

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

[REDACTED]

Plaintiff,

v.

MAPLE DRIVE PARTNERS, LLC f/k/a
MAPLE DRIVE PARTNERS, LLLP,

Defendant.

Civil Action No.: 2022CV0447

JURY DEMANDED

COMPLAINT

Plaintiffs in the above-styled action respectfully file this Complaint, showing the Court the following:

PARTIES, JURISDICTION, AND VENUE

1.

Plaintiff [REDACTED]

1. is [REDACTED] mother.

2. brings this wrongful death claim as [REDACTED] surviving parent. O.C.G.A.

§§ 19-7-1(c)(1), 51-4-4.

3. brings this wrongful death case as the administrator of the estate of [REDACTED]
[REDACTED].¹

4. is a Georgia resident and submits herself to the jurisdiction of this Court.

2.

Plaintiff [REDACTED]

1. is [REDACTED] father.

2. brings this wrongful death claim as [REDACTED] surviving parent. O.C.G.A.
§§ 19-7-1(c)(1), 51-4-4.

3. is a Georgia resident and submits herself to the jurisdiction of this Court.

3.

Defendant Maple Drive Partners, LLC (“Defendant”):

1. is a domestic, for-profit corporation incorporated and existing under Georgia law.

2. has an office and transacts business in Lowndes County.

3. may be served with process through its registered agent, Edward Garland, 3151
Maple Drive N.E., Atlanta, Georgia 30305 or wherever he may be found.

4.

Jurisdiction is proper.

5.

Venue is proper in Lowndes County because the cause of action originated in this county

¹ At the time of this filing, [REDACTED] has not yet been officially appointed as the Administrator of [REDACTED] Estate. However, that process is underway, and the undersigned foresee no problems or difficulties in Mr. [REDACTED] appointment. If problems do arise or if Mr. [REDACTED] is not appointed as the Administrator of Michael Whittle’s estate for any reason, the undersigned will immediately notify the Court and opposing counsel, and the proper party in interest can be substituted.

and Defendant has an office and transacts business in this county. O.C.G.A. § 14-2-510(b)(3).

FACTS

6.

On the evening of October 16, 2021, [REDACTED] did a musical performance at VibeZ Nightclub.

7.

[REDACTED] was an invitee at VibeZ Nightclub.

8.

Likewise, [REDACTED] was an invitee of Defendant.

9.

After the performance, [REDACTED] and his friend, [REDACTED] exited VibeZ Nightclub and walked onto Defendant's parking lot toward [REDACTED] car.

10.

As [REDACTED] turned the ignition of his car and put it in drive, gunshots erupted in the parking lot.

11.

A stray bullet killed [REDACTED].

12.

[REDACTED] did not start the trouble and did not know any of the shooters.

13.

[REDACTED] exercised ordinary care and diligence at all times relevant to this Complaint and

under the circumstances then existing.

14.

Defendant knew or should have known that the subject parking lot was unreasonably dangerous.

15.

Despite Defendant's knowledge of the danger, Defendant failed to take adequate measures to keep the subject parking lots safe.

LIABILITY

Count One **Negligence**

16.

On October 16, 2021, [REDACTED] was Defendant's invitee.

17.

As the owner and occupier of the parking lot, Defendant had a duty to exercise ordinary care in keeping the premises and approaches safe. *See* O.C.G.A. § 51-3-1.

18.

Defendant breached that duty and was negligent.

Count Two **Nuisance**

19.

Defendant knew that the subject parking lot was a dangerous place.

20.

Defendant maintained the parking lot and surrounding area in a dangerous condition on a regular basis over a period of time in which it took no action or inadequate action to correct the condition.

21.

Defendant maintained a continuing nuisance.

DAMAGES

22.

██████████ lost his life.

23.

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.

24.

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).

PRAYER FOR RELIEF

25.

Plaintiffs respectfully request:

- a) that process issue as provided by law;

- b) that Plaintiffs have a trial by jury against Defendant;
- c) that judgment be entered in favor of Plaintiffs and against Defendant;
- d) that Plaintiffs be awarded damages in amounts to be shown at trial;
- e) that Plaintiffs be awarded attorney's fees and expenses in amounts to be shown at trial; and
- f) such other relief as this Court deems just.

Respectfully submitted this 29th day of March 2022.

BUTLER LAW FIRM

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