

IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

CLAUDE SCOTT LUCAS and  
JEPINE ABELIS LUCAS,

Plaintiffs,

v.

BECKMAN COULTER, INC. and  
JEREMY WILSON,

Defendants.

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Civil Action File

No. \_\_\_\_\_

**COMPLAINT**

COME NOW Plaintiffs Claude Scott Lucas and Jepine Abelis Lucas and file this  
Complaint, showing the Court the following:

**PARTIES, JURISDICTION & VENUE**

1. Plaintiffs Claude Scott Lucas and Jepine Abelis Lucas are married and were married at the time of the July 10, 2013 incident that forms the basis for this Complaint. Plaintiff Claude Scott Lucas is a resident of Lee County, Georgia.
2. Defendant Beckman Coulter, Inc. is a Delaware corporation with its principal place of business in California at 250 South Kraemer Boulevard, Brea, California 92821. Defendant Beckman Coulter, Inc. maintains the following registered agent in Fulton County, Georgia through which it may be served with legal process: CT Corporation System, 1201 Peachtree Street NE, Atlanta, Georgia 30362.
3. Defendant Beckman Coulter, Inc. is subject to personal jurisdiction in this Court because it is authorized to transact business in Georgia and maintains a registered agent in Georgia.
4. Venue is proper in this Court with respect to Defendant Beckman Coulter, Inc., pursuant to O.C.G.A. § 14-2-510(b)(1), because it maintains its registered agent in Fulton County.

5. Defendant Jeremy Wilson is a resident of Georgia with a current address in Lowndes County at 3843 CrossCreek Trail, Valdosta, Georgia 31605, where he may be served with legal process.

6. Defendant Jeremy Wilson is subject to personal jurisdiction in this Court because he is a resident of Georgia and because he committed a tortious act or omission within this state.

7. Venue is proper in this Court with respect to Defendant Jeremy Wilson, pursuant to O.C.G.A. § 9-10-31 and Art. VI, § II, ¶ IV of the Constitution of the State of Georgia, because venue is proper as to joint tort-feasor Defendant Beckman Coulter, Inc.

8. Jurisdiction and venue are not proper, originally or by removal, in federal court because complete diversity is lacking. Plaintiff Claude Scott Lucas and Defendant Jeremy Wilson are citizens and residents of the State of Georgia.

#### **OPERATIVE FACTS**

9. On July 10, 2013, Defendant Wilson was an employee and/or agent of Defendant Beckman Coulter, Inc. and was acting within the course and scope of his employment and/or agency at the time and place of this incident.

10. Defendant Wilson was performing service or other work for Defendant Beckman Coulter, Inc. at a laboratory located at 1711 East Broad Avenue in Albany, Georgia.

11. On July 10, 2013, Plaintiff Claude Scott Lucas was also at the laboratory located at 1711 East Broad Avenue in Albany, Georgia. Plaintiff Claude Scott Lucas is not an employee and/or agent of Defendant Beckman Coulter, Inc.

12. Defendant Wilson negligently discharged a .40 caliber handgun and the .40 caliber bullet struck and injured Plaintiff Claude Scott Lucas.

13. Defendant Wilson's actions caused injuries and damages to Plaintiff Claude Scott Lucas.

14. Plaintiff Claude Scott Lucas was acting in a reasonable and safe manner, and Plaintiff did nothing to cause or contribute to causing the shooting or his injuries.

15. Plaintiff Claude Scott Lucas suffered and continues to suffer injuries and damages as a proximate result of this incident, and his physical health and quality of life have been impaired.

16. Plaintiff Claude Scott Lucas has incurred medical expenses and will likely incur future medical expenses as a proximate result of this incident.

17. Plaintiff Claude Scott Lucas has sustained past, present, and future lost income and/or lost earning capacity as a proximate result of this incident and his injuries.

18. As a result of the incident and injuries suffered by Plaintiff Claude Scott Lucas, his wife Plaintiff Jepine Abelis Lucas has suffered and will suffer a loss of consortium.

#### **LIABILITY OF DEFENDANTS**

19. At the time and place of this July 10, 2013 incident, Defendant Wilson was an employee and/or agent of Defendant Beckman Coulter, Inc. and was acting within the course and scope of his employment and/or agency.

20. Defendant Beckman Coulter, Inc. is liable under the doctrine of *respondeat superior* for the negligent acts and/or omissions of Defendant Wilson, which acts and/or omissions combined with the acts and/or omissions of Defendant Beckman Coulter, Inc. proximately caused injuries and damages to Plaintiffs.

21. Defendant Beckman Coulter, Inc. is vicariously liable to Plaintiffs for the tortious acts and/or omissions of Defendant Wilson, which include, but are not limited to, the following:

- (a) causing bodily harm to another person by a conscious disregard for the safety of others, in violation of O.C.G.A. § 16-5-60(b), which actions amount to both ordinary negligence and negligence *per se*;

- (b) endangering the bodily safety of another person by a conscious disregard for the safety of others, in violation of O.C.G.A. § 16-5-60(b), which actions amount to both ordinary negligence and negligence *per se*;
- (c) failing to act in a reasonable and appropriate fashion and to keep from causing injury to another person through the discharge of a firearm; and
- (d) failing to adhere to the fundamental rules for safe gun handling, and violating all three of “The Fundamental NRA Rules for Safe Gun Handling”:

**The Fundamental NRA Rules for  
Safe Gun Handling Are:**

- **ALWAYS keep the gun pointed in a safe direction.**
- **ALWAYS keep your finger off the trigger until ready to shoot.**
- **ALWAYS keep the gun unloaded until ready to use.**

**Prepared by: The National Rifle Association**

22. Defendant Beckman Coulter, Inc. is liable to Plaintiffs because it negligently and tortiously hired, retained, and supervised Defendant Wilson.
23. Defendant Beckman Coulter, Inc. is liable to Plaintiffs because it negligently and tortiously entrusted Defendant Wilson with the job duties during the performance of which he caused the subject incident.
24. Defendant Wilson is liable for his tortious acts and omissions, which include, but are not limited to, the following:
- (a) causing bodily harm to another person by a conscious disregard for the safety of others, in violation of O.C.G.A. § 16-5-60(b), which actions amount to both

ordinary negligence and negligence *per se*;

- (b) endangering the bodily safety of another person by a conscious disregard for the safety of others, in violation of O.C.G.A. § 16-5-60(b), which actions amount to both ordinary negligence and negligence *per se*;
- (c) failing to act in a reasonable and appropriate fashion and to keep from causing injury to another person through the discharge of a firearm; and
- (d) failing to adhere to the fundamental rules for safe gun handling, and violating all three of “The Fundamental NRA Rules for Safe Gun Handling”:

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25. Defendant Wilson owed a duty of care to the public in general and Plaintiff, in particular, not to cause injury and not to negligently discharge or fire a handgun in a way that may allow a bullet to strike and injure another individual.

26. Plaintiff Claude Scott Lucas was within the class of persons that O.C.G.A. § 16-5-60(b) was intended to protect and this shooting was the type of harm that O.C.G.A. § 16-5-60(b) was “aimed at guarding against.” *Key v. Grant*, 238 Ga. App. 818, 819 (1999).

27. Defendants have acted in bad faith, been stubbornly litigious, and have caused the Plaintiffs unnecessary trouble and expense, such that expenses of litigation including attorney fees should be recovered under O.C.G.A. § 13-6-11.

28. Defendant Wilson's actions showed willful misconduct, malice, fraud, wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to the consequences, such that Defendant Wilson is liable for punitive damages, pursuant to O.C.G.A. § 51-12-5.1.

29. Defendant Beckman Coulter, Inc.'s actions in hiring, retaining, and supervising Defendant Wilson and entrusting him with the job duties during the performance of which he caused the subject incident showed willful misconduct, malice, fraud, wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to the consequences, such that Defendant Beckman Coulter, Inc. is liable for punitive damages, pursuant to O.C.G.A. § 51-12-5.1.

### **DAMAGES CLAIMED**

30. The injuries and damages claimed by Plaintiffs were proximately caused by the tortious acts and omissions of Defendant Beckman Coulter, Inc. and Defendant Wilson.

31. As a result of the July 10, 2013 incident, Plaintiff Claude Scott Lucas suffered and continues to suffer injuries to his body and mind. Plaintiff Claude Scott Lucas claims general damages for all elements of pain and suffering, both physical and mental, that he endured, he endures, and he will endure in the future, with the amount of such damages to be determined by the enlightened conscience of a fair and impartial jury.

32. As a result of the July 10, 2013 incident, Plaintiff Claude Scott Lucas incurred medical expenses and will likely incur future medical expenses. Plaintiff Claude Scott Lucas claims

special damages for his past and future medical expenses, in an amount determined by the jury to be the reasonable value of the medical services.

33. As a result of the July 10, 2013 incident, Plaintiff Claude Scott Lucas has sustained and will likely sustain in the future lost income and/or lost earning capacity as a result of his injuries. Plaintiff Claude Scott Lucas seeks special damages for those losses, in an amount determined by the jury based upon the evidence presented at trial.

34. As a result of the July 10, 2013 incident, Plaintiff Jepine Abelis Lucas experienced and experiences a loss of consortium with her husband and seeks general damages in an amount to be determined by the enlightened conscience of a fair and impartial jury.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for the following relief:

- (a) that summons issue requiring Defendants to appear as provided by law to answer this complaint;
- (b) that Plaintiffs have a trial by jury;
- (c) that Plaintiffs recover all damages that are compensable under Georgia law;
- (d) that all costs be cast against Defendant;
- (e) that expenses of litigation be awarded pursuant to O.C.G.A. § 13-6-11; and
- (f) for such other relief as the Court deems just and appropriate.

(continued on following page)

This 4<sup>th</sup> day of September, 2013.

Respectfully submitted,

DAUGHTERY, CRAWFORD  
& BROWN, LLP

By: /s/ Dustin T. Brown

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