

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

,   
*Plaintiff,*  
v.  
PM RESIDENTIAL  
MANAGEMENT, LLC,  
*Defendant.*

22A00866  
Civil Action No.: \_\_\_\_\_

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**COMPLAINT**

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Plaintiff in the above-styled action respectfully files this Complaint and demand for jury trial, showing the Court the following:

**PARTIES, JURISDICTION, AND VENUE**

1.

On or about December 18, 2020, Plaintiff \_\_\_\_\_ (“Plaintiff”) was shot while an invitee on the premises known as Bristol Creek Apartments (hereinafter “Bristol Creek”), located at 10 Friendly Hills Drive, Decatur, DeKalb County, Georgia.

2.

Defendant PM Residential Management, LLC (“Defendant”):

- (a) operated, controlled, occupied, and managed Bristol Creek at all times relevant to this Complaint;
- (b) is a foreign corporation incorporated and existing under Delaware law;

- (c) is registered to conduct business in the State of Georgia;
- (d) has its principal office address at 26361 Crown Valley Parkway, Suite 210, Mission Viejo, California 92691;
- (e) has its principal address at 256 Hampton Drive, Laguna Niguel, California 92677;
- and
- (f) may be served with process through its registered agent, Registered Agent Solutions, Inc., at 900 Old Roswell Lakes Parkway, Suite 310, Roswell, Fulton County, Georgia 30076.

3.

Jurisdiction is proper because this action arose from Defendant's purposeful contacts with the State of Georgia.

4.

Venue is proper in DeKalb County because this tort action originated in DeKalb County. *See* O.C.G.A. § 14-2-510(b)(4); *Pandora Franchising, LLC v. Kingdom Retail Group, LLLP*, 299 Ga. 723, 728-729 (2016).

### **FACTS**

5.

On the evening of December 18, 2020, Plaintiff was a victim of an attempted robbery and was shot in the abdomen with a deadly weapon. At the time of the incident, Plaintiff was accompanying his girlfriend, \_\_\_\_\_ to the Bristol Creek Apartments. Ms. \_\_\_\_\_ had just parked her car in the Bristol Creek parking lot. As Plaintiff exited the passenger

seat of Ms. [redacted] 's parked car, he was approached by two unknown assailants. At least one of the assailants was armed with a firearm and demanded that Plaintiff hand over everything in his pockets.

6.

After Plaintiff told the assailants that he did not have anything in his pockets to give them, one of the assailants searched through Plaintiff's pockets. One of the assailants then shot Plaintiff in the abdomen before fleeing the scene with the other assailant.

7.

Bristol Creek's premises were accessible to the assailants because it lacked adequate security features. For example, the gates did not work, which allowed the assailants to enter; the guard house was empty and there was no security guard at the entrance; there were no working cameras near the entrance; and the lighting in the parking lot was inadequate.

8.

Plaintiff did not start the trouble, did not know either of the assailants, and was not armed.

9.

The entire incident occurred on the Bristol Creek premises, which included the parking lot where Plaintiff was shot during the attempted robbery. The parking lot was a common area of the apartment complex.

10.

Plaintiff exercised ordinary care and diligence at all times relevant to this Complaint and under the circumstances then existing.

11.

Defendant “occupie[d]” the Bristol Creek premises. *See* O.C.G.A. § 51-3-1.

**LIABILITY**

12.

On December 18, 2020, Plaintiff was Defendant’s invitee and was lawfully on the Bristol Creek premises.

13.

Defendant breached its legal duty to keep the premises in a state consistent with the due regard for the safety of its invitees, including Plaintiff, by failing to exercise ordinary care to keep its premises safe and failing to act as would similarly situated businesses in like circumstances.

14.

Prior to and on February 2, 2022, the Bristol Creek premises were negligently maintained, inspected, secured, patrolled, and managed. Defendant had knowledge, both actual and constructive, of the need to properly maintain, secure, inspect, patrol, and manage said property, but failed to exercise ordinary care.

15.

Defendant had actual and constructive knowledge of criminal activity existing on its property prior to the shooting of Plaintiff. Said prior criminal activity was negligently permitted to exist and remain at said premises.

16.

Defendant had actual and constructive knowledge of criminal activity existing in the area surrounding the Bristol Creek premises prior to the shooting of Plaintiff, but negligently failed to warn its invitees, including Plaintiff, of the existence of the aforementioned criminal activity and the likelihood of further criminal attacks.

17.

Defendant negligently failed to maintain adequate security devices to prohibit improper use of or access to the property, and failed to have adequate and proper security patrols thereby causing an unreasonable risk of injury to its invitees, including Plaintiff.

18.

Defendant 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 Bristol Creek premises and that failure to maintain, inspect, secure, patrol, and manage the premise would likely result in the injuries suffered by Plaintiff, but failed to act to correct, prevent, or warn of prior criminal activity, loitering, trespassing, and the dangerous environment of said property.

19.

Defendant was negligent and *negligent per se* in one or more of the following ways:

- (a) Defendant violated O.C.G.A. § 51-3-1 by failing to use ordinary care to keep the premises safe;
- (b) Defendant violated O.C.G.A. § 44-7-14 by failing to keep the premises in repair;
- (c) Defendant failed to properly inspect and maintain the premises;
- (d) Defendant failed to warn invitees of the latent dangers on the premises;

- (e) Defendant failed to properly train and supervise its employees and/or contractors regarding the maintenance and safety of the premises;
- (f) Defendant failed to properly retain, entrust, hire, train, and supervise its employees and/or supervisors;
- (g) Defendant failed to implement appropriate security measures to detect and deter crime on the premises;
- (h) Defendant maintained the premises in such a way that they constituted a nuisance for which Defendant is liable.

20.

Defendant had actual knowledge of the dangerous and hazardous conditions existing at the Bristol Creek premises due to the direct knowledge of its employees and agents.

21.

Defendant had constructive knowledge of the dangerous and hazardous conditions existing on the Bristol Creek premises through the knowledge of its employees and agents and due to the prior criminal activity and dangers associated with the property and surrounding areas.

22.

Defendant negligently failed to maintain a policy, procedure, or system of investigating, reporting, and warning of the aforementioned criminal activity and negligently maintained property.

23.

Because Defendant had knowledge of, or in the exercise of reasonable care, should have had knowledge of the dangerous environment of the Bristol Creek premises, Defendant is liable

for the negligent supervision, hiring, training, and retention of its employees and the entrustment of said property to its agents and employees.

24.

But for Defendant's negligence, Defendant would have known that the Bristol Creek premises were unreasonably dangerous.

25.

Defendant negligently represented to its invitees and residents that the property at issue was properly maintained and secured.

26.

Defendant negligently failed to provide adequate security protection, adequate security personnel, an adequate outside security presence, proper lighting, proper access gates, and other property security features on the property.

27.

Defendant negligently failed to provide adequate security protection, adequate security personnel, an adequate outside security presence, proper lighting, proper access gates, and other property security features on the property.

28.

Defendant failed to take appropriate action to remedy or reduce the danger to its invitees, including Plaintiff, and allowed the dangerous environment on the Bristol Creek premises to continue to exist unabated, thereby creating a nuisance.

29.

Defendant is liable for expenses and attorney's fees pursuant to O.C.G.A. § 13-6-11

because Defendant has acted in bad faith, been stubbornly litigious, and caused Plaintiff unnecessary trouble and expense.

30.

Defendant is liable for punitive damages because Defendant's actions showed an entire want of care, which would raise the presumption of conscious indifference to consequences. *See* O.C.G.A. § 51-12-5.1(b).

### **CAUSATION**

31.

But for Defendant's misconduct, Plaintiff would not have been injured.

32.

Defendant's misconduct proximately caused Plaintiff's injuries.

### **DAMAGES**

33.

Plaintiff sustained serious personal injuries necessitating surgery.

34.

Plaintiff seeks to recover for:

- a) personal injuries;
- b) compensatory damages;
- c) punitive damages;
- d) fright, shock, and terror;

- e) past, present, and future pain and suffering;
- f) mental and physical pain and suffering;
- g) past and future medical bills; and
- h) diminished quality of life.

Respectfully submitted this 8th day of March 2022.

BUTLER LAW FIRM

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**ATTORNEYS FOR PLAINTIFF**

STATE COURT OF  
DEKALB COUNTY, GA.  
3/8/2022 3:28 PM  
E-FILED  
BY: Monica Gay