

IN THE SUPERIOR COURT OF LOWNDES COUNTY  
STATE OF GEORGIA

GEORGIA LOWNDES COUNTY  
Filed in office this

JAN 31 2019 12:30 PM

*Beed C. Dyane*  
Clerk Superior Court/State Court/  
Juvenile Court

ESTATE OF JOHN SEAY, by )  
ADMINISTRATOR, ROY SEAY; and )  
SURVIVING CHILDREN OF JOHN SEAY, )  
deceased, who include ROY SEAY, )  
TERRENCE SEAY, SHANTERRIA )  
CHATFIELD, KELLY SEAY, HEATHER )  
WILLIAMS, AND KATRINA WILLIAMS, )

Plaintiffs, )

vs. )

VALDOSTA KIDNEY CLINIC, LLC; )  
VEN C. CHIANG, MD; TOTAL RENAL )  
CARE, INC. d/b/a TIFTON DIALYSIS )  
#2313; SAAD BEDEIR, MD; DAVITA )  
ACCOUNTABLE CARE SOLUTIONS, LLC, )  
DAVITA RX, LLC; and JOHN )  
DOE I through V, )

Defendants. )

Civil Action No. 2016CV1248

**ORDER ON DEFENDANTS' MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR PARTIAL SUMMARY JUDGMENT REGARDING PLAINTIFFS' WRONGFUL DEATH CLAIM, PLAINTIFFS' MOTION TO SUBSTITUTE PARTY PLAINTIFF OR, ALTERNATIVELY, TO ADD ADDITIONAL PARTY PLAINTIFF AND MOTION TO INTERVENE BY EUNICE SEAY OR, ALTERNATIVELY, MOTION FOR JOINDER**

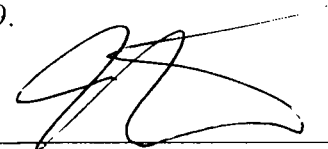
The Court finds that the wrongful-death action was not filed by the appropriate party. The Court orders no ruling as to the validity or timeliness of the expert affidavit at this time. The Court finds that the action was not filed by Plaintiffs as representatives of the widow of the decedent, the proper person to file this wrongful-death action. The initial Plaintiffs, the children of the decedent, were adults at the time of filing, the widow of the decedent was and is living, and the children of the decedent had not been abandoned. No exception to the rule of proper plaintiffs exists.

The widow was not the initial plaintiff, nor was she “represented by” the named Plaintiffs. The attempt to add her as a separate and distinct party came long after the statute of limitations had expired, and she is not entitled to have her case relate back to the time of initial filing.

The wrongful death action against the technical providers is not affected by this Order nor is the action by the Estate. Judgment is granted in the wrongful death action for the Doctor and nurses. The action against the technical providers and the action by the Estate, other than any wrongful death action, are not affected by this Order.

IT IS SO ORDERED.

This 29 day of July, 2019.



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The Honorable Jay Altman, II  
Judge, Lowndes County Superior Court

Order prepared by:

Counsel for all Parties

in accordance to the Court’s instructions.

**LOWNDES COUNTY, GEORGIA**

I hereby certify that I have this day mailed or faxed a copy of the following file documents:

- Order on Defendants' Motion to Dismiss or, In The Alternative, for Partial Summary Judgment Regarding Plaintiffs' Wrongful Death Claim, Plaintiffs' Motion to Substitute Party Plaintiff or, Alternatively, to Add Additional Party Plaintiff and Motion to Intervene by Eunice Seay or, Alternatively, Motion for Joinder

The documents were mailed to the following addresses:


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4200 NORTHSIDE PARKWAY, NW  
BLDG 1, SUITE 300  
ATLANTA, GA 30327

This 31<sup>st</sup> day of January, 2019



(Deputy) Clerk of Superior Court

Lowndes County, Georgia