

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

MESHANA SPIVEY and
CHRISTOPHER SPIVEY Individually
and as Next Friend of Kristina Spivey
Plaintiffs,

CIVIL ACTION 20CV5552

v.

CHAMPION LAW GROUP, LLC and
ATTORNEY SEAN R. CAMPBELL
A.K.A. Sean Raymond Campbell-Champion
Defendants.

JURY TRIAL DEMANDED

“Thou shalt not defraud,”

Hodge v. Jennings Mill, Ltd., 215 Ga. App. 507, 508, 451 S.E.2d 66, 68 (1994)

COMPLAINT FOR FRAUD BASED UPON INTENTIONAL MISREPRESENTATION
AND
BREACH OF FIDUCIARY DUTIES.

COMES NOW MESHANA SPIVEY (Plaintiff 1), CHRISTOPHER SPIVEY (Plaintiff 2),
and Kristina Spivey (Plaintiff 3) (minor child of Plaintiff's 1&2), plaintiffs, and makes and files

this complaint against defendants Champion Law Group, LLC and Attorney Sean R. Campbell A.K.A. Sean Raymond Campbell-Champion as follows:

PARTIES AND JURISDICTION

1.

All of the Plaintiffs resides at 2004 Britt Drive, Snellville Georgia 30078 and is subject to the jurisdiction of this court.

2.

Defendant Champion Law Group, LLC is an Atlanta Law Firm organized as an LLC under the laws of the State of Georgia and at all times all members of the LLC, including Defendant Attorney Sean R. Campbell A.K.A Sean Raymond Campbell-Champion were duly authorized to practice law in the State of Georgia. Defendant Champion Law Group, LLC may be served through its registered agent, Sean Campbell at 4721 Chamblee-Dunwoody Road Suite 150, Atlanta (DeKalb County) Georgia 30338 with a copy of the summons and complaint at this address and is subject to the jurisdiction of this Court.

3.

Defendant Attorney Sean R. Campbell A.K.A. Attorney Sean Raymond Campbell-Champion resides upon information and belief at 2314 Briarleigh Way Atlanta (DeKalb County) Georgia and may be served at this address or at 4721 Chamblee-Dunwoody Road Suite 150, Atlanta (DeKalb County) Georgia 30338 with a copy of the summons and complaint at both addresses.

4.

Jurisdiction and venue are proper in this court.

BACKGROUND

5.

On September 16th 2014 Plaintiff 1 and 3 were injured in an automobile accident with the driver of the other vehicle being at fault and the driver left the scene of the accident and became a John Doe defendant. Plaintiff 2 was the driver of his vehicle at the time of the accident and was not injured.

6.

Plaintiff 1 suffered neck and back injuries that required medical treatment and incurred medical bills.

7.

Plaintiff 3 lost the services of his wife, Plaintiff 1 as a result of the accident. (Loss of Consortium).

8.

Plaintiff 2 sustained injuries to her knee and required medical treatment and incurred medical bills.

9.

Plaintiffs retained the legal services of the Defendants to represent them and a lawsuit was filed on behalf of the Plaintiffs in the State Court of Gwinnett County on April 29th 2015, case number 15C-02171-1.

10.

Defendant later discovered the identity of the John Doe and the trial court allowed Defendants to add a party defendant, Malika Hill on December 7th 2016. Defendant Malika Hill carried an auto liability policy of \$25,000 per person, 50,000 per claim through Miles Insurance Company.

11.

Defendants could not locate Malika Hill to serve her with a copy of the summons and complaint and ask the trial court for an order to serve Malika Hill by publication and the order was granted on April 9th 2018.

12.

Defendant's served the Malika Hill by service by publication, but at no time before the statute of limitations expired did Defendants personally have Malika Hill served which meant the trial court had no personal jurisdiction over the defendant in the case filed by Defendants.

13.

The statute of limitations expired on the Plaintiffs case on September 16th 2016 without Malika Hill ever being personally served therefore the trial court had no jurisdiction over Malika Hill.

14.

On December 6th 2018, the trial court granted defendant's Malika Hill's motion to dismiss with PREJUDICE because Defendant's failure to exercise due diligence in perfecting service before the statute of limitations expired.

15.

The only remaining party left in the case was "John Doe".

16.

On December 16th 2019 without the Plaintiff's permission or knowledge the Defendants **voluntarily dismissed without prejudice** the remaining defendant John Doe and the order was filed in the Clerk's Office on December 17th 2018.

17.

At no time throughout the proceedings were the Plaintiffs notified by their Counsel Sean R. Campbell A.K.A. Sean Raymond Campbell-Champion that Counsel did not respond to a Motion to dismiss the case against Malika Hill, and never at anytime notify the Plaintiffs that Malika Hill has been dismissed from the case.

18.

At no time throughout the proceedings were the Plaintiffs notified that the Counsel had dismissed the "John Doe" defendant.

19..

Defendants eventually wrote a letter to the Plaintiffs that intentionally misrepresented, fraudulently, and deceitfully stated that he was withdrawing from the case because the

Defendants and the Plaintiff no longer have a good relationship in an attempt to COVER-UP the fact that Malika Hill had been dismissed from the lawsuit and that he had voluntarily dismissed the “John Doe” defendant without the Plaintiff’s knowledge of either fact.

20.

Plaintiffs only discovered the fraudulently, deceitful and intentional misrepresentation after consulting with Attorney Jackie Patterson on March 19th 2019.

21.

Plaintiffs were under the impression on March 19th 2019 that their case was still pending in court when in fact the statute of limitations had expired and the letter sent to the Plaintiffs by the Defendant’s fraudulently, deceitfully and intentionally misrepresented that the Plaintiffs could refile their lawsuit within 6 months of the voluntary dismissal, which was in fact deceitful and an intentionally misrepresentation and an intentional untruthful statement when the Defendant’s never had Malika Hill served, therefore since the Statute of Limitations had run, the Defendants knew that the letter sent to the Plaintiffs contained untruthful statements with the hope of the Plaintiffs just going away and letting the case die. “A CASE CANNOT DIE TWICE, WHEN IT’S ALREADY DEAD”.

22.

Plaintiffs have been harmed emotionally, have suffered mental anguish, economic hardship, incurred medical bills and have lost the right to recover damages from Malika Hill and the John Doe defendants due to the intentionally fraudulently, deceitful, and intentional misrepresentational conduct by the Defendants.

23.

Defendants owed a “Fiduciary Duty” to the Plaintiffs as a result be being their lawyer and legal representative and that Fiduciary duty was breached by the allegations in paragraphs 1 through 22 above.

COUNT 1
CLAIM AGAINST DEFENDANTS FOR FRAUD BASE UPON
INTENTIONAL MISREPRESENTATIONS

24.

Plaintiff realleges and incorporates by reference the foregoing paragraphs 1 through 23 as if they were fully restated verbatim herein.

25.

Plaintiffs hired Defendants to represent them in the underlying matter in the State Court of Gwinnett County case no.15-C-02175-S1.

26.

Defendants committed fraud by making an intentional false representation in a letter Defendants wrote to the Plaintiffs that indicated the Plaintiffs could refile their complaint in the State Court of Gwinnett County when in fact they could not because the statute of limitations had run without Defendant Malika Hill ever being served with the intention that Plaintiffs would file or not refile, with the Defendant's having the mental intent (scienter), to induce the Plaintiffs to act or refrain from acting, whereby the Plaintiffs had a justifiable reliance on the Defendant's statement and the Plaintiff was damaged after discovering a refiling was not permitted under the law.

27.

The Plaintiffs were further damaged emotionally, economically, with mental anguish and left with medical bills as a result of the fraud committed by the Defendants.

COUNT 2
CLAIMS AGAINST THE DEFENDANTS FOR BREACH
OF FUDICIARY DUTIES

28.

Plaintiff realleges and incorporates by reference the foregoing paragraphs 1 through 27 as if they were fully restated verbatim herein.

29.

The fact that the Defendants were Plaintiff's lawyer and legal representative in the underlying action, they had a fiduciary relationship with the Plaintiffs. Attorneys practicing in a professional corporation owes the same duties to clients and the professional corporation is liable for the actions of its members. Champion Law Group, LLC and Attorney Sean R. Campbell A.K.A. Sean Raymond Campbell-Champion had a duty to show the upmost good faith and loyalty and to act solely for the benefit of the Plaintiffs and failed to do so, by taking action, adverse to the Plaintiffs and incompatible with applying its best skill, zeal, and diligence in representing the Plaintiffs.

30.

Defendants breached its' fiduciary duties by violating Ga. State Bar Rule 1.3 Diligence which states.... A lawyer shall act with reasonable diligence and promptness in representing a client. Reasonable diligence as used in this rule means that a lawyer shall not without just cause to the detriment of the client in effect willfully abandon or willfully disregard a legal matter entrusted to the lawyer.

31.

a. Defendants breached its' fiduciary by violating Ga. State Bar rule 1.4 Communication which states... A lawyer shall:

1. promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0 (h), is required by these rules;
2. reasonably consult with the client about the means by which the client's objectives are to be accomplished;
3. keep the client reasonably informed about the status of the matter;
4. promptly comply with reasonable requests for information; and

b. A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

32.

The Plaintiffs were damaged by the Defendants actions by not being able to pursue their lawsuit as a result of the Defendants breach of their fiduciary duties to the Plaintiffs.

33.

Plaintiffs were further damaged emotionally, economically, with mental anguish and left with medical bills as a result of the breach of fiduciary duties committed by the Defendants.

34.

Defendants further breached its' fiduciary duties to the Plaintiffs by:

1. Failing to act in good faith and honesty in communications and dealing with the Plaintiffs;
2. Failing to apply his best skill, zeal and diligence in representing the Plaintiffs;
3. Failing to be diligent in preventing an order entered by the trial court dismissing Plaintiffs lawsuit as it relates to Defendant Malika Hill under O.C.G. A. 9-11-41 (b) & (c).

WHEREFORE, plaintiffs pray for a jury trial on all issues and judgment against defendant as follows:

- (a) That the Court award and enter judgment in favor of Plaintiffs and against Defendants for special and general damages in the amount of One million dollars.
- (b) That the Court award and enter a judgment in favor of Plaintiffs for punitive damages in an amount sufficient to punish, penalize, and deter Defendants from future misconduct and breaches of their duties to their clients under O.C.G.A. 51-12-5.1.
- (c) That the Court award and enter judgment in favor of Plaintiff for Attorney fees and expenses pursuant to O.C.G.A. 13-6-11. (b)
- (d) That plaintiffs recovers for mental anguish, economic losses, in an amount to be determined by the enlightened conscience of the jury;
- (e) That plaintiff recovers such other and further relief as is just and proper;
- (d) That all issues be tried before a jury.

This August 4, 2020

A handwritten signature in black ink that reads "Jackie Patterson". The signature is written in a cursive, flowing style.

JACKIE PATTERSON
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