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NEWS

Jury Awards \$29.4M, Not Rejected \$16M, for Minor's Repeated Sexual Assault at Hotel

"We hired an expert to explain the effects of child sexual assault and how these assaults affect victims for the rest of their lives," said plaintiff counsel Jeb Butler of the Butler Kahn Firm in Atlanta.

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Litigation



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Litigation Reporter



- Henry County State Court jury returns \$29.4 million verdict against hotel operator whose employee sexually assaulted minor.
- Plaintiff counsel with the Butler Kahn Firm leveraged Unliquidated Damages Interest Act to secure \$1.8 million in prejudgment interest.
- Butler Kahn Firm and Bondurant Mixson & Elmore attorneys represented plaintiff opposite defense counsel from Bovis, Kyle, Burch & Medlin and Weinberg Wheeler Hudgins Gunn & Dial.

Henry County State Court jurors have returned a \$29.4 million verdict against a hotel owner and operator whose employee repeatedly sexually assaulted a minor guest on its premises.

The eight-figure outcome outshines pre-trial negotiations, including a \$2 million settlement offer by collaborating defense counsel from Bovis, Kyle, Burch & Medlin and Weinberg Wheeler Hudgins Gunn & Dial, and a \$16 million insurance limit demand made by plaintiff counsel with the Butler Kahn Firm.

Plaintiff counsel credit the check in the win column to their ability to convey to the jury the value of their client's permanent trauma.

But defense counsel hinted the legal dispute might not be over yet.

No Background Check

Butler teamed with firm colleagues Brittany Partridge and Melody Walker to bring a complaint on behalf of Hillary Cranford as the a conservator for the assaulted minor.

According to plaintiff counsel, the then-13-year-old had been staying with her family at the Residence Inn by Marriott in McDonough while their house underwent renovations in November 2021. During their stay, plaintiff counsel said the minor endured multiple sexual assaults and rapes perpetrated by Eareon Williams, a then-26-year-old housekeeper hired by PeachState Hospitality LLC two months prior.

“Williams gave [the minor] a master key, which PeachState never noticed was missing,” said Butler in a firm statement. “While on duty, Williams would meet with [her] in hotel rooms that he was cleaning to molest and rape her.”

After being arrested and charged for the sexual assaults, Williams pleaded guilty to two counts of statutory rape, three counts of aggravated child molestation, two counts of child molestation and two counts of enticing a child for indecent purposes in January 2023, per plaintiff counsel.

With the criminal activity occurring at the hotel during Williams’ shifts, plaintiff counsel named PeachState as the defendant in their client’s lawsuit. In addition to negligently hiring, retaining and supervising Williams as its employee, plaintiff counsel contended the hotel operator failed to keep the premises safe from a foreseeable danger.

Read: Plaintiff [Complaint](#)

“Before hiring Williams, [PeachState] did no background check, did not check any references, did not ask him about the multiple year-long gaps in his employment, did not ask if he had a criminal history, did not Google him, and did not check his social media,” Butler said. “It turns out, this housekeeper had convictions for felony theft, pimping, and battery-family violence. He also had a prior statutory rape charge where he admitted to having sex with a juvenile. All of this was discoverable through a background check, which PeachState failed to run.”

To support their assertion that PeachState bore liability for their client’s repeated sexual assaults, Butler said the plaintiff team hired a private investigator to run a background check. Plaintiff counsel then presented the results to PeachState to establish why the defendant “never should have hired Williams to work at the Residence Inn.”

Read: [Background Check Results](#)

Butler pointed out that the background check revealed Williams’ “history of sexual and violent offenses.”

“[PeachState] did not run a background check or adequately investigate this employee before hiring him and giving him a master key that gave him access to every room in the hotel,” Butler claimed. “Once he was hired, [PeachState] did not adequately supervise this employee.”

In addition to seeking damages for the defendant’s alleged negligence, plaintiff counsel also launched claims for attorney fees and expenses under [O.C.G.A. § 13-6-11](#), and punitive damages under [O.C.G.A. § 51-12-5.1](#).

‘He Was Courteous and a Good Employee’

Dunwoody attorney William “Billy” M. Davis of Bovis, Kyle, Burch & Medlin teamed with Weinberg Wheeler Hudgins Gunn & Dial attorneys Frederick ‘Rick’ N. Sager Jr., Chris Byrd and Cecelia Orozco to represent PeachState Hospitality.

In a defense brief, counsel countered that their client had not been required to conduct a background check of its employees.

“Although not required by law, at that time [PeachState] would typically perform criminal background checks by having applicants obtain one at the Henry County Sheriff’s Department,” the defense’s consolidated pre-trial order brief. “Due to COVID restrictions, this service was no longer offered by the Henry County Sheriffs Department. Thus, [PeachState] did not obtain a criminal background check on Mr. Williams before he was hired. Therefore, when [PeachState] hired Mr. Williams it was not aware of Mr. Williams’ prior criminal record.”

Defense counsel conceded their client’s acknowledgement that it “should have considered an alternative means of obtaining a criminal background check on Mr. Williams before he was hired.”

Read: Consolidated Pre-Trial Order

However, defense counsel posited that, throughout the duration of Williams’ employment as a housekeeper, PeachState had “received no complaints” about the employee’s work that would have put the defendant “on notice of any issues or criminal propensities with respect to Williams.”

“In all noted interactions with staff he was courteous and a good employee,” defense counsel briefed before condemning Williams’ conduct. “Given what transpired between Mr. Williams and [the plaintiff], [PeachState] regrets hiring Mr. Williams. Mr. Williams’ actions with [the minor] are inexcusable and Mr. Williams appropriately received punishment from the criminal justice system.”

Counsel for PeachState attempted to resolve the matter with a \$2 million pre-trial settlement, but plaintiff counsel rejected the offer.

“For whatever reason, [PeachState] never took this case seriously,” Butler claimed. “It blamed [our client] and took no responsibility for what happened to her.”

With both sides unable to agree about the value of the plaintiff’s experience, plaintiff counsel continued to prepare for trial.

‘We Hired an Expert’

As part of its trial preparations, plaintiff counsel sent PeachState a \$16 million insurance limit demand in September 2022. Pursuant to O.C.G.A. § 9-11-68, Butler said the demand constituted a Rule 68 Offer that spelled out their client’s entitlement to recover her attorneys’ fees in the event a jury awarded the plaintiff 125% of the offered eight-figure resolution at trial.

“[We] again demanded the \$16 million in insurance in July of 2023, but this time under O.C.G.A. § 51-12-14, also known as the Unliquidated Damages Interest Act,” Butler said. “This type of demand allows a plaintiff to recover prejudgment interest if the jury awards even \$0.01 more than the demand.”

Plaintiff counsel then shifted its focus to how to best relay the value of their client’s damages to a jury.

“How do you place a value on child sexual assault? How do you make a child sexual assault victim whole? It’s no easy feat,” Butler said. “The medical expenses in these cases are not high, but the trauma is permanent. We hired an expert to explain the effects of child sexual assault and how these assaults affect victims for the rest of their lives.”

The expert testimony resonated with the jury, prompting defense counsel to make two additional offers of settlement during the trial. In addition to offering a \$5 million resolution, plaintiff counsel said the defendant offered to resolve the matter with a high/low agreement of \$1.5 million/\$9 million.

But the plaintiff team didn't budge.

They Didn't Know the Jury Was About to Return \$23M—So They Settled for \$10M

'0% Fault to Our Client'

Before and during the trial that began July 8, the Butler Kahn team joined forces with Bondurant Mixson partner Naveen Ramachandrapa.

After seven days of trial and just over two hours of deliberations before Henry County State Court Judge Chaundra Lewis, jurors returned a two-phase verdict totaling \$29.4 million in favor of the plaintiff. In addition to awarding \$21 million in compensatory damages during the first phase of the trial, the jury awarded \$8.4 million in attorneys' fees in the second trial phase.

"[W]e believed in the case and chose to trust the jury's verdict," Butler said. "Thankfully, the jury agreed child sexual assault is a big deal and the damages are very high."

With the eight-figure outcome being 183% higher than plaintiff counsel's \$16 million demand, Butler said the plaintiff now stands to recoup an additional \$1.8 million in prejudgment interest for attorneys' fees.

Read: Verdict

| STATE COURT OF HENRY COUNTY STATE OF GEORGIA | | FILED IN OPEN COURT STATE COURT HENRY COUNTY, GA |
|---|------------|--|
| HILARY CRANFORD, as conservator of) A.B., a minor,) Plaintiff,) |) | JUL 16 2024 |
| vs.) |) | FOR |
| PEACHSTATE HOSPITALITY, LLC,) Defendant.) |) | CLERK OF STATE COURT, HENRY COUNTY, GA |
| CIVIL ACTION FILE NO.: 22-SV-556-CDL | | |
| VERDICT FORM | | |
| 1. <u>Negligence</u> | | |
| <input checked="" type="checkbox"/> We find in favor of Plaintiff in the following amount: \$ <u>21 million</u> . | | |
| <input type="checkbox"/> We find in favor of Defendant. | | |
| [Place a check mark on the left side for your answer. If you find for Defendant, please STOP and sign your verdict.] | | |
| 2. <u>Percentages of Fault</u> | | |
| We assess fault as follows: | | |
| A. Defendant PeachState Hospitality, LLC: | <u>100</u> | % |
| B. A.B., a minor: | | % |
| [Your percentages of fault must add up to 100%.] | | |

For plaintiff counsel Partridge, the outcome indicated a clear message from the jury.

"While I'm proud of the jury's verdict, I'm most proud of their allocation of 0% fault to our client, which solidified what we knew all along: child sexual assault is not the child's fault," said Partridge.

Meanwhile, Butler and Ramachandrapa applauded the efforts of court staff.

"We appreciate Judge Lewis' careful attention to detail and thoughtful decisions at the trial, which allowed the jury in this

case to fairly decide the issues,” Ramachandrappa said.

Butler echoed the sentiment, noting, “Judge Lewis, her staff attorney Samantha Jacques, and all of the court’s staff worked hard and beyond normal hours to move this case forward expeditiously.”

While the outcome is a victory for plaintiff counsel and their client, Butler said the case provided a sound reminder for other litigators to consider.

“Insurance adjusters can be badly wrong about how a jury will evaluate a case,” Butler said. “When that happens, don’t waste your time arguing with the adjuster. Try the case.”

Across the aisle, lead defense counsel Sager hinted the legal dispute may not be over yet.

“Mr. Butler and his team tried an excellent case and this was a difficult and hard-fought trial,” Sager said. “We are exploring our appellate options at this time.”

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