No. A19A2267

In the Court of Appeals For the State of Georgia

STAR RESIDENTIAL, LLC.,
TERRACES AT BROOKHAVEN, LLC

Appellants,

v.

MANUEL HERNANDEZ,

Appellee.

Brief of Appellants

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STATEMENT OF THE PROCEEDINGS BELOW AND MATERIAL FACTS

The facts relevant to this interlocutory appeal are simple and undisputed. Appellee Hernandez alleges that in the early morning hours of May 29, 2017, he was approaching the doorway to his apartment when he was shot twice from behind. (Exh. 3, ¶¶ 10-12, Exh. 4, ¶ 14, Exh. 6, ¶ 15). Hernandez alleges that Appellants Star Residential, LLC and Terraces at Brookhaven, LLC are liable to him under O.C.G.A. § 51-3-1 *et seq*. as owner and operator of the property where Hernandez was injured. (*Id*. at ¶ 20).

Hernandez filed an original Complaint alleging claims of premises liability, negligent security, nuisance and punitive damages. (Exh. 3). He later filed his First Amended Complaint, adding claims for nuisance related to Georgia's Street Gang Terrorism and Prevention Act and negligence *per se* for violation of City of Brookhaven nuisance codes and DeKalb County nuisance codes. (Exh. 4).

Appellants filed their Motion to Dismiss Less Than All Claims of Hernandez's First Amended Complaint for Damages. (Exh. 5). Thereafter Hernandez filed a Second Amended Complaint for Damages and a response. (Exhs. 6 and 7, respectively). The trial court

signed its order denying the motion to dismiss on March 27, 2019. (Exh. 1).

JURISDICTIONAL STATEMENT

The Court has jurisdiction because the Georgia Supreme Court does not have exclusive jurisdiction. *See* Ga. Const. Art. VI, § V, ¶ III; art. VI, § VI.

ENUMERATION OF ERRORS

1. The trial court erred in denying Appellants' motion to dismiss claims for recovery of personal-injury damages based on alleged violations of the Georgia Street Gang Terrorism and Prevention Act.

2. The trial court erred in denying Appellants' motion to dismiss claims for recovery of personal-injury damages based on alleged violations of nuisance ordinances promulgated by the City of Brookhaven and DeKalb County.

ARGUMENT AND AUTHORITIES

1. Introduction.

Appellants owned and managed the apartment property where Hernandez was shot by an unknown person in the early morning hours of May 29, 2017. Hernandez's Amended Complaint asserts claims under the Georgia Street Gang Terrorism and Prevention

Act. Yet Hernandez has not disclosed or alleged that the person who shot him was part of any gang, that the shooter had any common identifying signs, symbols, graffiti, attire, customs, or behaviors, or that the shooter had ever been on Appellants' property before.

Additionally, Hernandez has alleged that Appellants violated City of Brookhaven and DeKalb County nuisance codes promulgated to authorize the relevant authorities of those jurisdictions to abate and remove those properties declared to be nuisances. As described below, the ordinances Hernandez cites to do not impose a duty on Appellants and cannot support his claims of negligence *per se*.

In recent years, plaintiffs have attempted to bring personal-injury claims asserting a cause of action for violation of the Georgia Street Gang Terrorism and Prevention Act against commercial property owners – regardless of whether there is any evidence of gang involvement. This clear misapplication of the law, which unnecessarily expands litigation and purports to triple damages, has been asserted in multiple courts and has seemingly gained traction in DeKalb County. As discussed herein, trial courts in Georgia have repeatedly dismissed these claims, for failure to state a claim, in

premises liability cases against property owners and/or managers where there is no allegation or evidence that the property owner or managers were members of a gang that caused injury to the plaintiff. In this case, however, the trial court held that Hernandez properly asserted a claim for violation of the Act. This Court's guidance is needed to ensure proper application of the law in all future cases involving such claims, especially given that this is at least the second decision in the DeKalb County State Court allowing such claims to proceed against a property owner and manager. Appellants are not aware of any other trial court that has allowed such inappropriate claims to survive a motion to dismiss.

2. Standard of Review

This Court reviews a trial court's ruling on a motion to dismiss applying the de novo standard of review. *Weathers v. Dieniahmar Music, LL*, 337 Ga. App. 816, 817 (2016). A trial court must grant a motion to dismiss for failure to state a claim if the allegations of the complaint reveal, with certainty, that the Hernandez would not be entitled to relief under any state of provable facts asserted in support of the complaint. *LaSonde v. Chase Mortg. Co.*, 259 Ga. App. 772,

774 (2003).

In reviewing a motion for failure to state a claim, while the trial court is required to construe the allegations in the light most favorable to the Hernandez, the trial court need not adopt a party's legal conclusions based on these facts. *RES-GA YPL, LLC v. Rowland*, 340 Ga. App. 713, 714 (2017). Where the pleadings and exhibits incorporated into the pleadings show a complete failure by the Hernandez to state a cause of action, the defendant is entitled to judgment as a matter of law. *Wylie v. Denton*, 323 Ga. App. 161, 162-63 (2013).

3. Count II of Hernandez's Complaints, a nuisance claim, must be dismissed.

In Count II of his First and Second Amended Complaint, Hernandez alleges a claim under O.C.G.A. § 16-15-7, part of the Georgia Street Gang Terrorism and Prevention Act. He asserts that the subject property was "'real property which is . . . used by [one or more] criminal street gang[s] for the purpose of conducting criminal gang activity,' within the meaning of O.C.G.A. § 16-15-7(a)." (Exh. 4, ¶ 28).

He further alleges that "[b]ecause of this criminal gang activity on the property, the Terraces constituted a public nuisance under O.C.G.A. § 16-15-7." (*Id.*, ¶ 29). Finally, Hernandez alleges he "was

injured by reason of criminal gang activity" and "therefore has a cause of action against Defendants for statutory treble damages and attorneys' fees pursuant to O.C.G.A. § 16-15-7." (*Id.*, ¶¶ 29, 34).

A. The gang nuisance statutes do not give rise to a cause of action against property owners and managers not engaged in gang activity.

Hernandez's reading of O.C.G.A. § 16-15-7 and O.C.G.A. § 16-15-1, *et seq.* misinterprets the Act's purpose and seeks to create a claim where none exists. O.C.G.A. § 16-15-7 provides for the abatement of public nuisances caused by gang activity:

> (a) Any real property which is erected, established, maintained, owned, leased, or used by any criminal street gang for the purpose of conducting criminal gang activity shall constitute a public nuisance *and may be abated as provided by Title 41, relating to nuisances.*
>
> *(b) An action to abate a nuisance pursuant to this Code section* may be brought by the district attorney, solicitor-general, prosecuting attorney of a municipal court or city, or county attorney in any superior, state, or municipal court.
>
> (c) Any person who is injured by reason of criminal gang activity shall have a cause of action for three times the actual damages sustained and, where appropriate, punitive damages; provided, however, that no cause of action shall arise under this subsection as a result of an otherwise legitimate commercial transaction between parties to a contract or agreement for the sale of lawful goods or property or the sale of securities regulated by Chapter 5 of Title 10 or by the federal Securities and

> Exchange Commission. Such person shall also recover attorney's fees in the trial and appellate court and costs of investigation and litigation reasonably incurred. All averments of a cause of action under this subsection shall be stated with particularity. *No judgment shall be awarded unless the finder of fact determines that the action is consistent with the intent of the General Assembly as set forth in Code Section 16-15-2.*
>
> (d) The state, any political subdivision thereof, or any person aggrieved by a criminal street gang or criminal gang activity may bring an action to enjoin violations of this chapter in the same manner as provided in Code Section 16-14-6.

O.C.G.A. § 16-15-7. (emphasis added).

O.C.G.A. § 16-5-2 explains that the goal of the General Assembly in enacting this legislation is to punish and deter criminal street gangs through forfeiture of profits, proceeds, and instrumentalities acquired, accumulated, or used by criminal street gangs:

> (a) The General Assembly finds and declares that it is the right of every person to be secure and protected from fear, intimidation, and physical harm caused by the activities of violent groups and individuals. It is not the intent of this chapter to interfere with the exercise of the constitutionally protected rights of freedom of expression and association. The General Assembly recognizes the constitutional right of every citizen to harbor and express beliefs on any lawful subject whatsoever, to associate lawfully with others who share similar beliefs, to petition lawfully constituted authority for a redress of perceived grievances, and to participate in the electoral process.

> (b) The General Assembly, however, further finds that the State of Georgia is in a state of crisis which has been caused by violent criminal street gangs whose members threaten, terrorize, and commit a multitude of crimes against the peaceful citizens of their neighborhoods. These activities, both individually and collectively, present a clear and present danger to public order and safety and are not constitutionally protected.
>
> (c) The General Assembly finds that there are criminal street gangs operating in Georgia and that the number of gang related murders is increasing. *It is the intent of the General Assembly in enacting this chapter to seek the eradication of criminal activity by criminal street gangs by focusing upon criminal gang activity and upon the organized nature of criminal street gangs which together are the chief source of terror created by criminal street gangs.*
>
> (d) The General Assembly further finds that an effective means of punishing and deterring the criminal activities of criminal street gangs *is through forfeiture* of the profits, proceeds, and instrumentalities acquired, accumulated, or used *by criminal street gangs*.

O.C.G.A. § 16-15-2. (emphasis added).

Hernandez's Count II cannot proceed against Appellants because § 16-15-7(c) does not provide for a civil cause of action against property owners or managers who are not involved in the alleged criminal gang activity. "The first rule of statutory construction is to construe the statute to effectuate the intent of the legislature. To that end, where the language of a statute is plain and unambiguous,

judicial construction is not only unnecessary, but forbidden." *Dozier v. Hands*, 304 Ga. App. 572, 572 (2010).

Sections 16-15-7 and 16-15-2 reveal that the Act's intent and purpose is to eradicate criminal street gangs through property abatement and property forfeiture. Section 16-15-7 further provides for monetary punishment against criminal street gangs through a private action or injunction, as well as forfeiture and abatement.

The plain reading of these statutes demonstrates the purpose is to take aim at the street gangs themselves who conducted the "criminal gang activity" that causes injury. Section 16-15-7 does not create a duty running from Appellants to Hernandez, and in no way provides for a civil action against a property owner or manager who did not commit the criminal actions. Permitting such claims to proceed would be contrary to the intent of the General Assembly because any such civil action would not serve to eradicate criminal activity by criminal street gangs.

Other courts in Georgia, including at least one federal court, have considered claims like those alleged here and have found that O.C.G.A. § 16-15-7(c) does not provide for a civil cause of action

against property owners or managers who are not involved in the alleged criminal gang activity at issue:

- "The plain reading of the statutes is to target the criminal street gangs themselves and their organizations and does not create a cause of action against individuals indirectly associated with gang activity."[1]
- "The plain language of the statute and the legislative intent behind it indicate that civil claims under the statute can be brought only against the actual gangs and gang members who conducted the criminal activity that led to the injury."[2]
- "There is no provision in either O.C.G.A. § 16-15-2 or 16-15-7 permitting a claim to be filed against property owners and managers such as Defendants."[3]
- "[A] plain reading of [O.C.G.A. § 16-15-7] shows its purpose is to punish the activities of criminal street gangs. It does not provide a civil cause of action against an entity that is not involved in criminal gang activity."[4]

This Court should adopt the same analysis and reasoning.

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[1] (Exh. 5, May 22, 2017 Order of Judge Kathryn Powers, State Court of Clayton County, attached as Exhibit 1).

[2] (Exh. 5, January 13, 2017 Order of Judge Clarence Cooper, United States District Court for the Northern District of Georgia, attached as Exhibit 2).

[3] (Exh. 5, March 9, 2017 Order of Judge Jay Roth, State Court of Fulton County, attached as Exhibit 3).

[4] (Exh. 5, August 15, 2018 Order of Judge Pamela South, State Court of Gwinnett County, attached as Exhibit 4).

B. The trial court misconstrued the statutes.

The trial court refused to dismiss this claim because: "The text of the statute merely provides that '**any real property**' being '**used**' by any criminal street gang for the purpose of conducting criminal gang activity which leads to injury to '**any person**' by reason of such activity creates a cause of action." (Exh. 1 at 7) (emphasis original). The court found that "there is no limitation by the statute as to whom may be sued for the alleged public nuisance and that all that the statute requires is that the finder of fact determines that the action is consistent with the intent of the General Assembly as set forth in Code Section 16-15-2." (*Id.*).

This reading of the statute is contrary to the decisions cited above and fails to take into account the statutory scheme as a whole. Among other things, it overlooks Section 16-15-8, which provides: "A conviction of an offense defined as criminal gang activity shall estop the defendant in any subsequent civil action or proceeding as to matters proved in the criminal proceeding." The "defendant in any subsequent civil action" refers to an *individual* gang member who has been prosecuted, and who has a "conviction," and who is subsequently sued civilly and is estopped in that later civil action as to

matters proved in the criminal proceeding.

In sum, the trial court's decision in this case is plainly an outlier and cannot be reconciled with the decisions of numerous other judges, much less the language of the statutes at issue. This Court should therefore reverse the trial court's order denying Appellants' motion to dismiss and make clear for the future that these gang nuisance statutes do not give rise to a cause of action under the present circumstances.

3. Counts III & IV of Hernandez's Amended complaints, asserting negligence per se claims for violation of nuisance codes, must be dismissed.

Hernandez also has asserted negligence per se claims based on Appellants' alleged violation of nuisance ordinances promulgated by the City of Brookhaven and DeKalb County. The trial court refused to dismiss those claims, finding that Appellants had an affirmative duty to comply with the ordinances and that Hernandez has set forth sufficient facts to support findings that (i) Appellants breached their duty, (ii) Hernandez falls within the class of persons the ordinances were designed to protect, and (iii) the harm complained of is the

harm the ordinances were intended to guard against. (Exh. 1 at 8-9). The trial court erred in reaching those conclusions.

B. Brookhaven nuisance ordinance.

Hernandez alleged that Appellants "had a duty to abide by Brookhaven city ordinances meant to protect the residents on their property, including [Hernandez]." (Exh. 4, ¶ 37). He also alleges that "[i]n failing to meet their duties prescribed by Brookhaven city ordinance which is meant to protect the city's residents, Defendants Star Residential and the Terraces at Brookhaven's actions and/or omissions amount to *negligence per se*." (*Id.*, ¶ 39). The ordinances that Hernandez relies on do not impose a legal duty on Appellants and cannot serve as the basis for Hernandez's claim.

In paragraph 36 of his First Amended Complaint, Hernandez cites to City of Brookhaven Code § 16-1—Purpose and Findings:

> The governing authority of the city finds that nuisances are such activities and conditions that cause a demonstrable adverse impact on the community. These activities and conditions may be associated with illegal criminal activity that has also been proven to have a demonstrable adverse impact on community residences and results in neighborhood blight. The city finds that there is a substantial need directly related to the public health, safety and general welfare of its citizens to comprehensively address these concerns through the adoption of

the following regulations. *The purpose and intent of the governing authority of the city in enacting the ordinance from which this chapter is derived are as follows:*

(1) To state that it is the duty of the owner of every dwelling, building, structure, or property within the jurisdiction to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the jurisdiction, or such ordinances which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure, or property in violation of such codes or ordinances;

(2) To preserve the value of property and prevent neighborhood blight that arises from poorly maintained property;

(3) To maintain and promote an attractive residential area and commercial area by requiring that dilapidated property be repaired or removed;

(4) To maintain for the city's residents, workers and visitors an aesthetically attractive environment and to advance the aesthetic interest of the city;

(5) To protect the health, welfare and safety of the citizens of city by the removal of both criminal perpetrators and the housing blight on the community;

(6) To require owners of real property to keep their property in compliance with building, safety and fire codes to minimize the occurrence of illegal criminal activity therein;

(7) To promote the safety of its citizens, to preserve property values, to provide for the convenience and enjoyment of public areas, to attract tourists, settlers and industry, to serve the public health, safety and aesthetics, to advance the general prosperity of the community and

> to serve the general welfare; and
>
> (8) To provide for the enforcement of the provisions of this chapter.

Brookhaven Code, § 16-1. (emphasis added).

This ordinance's plain language merely describes the purpose and intent of the Brookhaven City Council in enacting the ordinances that follow in Chapter 16 of the Brookhaven Code. This regulation sets forth the purpose and intent of ordinances that provide authority for abating nuisances on properties by the Municipal Court (*See* § 16-3), for collecting liens for work performed in abating a nuisance (*See* § 16-4), and for imposing penalties failing to abate a nuisance. (*See* § 16-5). These findings and purposes for enactment do not create the duties Hernandez has alleged. *See Thompson v. Tormike, Inc.*, 469 N.E.2d 453 (Ill. Ct. App. 1984) (ordinance providing poorly maintained buildings will be declared public nuisance did not give rise to private right of action for personal-injury damages because private cause of action not necessary to achieve aim of ordinance, which provided fines achieving enforcement).

Hernandez alleges that Appellants "breached their duty owed under Brookhaven city ordinances by:

> (1) Violating Hernandez's right to be safe in his person;
>
> (2) Failing to maintain the Terraces in conformity with applicable ordinances[5] which regulate and prohibit activities on the property deemed to be public nuisances;
>
> (3) Failing to preserve the value of the property and prevent neighborhood blight that arises from poorly maintained property;
>
> (4) Failing to maintain an aesthetically attractive environment;
>
> (5) Failing to protect the welfare and safety of citizens of the city;
>
> (6) Failing to keep their property in compliance with building, safety and fire codes;
>
> (7) Failing to promote the safety of its citizens and advance the general prosperity of the community and to serve the general welfare."

(Exh. 4, ¶ 38).

Generally, negligence per se arises when a statute or ordinance is violated. "The violation of certain mandatory regulations may also amount to negligence per se if the regulations impose a legal duty." *Schaff v. Snapping Shoals Elec. Mbrshp. Corp.*, 330 Ga. App. 161, 164 (2014). Nonetheless, violation of a statute does not automatically

[5] Hernandez does not allege or plead which "applicable ordinances" Defendants failed to maintain the property in conformity with.

constitute negligence per se. *Groover v. Johnston*, 277 Ga. App. 12, 13 (2005). Instead, a plaintiff alleging negligence per se must allege and demonstrate that "the provision was mandatory and had the force of law, that she was in the class the provision was intended to protect, that she suffered the type of harm that the provisions were intended to guard against, and that the alleged negligence per se proximately caused her injuries." *Norman v. Jones Lang LaSalle Ams., Inc.*, 277 Ga. App. 621, 628 (2006).

None of the provisions Hernandez cites create a duty on the part of Appellants. Nothing in Brookhaven Code, Sec. 16-1 directs Appellants to take any prescribed action or to refrain from any prescribed action. Hernandez has completely misread the ordinance and attempted to create a duty where none exists. With no duty imposed on Appellants, the ordinance cannot serve as the basis for claims of negligence *per se*. *See Collier v. Libations Lounge, L.L.C.*, 2012 Ohio App. LEXIS 2104, at *P31 (Ohio Ct. App. 2012) ("[W]hen a cited ordinance does not state a specific act to which the defendant must comply, a claim for negligence per se must fail.").

Additionally, in his Second Amended Complaint, Hernandez

again cites to City of Brookhaven Code § 16-1(1-8). (Exh. 6, ¶ 52). As described above, these provisions do not impose any duty on Petitioners and the ordinance cannot serve as the basis for claims of negligence *per se*. In his Second Amended Complaint, Hernandez further cites to City of Brookhaven Code § 18-3 which states that "[a]ny dwelling, building, or structure used for prostitution, illegal gambling, or in connection with the commission of drug crimes is hereby declared to be a public nuisance." (Exh. 6, ¶ 53). Nonetheless, Hernandez fails to even allege that Petitioners' property was used for prostitution, illegal gambling or in connection with drug crimes. "Where material allegations are missing, the pleading fails. … A suit cannot be based on … negligence when no negligence is alleged." *Patrick v. Verizon Directories Corp.*, 284 Ga. App. 123, 124 (2007). Again, these ordinances cannot serve as the basis for claims of negligence *per se*.

B. DeKalb County nuisance ordinance.

Hernandez also alleges that Appellants had "a duty to abide by DeKalb County ordinances meant to protect DeKalb County residents on their property, including [Hernandez]." (Exh. 4, ¶ 44; Exh.

6, ¶ 44). He asserts that "[i]n failing to meet their duties prescribed by DeKalb County ordinances which is meant to protect the county's residents, Defendants Star Residential and the Terraces at Brookhaven's actions and/or omissions amount to *negligence per se*." (Exh. 4, ¶ 46; Exh. 6, ¶ 46). These ordinances do not impose a legal duty on Appellants.

In paragraph 43 of his First Amended Complaint, Hernandez cites to Code of DeKalb County, as Revised 1988, Sec. 18-1—Purpose and Findings, which states:

> The governing authority of the DeKalb County finds that nuisances are such activities and conditions that cause a demonstrable adverse impact on the community. These activities and conditions may be associated with illegal criminal activity that has also been proven to have a demonstrable adverse impact on community residences and results in neighborhood blight. The county finds that there is a substantial need directly related to the public health, safety and general welfare of its citizens to comprehensively address these concerns through the adoption of the following regulations. *The purpose and intent of the governing authority of DeKalb County in enacting this chapter* are as follows:
>
> (1) To state that it is the duty of the owner of every dwelling, building, structure, or property within the unincorporated jurisdiction of this county to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the jurisdiction, or such ordinances which regulate and

> prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure, or property in violation of such codes or ordinance;
>
> (2) To preserve the value of property and prevent neighborhood blight that arises from poorly maintained property;
>
> (3) To maintain and promote an attractive residential area and commercial area by requiring that dilapidated property be repaired or removed;
>
> (4) To maintain for the county's residents, workers and visitors an aesthetically attractive environment and to advance the aesthetic interest of the county;
>
> (5) To protect the health, welfare and safety of the citizens of DeKalb County by the removal of both criminal perpetrators and the housing blight on the community;
>
> (6) To require owners of real property to keep their property in compliance with building, safety and fire codes to minimize the occurrence of illegal criminal activity therein;
>
> (7) To promote the safety of its citizens, to preserve property values, to provide for the convenience and enjoyment of public areas, to attract tourists, settlers and industry, to serve the public health, safety and aesthetics, to advance the general prosperity of the community and to serve the general welfare; and
>
> (8) To provide for the enforcement of the provisions of this chapter.

Code of DeKalb County, Sec. 18-1 (emphasis added).

Brookhaven Code § 16-1 is nearly identical, except substituting

city for county. And again, it is clear from the plain language of this ordinance that § 18-1 merely sets out the purpose and intent of the governing authority in enacting the ordinances that follow in Chapter 18 of the Code. These findings and stated purposes for the enactment do not create the duties Hernandez has alleged.

Hernandez alleges that "Defendants Star Residential and Terraces at Brookhaven breached their duty owed under DeKalb County ordinances by:

> (1) Violating Hernandez's right to be safe in his person;
>
> (2) Failing to maintain the Terraces in conformity with applicable ordinances which regulate and prohibit activities on the property deemed to be public nuisances;
>
> (3) Failing to preserve the value of the property and prevent neighborhood blight that arises from poorly maintained property;
>
> (4) Failing to maintain an aesthetically attractive environment;
>
> (5) Failing to protect the welfare and safety of citizens of the city;
>
> (6) Failing to keep their property in compliance with building, safety and fire codes;
>
> (7) Failing to promote the safety of its citizens and advance the general prosperity of the community and to serve the general welfare."

(Exh. 4, ¶ 45).

None of the provisions Hernandez cites to create a duty on the part of Appellants. Nothing in § 18-1 directs Appellants to take any prescribed action or to refrain from any prescribed action. This ordinance simply does not create the duties Hernandez alleges and cannot serve as the basis for a claim of negligence *per se*.

Furthermore, in his Second Amended Complaint, Hernandez cites to DeKalb County Ordinance § 18-3 which states that "[a]ny dwelling, building, or structure used for prostitution, illegal gambling, or in connection with the commission of drug crimes is hereby declared to be a public nuisance." (Exh. 6, ¶ 39). Again, however, Hernandez fails to allege that Petitioners' property was used for prostitution, illegal gambling or in connection with drug crimes. Accordingly, Hernandez's claims of negligence *per se* have been insufficiently pled and cannot be maintained against Petitioners

CONCLUSION

The Court should reverse the trial court's order denying Appellants' motion to dismiss.

WORD COUNT CERTIFICATION

This submission does not exceed the word count limit imposed by Rule 24.

Respectfully submitted this 8th day of July, 2019.

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SERVICE CERTIFICATE

On July 8th, 2019, I served this Brief of Appellants on the Appellee via the Court's electronic filing service and by serving their attorney via United States Postal Service, with first class postage prepaid, addressed as follows:

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