

At that date and time the minor was accompanied by two adult siblings and his sixteen year old sister.

34.

Of the group the minor child entered the store first, while the others remained outside.

35.

Once inside the store, the clerk of the store engaged the remote or electronic locking system so that the minor child could not exit the Store.

36.

Once he engaged the lock to the door so that the minor child could not leave Defendant DUBEY obtained the gun from behind the counter.

37.

Defendant DUBEY then pointed the gun at the minor child.

38.

Defendant DUBEY also had in the other hand a stick of bat or similar implement that he wielded at the minor child.

39.

Entrapped, with the exit door locked and a gun trained on him the minor child was unable to exit the Store.

40.

The minor child actively attempted to exit the Store, but was unable to do so.

41.

During the minor child's attempts to exit the Store Defendant DUBEY kept the gun trained on him.

42.

After some unknown period of time Defendant DUBEY disengaged the door lock so that the minor child could exit the Store.

43.

The entire exchange described above was captured on videotape.

44.

The minor child referred to above was eleven years old (hereafter identified and referred to as DC).

45.

DC and his siblings walked the short distance to their home.

46.

DC and his siblings returned to the Store, this time with their mother, the Plaintiff herein.



47.

Due to her minor son having been locked inside the Store the Plaintiff called the City of Atlanta Police Department.

48.

Upon arrival of the City of Atlanta Police Department at the Store Defendant Abhishek informed the officer that he believed that DC planned to engage in an act of shoplifting.

49.

The City of Atlanta Police Officer ultimately determined that a videotaping system had recorded the entire exchange between Defendant Abhishek and DC.

50.

The City of Atlanta Police officer reviewed the videotape playback while inside the Big Brother Grocery Store.

51.

The police officer's review of the videotape playback showed that Defendant Abhishek had locked DC inside the Store.

52.

The police officer's review of the videotape playback showed that Defendant Abhishek had pointed a handgun at DC.

53.

The police officer's review of the videotape playback showed that DC shoplifted nothing from the Store.

54.

The police officer's review of the videotape playback showed that DC had attempted to

shoplift nothing from the Store.

55.

After reviewing the videotape the City of Atlanta Police Officer arrested Defendant Abhishek.

56.

Defendant Abhishek was charged with the felony offense of aggravated assault.

**COUNT I**  
**NEGLIGENT TRAINING**

57.

Plaintiff incorporates paragraphs 1 through 56 above, as if fully set forth herein.

58.

At all times relevant hereto, Defendant DUBEY was employed as a clerk and/or cashier at Big Brother Grocery.

59.

At all times relevant hereto, Defendant SRI KRISHNA, LLC DBA BIG BROTHER GROCERY STORE DBA BIG BROTHER GROCERY STORE; Defendant P&E GLASS, LLC; and/or PALTU ROY were responsible for the training of Defendant DUBEY.

60.

Defendants SRI KRISHNA, LLC DBA BIG BROTHER GROCERY STORE; P&E GLASS, LLC; and/or PALTU ROY negligently failed to properly or adequately train Defendant DUBEY in how to detect a suspected act of shoplifting at the Big Brother Grocery Store.

61.

Defendants SRI KRISHNA, LLC DBA BIG BROTHER GROCERY STORE; P&E GLASS, LLC; and/or PALTU ROY negligently failed to properly or adequately train Defendant

DUBEY in how to respond to a suspected act of shoplifting at the Big Brother Grocery Store.

62.

The Defendants' failure to properly or adequately train Defendant DUBEY caused and/or contributed to DC being falsely imprisoned.

63.

The Defendants' failure to properly or adequately train Defendant DUBEY caused and/or contributed to DC being the victim of an aggravated assault.

**COUNT II**  
**NEGLIGENT SUPERVISION**

64.

Plaintiff re-alleges and incorporates paragraphs 1- 63 above, as if fully set forth herein.

65.

At all times relevant hereto, Defendant SRI KRISHNA, LLC DBA BIG BROTHER GROCERY STORE; Defendant P&E GLASS, LLC; and/or PALTU ROY were responsible for supervising Defendant DUBEY.

66.

Defendants SRI KRISHNA, LLC DBA BIG BROTHER GROCERY STORE; P&E GLASS, LLC; and/or PALTU ROY negligently failed to properly or adequately supervise Defendant DUBEY in how to detect a suspected act of shoplifting at the Big Brother Grocery Store.

67.

Defendants SRI KRISHNA, LLC DBA BIG BROTHER GROCERY STORE; P&E GLASS, LLC; and/or PALTU ROY negligently failed to properly or adequately supervise Defendant DUBEY in how to respond to a suspected act of shoplifting at the Big Brother Grocery

Store.

68.

The Defendants' failure to properly or adequately supervise Defendant DUBEY caused and/or contributed to DC being falsely imprisoned.

69.

The Defendants' failure to properly or adequately supervise Defendant DUBEY caused and/or contributed to DC being the victim of an aggravated assault.

**COUNT III**  
**NEGLIGENT PROVISION OF A HANDGUN**

70.

Plaintiff re-alleges and incorporates paragraphs 1- 69 above, as if fully set forth herein.

71.

Defendants SRI KRISHNA, LLC DBA BIG BROTHER GROCERY STORE; P&E GLASS, LLC; and PALTU ROY negligently provided Defendant DUBEY and other clerks/cashiers at Big Brother Grocery Store with a handgun to use in detaining suspected shoplifters at the Store.

72.

Defendants SRI KRISHNA, LLC DBA BIG BROTHER GROCERY STORE; P&E GLASS, LLC; and PALTU ROY provided a handgun to Defendant DUBEY and other clerks/cashiers at the Big Brother Grocery Store without providing any training or supervision in the legal prerequisites for use of a handgun in connection with a suspected shoplifting.

73.

Defendants SRI KRISHNA, LLC DBA BIG BROTHER GROCERY STORE; P&E GLASS, LLC; and PALTU ROY provided a handgun to Defendant DUBEY and other

clerks/cashiers at the Big Brother Grocery Store without providing any training or supervision in the legal prerequisites for use of a handgun in connection with a perceived intent to shoplift that has not yet been consummated;

74.

The Defendants' negligent provision of a handgun to Defendant DUBEY and other clerks/cashiers at the Big Brother Grocery Store caused and/or contributed to DC being falsely imprisoned.

75.

The Defendants' negligent provision of a handgun to Defendant DUBEY and other clerks/cashiers at the Big Brother Grocery Store caused and/or contributed to DC being the victim of an aggravated assault.

**COUNT IV**  
**NEGLIGENT MISIDENTIFICATION (PROFILING)**

76.

Plaintiff re-alleges and incorporates paragraphs 75 above, as if fully set forth herein.

77.

Defendant DUBEY negligently identified DC as a person who had the intent to commit an act of shoplifting prior to such act having been attempted, committed or consummated.

78.

Defendant DUBEY profiled DC as one who had the intention to commit an act of shoplifting that had neither been attempted nor consummated, solely due to his being a young African-American male.

79.

The Defendants' negligent misidentification or profiling of DC caused and/or contributed

to DC being falsely imprisoned.

80.

The Defendants' negligent misidentification or profiling of DC caused and/or contributed to DC being the victim of an aggravated assault.

**COUNT V**  
**FALSE IMPRISONMENT**

81.

Plaintiff re-alleges and incorporates Paragraphs 1 through 80, above, as if fully set forth herein.

82.

Defendant DUBEY committed a false imprisonment of DC within the meaning of O.C.G.A. § 51-7-20.

83.

Defendant DUBEY unlawfully detained DC, for a length of time, during which DC was deprived of his personal liberty and freedom.

84.

Defendant DUBEY detained DC without the authority of the law.

85.

Defendant DUBEY's detention of DC was without DC's consent.

86.

Defendant DUBEY detained DC for a period of time.

87.

Defendant DUBEY deprived DC of his personal liberty and freedom.

88.

DC was not free to leave during Defendant DUBEY's detention of him.

89.

Defendant DUBEY's false imprisonment entitles the Plaintiff to recover against him.

90.

Defendant DUBEY's false imprisonment of DC entitles the Plaintiff to recover against Defendants SRI KRISHNA, LLC DBA BIG BROTHER GROCERY STORE; P&E GLASS, LLC; and PALTU ROY under the doctrine of *respondeat superior*.

**COUNT VI**  
**AGGRAVATED ASSAULT**

91.

Plaintiff re-alleges and incorporates paragraphs 1-90 as if fully set forth herein.

92.

Defendant DUBEY committed a simple assault upon DC when Defendant DUBEY committed an act that placed DC in reasonable apprehension of immediately receiving a violent injury.

93.

Defendant DUBEY committed the offense of aggravated assault by using a deadly weapon offensively against DC that was likely to or actually could result in serious bodily injury.

**COUNT VII**  
**NEGLIGENCE – FAILURE TO KEEP PREMISES SAFE**

94.

Plaintiff re-alleges and incorporates paragraphs 1 through 93 as if fully set forth herein.

95.

At all relevant times, Defendants SRI KRISHNA, LLC DBA BIG BROTHER GROCERY

STORE; P&E GLASS, LLC; and PALTU ROY, owned, operated, and/or managed the Big Brother Grocery Store and the premises located at 1193 Lee Street, SW, Atlanta, Georgia 30310. Therefore, Defendants SRI KRISHNA, LLC DBA BIG BROTHER GROCERY STORE; P&E GLASS, LLC; and PALTU ROY owed a duty of care to their invitees, including DC, to keep the premises safe from unlawful acts on the premises.

96.

Defendants PALTU ROY, SRI KRISHNA, AND P&E GLASS, LLC failed to keep the Premises safe and failed to adequately and properly protect their invitees, including DC, in breach of their duty of care.

97.

Defendants PALTU ROY, SRI KRISHNA, AND P&E GLASS, LLC had superior knowledge, including actual and/or constructive knowledge of Defendant DUBEY's dangerous propensities, lack of training, absence of supervision, and negligent entrustment of a handgun as set forth above. Therefore, Defendant PALTU ROY, SRI KRISHNA, AND P&E GLASS, LLC failed to exercise ordinary care to protect invitees on the premises, including DC, from felonious assaults such as the one that caused DC's injuries and damages on July 16, 2016.

98.

As a direct and proximate result of the actions and/or inactions of Defendants ABHISHEK DUBEY, PALTU ROY, SRI KRISHNA, AND P&E GLASS, LLC, DC was the victim of an aggravated assault and falsely imprisoned.

99.

As a direct and proximate result of Defendants ABHISHEK DUBEY, PALTU ROY, SRI KRISHNA, AND P&E GLASS, LLC's actions and/or inactions, DC suffered injuries and mental



pain and suffering, for which Plaintiff files this action against Defendants ABHISHEK DUBEY, PALTU ROY, SRI KRISHNA, AND P&E GLASS, LLC.

**COUNT VIII**  
**NEGLIGENCE PER SE**

100.

Plaintiff incorporates herein by reference paragraphs 1 through 99 of this Complaint as if fully set forth herein.

101.

Defendants' PALTU ROY, SRI KRISHNA, AND P&E GLASS, LLC's negligence failure to keep the subject premises safe, violated O.C.G.A. § 51-3-1 and constitutes negligence per se, or negligence as a matter of law.

102.

As a direct and proximate result of Defendants PALTU ROY, SRI KRISHNA, AND P&E GLASS, LLC's negligence per se, DC suffered and will continue to suffer from personal injuries, emotional and mental distress described in this Complaint. Plaintiff is entitled to recover the damages described in these paragraphs and all other damages allowed under Georgia law as a result of the Defendants' negligence per se.

**COUNT IX**  
**RESPONDEAT SUPERIOR**

103.

Plaintiff re-alleges and incorporates Paragraphs 1 through 102 as if fully set forth herein.

104.

At the time of the Plaintiff's false imprisonment, and aggravated assault, Defendant DUBEY was employed by Defendants PALTU ROY, SRI KRISHNA, and/or P&E GLASS, LLC

and was acting within the scope of such employment and was in prosecution of the business of Defendants PALTU ROY, SRI KRISHNA, and/or P&E GLASS, LLC.

105.

Defendants PALTU ROY, SRI KRISHNA, AND P&E GLASS, LLC are responsible for the conduct and actions of their employees, including Defendant DUBEY, pursuant to the doctrine of *respondeat superior*, agency or apparent agency.

**COUNT X**  
**NEGLIGENT HIRING AND RETENTION**

106.

Plaintiff re-alleges and incorporates Paragraphs 1 through 105 as if fully set forth herein.

107.

Defendants PALTU ROY, SRI KRISHNA, and P&E Glass had independent duties to exercise reasonable care in the hiring and retention of its staff/employees.

108.

Defendants PALTU ROY AND SRI KRISHNA breached their duty of care with regard to the hiring and retention of Defendant DUBEY.

109.

As the direct and proximate result of the breach of its duty of care with regard to the hiring and retention of Defendant DUBEY, DC has suffered mentally and emotionally, continues to suffer mentally and emotionally and will suffer mentally and emotionally in the future for which the Plaintiff is entitled to recover damages in his behalf from Defendants PALTU ROY AND SRI KRISHNA.

**COUNT XI**  
**DAMAGES**

110.

Plaintiff re-alleges and incorporates paragraphs 1 through 109 as if fully set forth herein.

111.

The actions of Defendants ABHISHEK DUBEY, PALTU ROY, SRI KRISHNA, AND P&E GLASS, LLC, resulted in personal injury to DC.

112.

As a direct and proximate result of the Defendants' joint and several actions, DC sustained painful personal injuries. For treatment of his mental and emotional injuries DC's mother has incurred medical expenses.

113.

As a direct and proximate result of Defendants' actions, DC has incurred general and special damages in an amount to be proven at trial, including but not limited to medical expenses.

114.

The defendants' tortious conduct directly and proximately caused DC pain and suffering, mental pain and suffering, emotional distress, anxiety, humiliation, outrage and loss of reputation entitling the Plaintiff to an award in his behalf of compensatory damages in an amount to be determined by the enlightened conscience of the jury.

**COUNT XII**  
**PUNITIVE DAMAGES**

115.

Plaintiff re-alleges and incorporates Paragraphs 1-114 as if fully set forth herein.

116.

The Plaintiff is entitled to recover punitive damages from Defendants pursuant to § O.C.G.A. 51-12-5.1 to punish, penalize, or deter the Defendants.

117.

Defendants' aforementioned conduct toward DC showed willful misconduct, malice, wantonness, or that entire want of care which would raise the presumption of a conscious indifference to consequences.

118.

Further, the Defendants acted with an intent to cause harm so as to result in no limitation regarding the amount which the jury may award as punitive damages.

119.

Plaintiff therefore prays for exemplary and punitive damages in an amount to be determined by a jury to punish Defendants and to deter them from such wrongful conduct in the future.

WHEREFORE, Plaintiff prays that the following relief be granted:

- A. For a trial by jury as to all issues so triable;
- B. For judgment against the Defendants for special damages for past and future medical expenses, such amount to be proven at trial;
- C. For judgment against the Defendants for damages in such an amount as will adequately and fairly compensate for past, present and future physical and mental pain and suffering, such amount to be determined at trial;
- D. For general damages in an amount to be determined by the jury;

- E. For judgment against the Defendants for punitive damages in such amount as will punish and deter Defendants, such amount to be determined by the jury;
- F. That all court costs be cast against the Defendants; and
- G. For such other and further relief as the Court may deem just and proper.

This 7<sup>th</sup> day of October, 2016.

Respectfully submitted,

s/Harold W. Spence  
HAROLD W. SPENCE  
Georgia Bar No. 671150  
MAWULI M. DAVIS  
Georgia Bar No. 212029  
ROODGINE D. BRAY  
Georgia Bar No. 543876  
ROBERT O. BOZEMAN  
Georgia Bar No. 073561  
*Attorneys for Plaintiff*

**The Davis Bozeman Law Firm, PC**  
4153 C Flat Shoals Parkway  
Suite 332  
Decatur, Georgia 30034  
(404) 244-2004  
(404) 244-2020 (Fax)