

**IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA**

Quasia Turner, individually and as parent of K.T., )		
and Nilkita Turner, individually and as parent of )		Case No.:
L.T., )		
)		
Plaintiffs, )		COMPLAINT
)		
v. )		
)		
Travis J. Clark, MRD Conventional, LLC d/b/a )		
MRD Apartments, Fort Gordon Place Apartments, )		
LLC, and John Doe Corporation, )		
)		
Defendants. )		

**COMPLAINT**

Quasia Turner, individually and as parent of K.T. (a minor under the age of 14), and Nilkita Turner, individually and as mother of L.T. (a minor under the age of 14), complains of Defendants Travis J. Clark, MRD Conventional, LLC d/b/a MRD Apartments, Fort Gordon Place Apartments, LLC, and John Doe Corporation and states as follows:

**PARTIES, JURISDICTION, AND VENUE**

1. Plaintiffs are residents of Richmond County, Georgia.
2. Upon information of belief, Defendant Travis J. Clark (“Clark”) is a resident of Richmond County, Georgia.
3. Defendant Clark has been properly served with process in this action.
4. Defendant MRD Conventional, LLC d/b/a MRD Apartments (“MRD”) is a for-profit Michigan limited liability company located at 321 Woodland Pass, Suite 100, East Lansing, Michigan 48823.
5. Service of process can be perfected upon Defendant MRD’s registered agent for service of process Thomas W. Breakey at 321 Woodland Pass, Suite 100, East Lansing, Michigan 48823.

6. Defendant MDR has been properly served with process in this action.
7. Defendant Fort Gordon Place Apartments, LLC (“FGPA”) is a for-profit Georgia limited liability company, with its principal office address listed as 321 Woodland Pass, Suite 100, East Lansing, Michigan 48823.
8. Service of process can be perfected upon Defendant FGPA’s registered agent for service of process C T Corporation System at 1201 Peachtree Street NE, Atlanta, GA 30361.
9. Defendant FGPA has been properly served with process in this action.
10. The true name and capacity of the Defendant named herein as John Doe Corporation (“JDC”) is unknown to Plaintiffs. Therefore, Plaintiffs sue this Defendant by its fictitious name. Plaintiffs will amend the Complaint to show the true name of this Defendant when its name has been ascertained.
11. At all times relevant, including May 27, 2019, Defendants MRD, FGPA, and JDC owned, operated, controlled, and managed the Benson Estates Apartments, located at 203 Williamsburg Drive, Augusta, Georgia 30815 (the “Apartments” and/or the “Premises”).
12. Defendant Clark was, during the relevant time, employed by Defendants MRD, FGPA, and JDC as a courtesy officer at the Apartments. During the relevant time, Defendant Clark acted within the scope of his employment with MRD, FGPA, and JDC.
13. Defendants Clark, MRD, FGPA, and JDC are joint tortfeasors, and, as such, jurisdiction and venue is proper in Fulton County.

### **FACTS**

14. On or about May 27, 2019, Plaintiffs were visiting a family friend at the Apartments.
15. At all times relevant, Plaintiffs were invitees, lawfully on the Apartments’ premises.

16. While at the Apartments' pool area, they were violently attacked by Defendant Clark, the Apartments' curtesy officer (the "Attack").
17. Defendant Clark was intoxicated when he attacked Plaintiffs.
18. Defendant Clark intentionally chose to consume alcohol before the Attack.
19. During the Attack, Defendant Clark physically assaulted Plaintiffs and used offensive racial slurs towards Plaintiffs.
20. Plaintiff Quasia Turner was 5-months pregnant with Plaintiff K.T. at the time of the Attack.
21. The Attack led to K.T. being born prematurely.
22. Plaintiffs did not provoke or contribute to the Attack.
23. At all times relevant, Plaintiffs were totally innocent victims and exercised ordinary care and diligence.
24. At all times relevant, Defendant Clark was also a Deputy with the Richmond County Sheriff's Office ("RCSO").
25. At the time of the Attack, Defendant Clark was on probation with the RCSO for a prior incident where Defendant Clark physically attacked someone while intoxicated.
26. Defendants, their employees, agents and/or apparent agents, knew or should have known about Defendant Clark's history of and propensity for becoming intoxicated and acting violently.
27. Defendants created a dangerous condition of their Premises that resulted in Plaintiffs' injuries.
28. Defendants, along with their employees, agents, and/or apparent agents, failed to warn and protect invitees, including Plaintiffs, from Defendant Clark and the likelihood of injury.

29. As a direct and proximate result of the Defendants' actions and/or inactions, Plaintiffs suffered severe, disabling, and permanent physical and mental injuries.

30. As a result of these injuries, Plaintiffs have incurred, and will continue to incur in the future, medical treatment and expense, and has suffered, and will continue to suffer in the future, physical and mental pain and suffering, emotional distress, mental anguish, embarrassment, disability and impairment, and a loss of enjoyment of life.

### **COUNT 1**

#### **NEGLIGENT FAILURE TO PROVIDE AND MAINTAIN SAFE PREMISES**

31. Plaintiffs incorporate all paragraphs of this Complaint as if repeated verbatim herein.

32. At all relevant times, Defendants owed a duty of care to Plaintiffs to keep the Premises safe from dangerous conditions and criminal acts.

33. Before May 27, 2019, Defendants knew or should have known that Defendant Clark was a danger to invitees and everyone else on the Premises.

34. Defendants knew of, or with the exercise of due care for the safety of its invitees should have known of, the dangerous and hazardous conditions existing on the Premises, and that said conditions were likely to result in injuries and/or death to their invitees, including Plaintiffs.

35. Defendants negligently represented to its invitees and residents that the Premises were properly maintained and reasonably safe.

36. Defendants, by and through their agents, servants, and employees, breached their duties and acted negligently, recklessly, willfully, wantonly, and were grossly negligent in one or more of the following particulars:

- a. In creating a dangerous and unsafe condition on said Premises, which constituted a hazard to its invitees;

- b. In failing to adequately warn of the existence of a dangerous and unsafe condition on said Premises;
- c. In allowing a dangerous and unsafe condition to remain when they knew or should have known of said condition, and that the same were unsafe and dangerous and likely to cause serious bodily harm to the Plaintiffs and others on the Premises;
- d. In failing to notify or warn Plaintiffs of the existence of the dangerous, unsafe and hazardous condition on the Premises, although the Defendants knew, or by exercise of reasonable care, should have known of the said dangerous, unsafe, and hazardous condition;
- e. In failing to warn Plaintiffs of the hazard in which Defendants knew, or by the exercise of reasonable diligence, should have known to be present;
- f. In failing to provide Plaintiffs and other invitees a safe manner of ingress, egress, and access about Defendants' Premises;
- g. In violating O.C.G.A. § 51-3-1;
- h. Allowing and maintaining Defendant Clark as a nuisance that persisted continuously and repetitiously over a period of time in violation of O.C.G.A §41-1-1;
- i. In failing to maintain the premises pursuant to applicable regulations, codes, and standards;
- j. In failing to timely remedy dangerous conditions existing on the Premises; and
- k. In failing to adequately and properly protect Plaintiffs and other invitees;
- l. In failing to provide adequate security protection or security personnel on the Premises;

- m. In failing to establish and follow adequate security policies and/or procedures; and
- n. In failing to exercise ordinary care to keep the Premises and their invitees safe.

**COUNT II**  
**NEGLIGENT HIRING, TRAINING, SUPERVISION, AND RETENTION**

- 37. Plaintiffs incorporate all paragraphs of this Complaint as if repeated verbatim herein.
- 38. Defendants MRD, FGPA, and JDC were negligent in hiring, training, supervising, and retaining its employees working at and responsible for the Premises, including Defendant Clark.
- 39. Defendants MRD, FGPA, and JDC breached their duty of care owed to Plaintiffs and other invitees by their negligence in hiring, training, supervising, and retaining its employees working at and responsible for the Premises, including Defendant Clark.
- 40. Defendants were and are negligent *per se*.
- 41. Each of the forgoing acts and omissions constitute an independent act of negligence on the part of Defendants and one or more or all above stated acts or omissions were the direct and proximate cause of the injuries and damages to Plaintiffs.
- 42. By reason of the foregoing, Plaintiffs are entitled to recover compensatory damages, special damages, and punitive damages from Defendants, jointly and severally, in amounts to be proven at trial.

**DAMAGES**

- 43. Defendants are liable for Plaintiffs' injuries and damages sustained, pain and suffering, and all other elements of damages allowed under the laws of the State of Georgia.
- 44. As a proximate and foreseeable result of the negligence of Defendants, Plaintiffs sustained serious injuries, endured pain and suffering, lost wages, mental anguish, loss of enjoyment of life, and suffered other damages as will be proven at trial and permitted under Georgia law. Plaintiffs are entitled to recover all elements of damages allowed under Georgia law.

45. Plaintiffs seek to and are entitled to recover for:
- a. Past, present, and future pain and suffering;
  - b. Disability;
  - c. Disfigurement and impairment;
  - d. Mental anguish;
  - e. Loss of capacity for the enjoyment of life;
  - f. Economic losses;
  - g. Incidental expenses;
  - h. Past, present, and future medical expenses;
  - i. Lost earnings;
  - j. Loss of earning capacity;
  - k. Permanent injuries;
  - l. Consequential damages to be proven at trial; and
  - m. Any and all other damages allowed under Georgia law and proven at trial.
46. Plaintiffs are entitled to an award of punitive damages without limitation or cap because the actions of defendants and their agents were willful and wanton, were performed while under the influence of alcohol, and showed an entire want of care which would raise the presumption of conscious indifference to consequences. Plaintiffs are accordingly entitled to recover punitive damages, without limitation or cap, from Defendants, in accordance with the enlightened conscience of an impartial jury.
47. Defendants' actions have caused Plaintiffs undo expense. Thus, Plaintiffs are entitled to recover their necessary expenses of litigation, including an award of reasonable attorney's

fees and expenses required by this action, pursuant to O.C.G.A. §13-6-11, as well as any other statutory or common law basis.\

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs respectfully pray and request as follows:

1. That Process and Summons issue, as provided by law, requiring Defendants to appear and answer Plaintiffs' Complaint;
2. That service be had upon Defendants as provided by law;
3. That Plaintiffs be entitled to a trial by jury as to all issues;
4. That this Court award and enter a judgment in favor of Plaintiffs and against Defendants for special damages, as well as general damages Plaintiffs suffered as a result of Defendants' negligence, and in an amount to be determined by the enlightened conscience of an impartial jury;
5. That Plaintiff be awarded punitive damages in an amount to be determined by the enlightened conscience of an impartial jury and sufficient to impress upon Defendants the seriousness of their conduct and to deter similar conduct in the future;
6. That Plaintiffs be granted any and all other such and further relief as this Court may deem just and proper.

[SIGNATURE ON NEXT PAGE]

Respectfully submitted on May 25, 2021, by:

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