IN THE SUPERIOR COURT OF DOUGLAS COUNTY

STATE OF GEORGIA

CIVIL ACTION FILE NO.: 15-CV-02240

OLIVIA JOHNSON, )

PLAINTIFF, )

v. )

ASHLEY MATHIESON, )

FIRST DEFENDANT, )

SEAN KELLY, )

SECOND DEFENDANT. )

**AMENDED COMPLAINT FOR DAMAGES**

**AND DEMAND FOR JURY TRIAL**

**NOW COMES, Olivia Johnson,** Plaintiff above, through counsel herein, and files her Complaint for Damages and Demand for Jury Trial against the Defendants and shows unto this Honorable Court the following:

**PARTIES AND JURISDICTION**

1. The Plaintiff is a resident of Douglas County and subject to the jurisdiction of this Honorable Court.

2. This cause of action originated at Chapel Hill High School, 4899 Chapel Hill Rd., Douglasville, Georgia, 30135.

3. First Defendant, Ashley Mathieson is a resident of Douglas County, State of Georgia, is subject to the jurisdiction and venue of this Honorable Court, and may be served with process at Chapel Hill High School, 4899 Chapel Hill Rd., Douglasville, Georgia, 30135.

4. Second Defendant Sean Kelly is a resident of Douglas County, State of Georgia, is subject to the jurisdiction and venue of this Honorable Court, and may be served with process at Chapel Hill High School, 4899 Chapel Hill Rd., Douglasville, Georgia, 30135.

**FACTS**

5. On October 3, 2013, Plaintiff was a 12th grade student at Chapel Hill High School and enrolled in First Defendant’s chemistry class.

6. On said date, Second Defendant was the Principal of Chapel Hill High School.

7. On said date, Second Defendant, upon information and belief arranged for the school to host an Advanced Placement Open House after school hours to attract potential students to his school.

8. On said date, Second Defendant, upon information and belief, instructed or knowingly allowed First Defendant to conduct a chemistry experiment involving flammable substances in the hallway of the school and outside the laboratory after school hours.

9. On said date, at approximately 7:45 p.m., First Defendant and Plaintiff were conducting a chemistry experiment in the downstairs back hallway of E building, outside the laboratory room, that involved liquid Methanol and an open flame.

10. This experiment was First Defendant’s idea, Plaintiff had never done this experiment before, and First Defendant did not provide Plaintiff with any written instructions on how to do the experiment.

11. After setting up a table to do the chemistry experiment in the hallway, outside the laboratory, First Defendant instructed Plaintiff to hold a lighter with a flame over a crucible containing a solid substance, while First Defendant poured liquid Methanol into the crucible from a four liter plastic jug.

12. First Defendant did not give any warnings to Plaintiff that the chemistry experiment had a risk of causing a flash fire.

13. First Defendant also did not use a measuring device while pouring the Methanol into the crucible.

14. After lighting the Methanol, the flame would turn different colors and this process would be repeated by First Defendant pouring more Methanol into the crucible from the four liter jug while Plaintiff applied the open flame to the crucible, as instructed by First Defendant.

15. At some point during the demonstration, First Defendant took her eyes off of and turned her back to the experiment and became engaged in an animated conversation with another student and her mother, upon information and belief, Bailey Turner and Mrs. Turner.

16. First Defendant was busily talking to and looking at the other student and Mrs. Bailey and/or other persons, and not paying attention to the experiment, when all of a sudden she abruptly grabbed the 4 liter jug of Methanol, turned back around towards the experiment and negligently and recklessly poured Methanol from the jug over an open flame to such an extent that the liquid Methanol gushed out of the container in an excess quantity and ignited the flame, causing a flash fire that engulfed Plaintiff in a ball of flames.

17. Plaintiff’s clothing, hands, arms, breasts, chest, neck, face, ears, back, and hair caught fire and she was tragically and catastrophically burned before the fire was extinguished by a first responder student and First Defendant.

18. Plaintiff was immediately rushed from Chapel Hill High School by ambulance to Grady Hospital for treatment of her severe burn injuries.

**FIRST CAUSE OF ACTION – NEGLIGENT VIOLATION OF**

**MINISTERIAL DUTIES BY FIRST DEFENDANT**

19. The Plaintiff re-alleges each and every paragraph heretofore alleged as if set forth below verbatim.

20. As part of her duties as a chemistry teacher at Chapel Hill, First Defendant has a ministerial duty to and is required to adhere to and follow all local and state codes, laws, and regulations, and all available policies and procedures for chemistry experiments, including but not limited to those as expressly embodied in the documents entitled “Material Safety Data Sheet for Methanol,” “Chemistry Demonstration: More Visibility Flame Tests,” and “Flinn Scientific’s Student Safety Contract.”

21. First Defendant violated the following ministerial, mandatory, and non-discretionary Douglas County and State of Georgia fire codes, laws, and regulations in the performance of the chemistry experiment, to wit:

a. By performing a chemistry experiment involving a highly flammable liquid, to wit: Methanol, outside the chemistry laboratory and in a school hallway that was not separated from the remainder of the building by a one hour rated enclosure, in violation of *National Fire Protection Association* (hereinafter referred to as “*NFPA*”) *45*, Code Sec. 9.2.2.4, as adopted by the *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations* Sec. 10-5, and as adopted by the *Georgia State Fire Code’s State Minimum Fire Safety Standards* Sec. 120-3-3-.04 pursuant to enabling statutes O. C. G. A. 25-2-1 et seq and 8-2-200 et seq.. Said violation of law is the violation of a ministerial duty and shall punishable as a misdemeanor under *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations*, *Penalties* Sec. 10-8 and *Violations* 1-8.

b. By transferring a Class 1 liquid, to wit: Methanol, from one vessel to another in an exit access corridor, a school hallway, in violation of *NFPA 45*, Code Sec. 9.2.2.4, as adopted by the *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations* Sec. 10-5, and as adopted by the *Georgia State Fire Code’s State Minimum Fire Safety Standards* Sec. 120-3-3-.04 pursuant to enabling statutes O. C. G. A. 25-2-1 et seq and 8-2-200 et seq.. Said violation of law is the violation of a ministerial duty and shall punishable as a misdemeanor under *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations*, *Penalties* Sec. 10-8 and *Violations* 1-8.

c. By failing to maintain a chemical quantity of Methanol, a Class 1 flammable liquid, outside of storage at the lowest possible level necessary for the work performed, to wit: by pouring it out of a four liter jug instead of a much smaller container, in violation of *NFPA 45*, Code Sec. 9.2.2.6, as adopted by the *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations* Sec. 10-5, and as adopted by the *Georgia State Fire Code’s State Minimum Fire Safety Standards* Sec. 120-3-3-.04 pursuant to enabling statutes O. C. G. A. 25-2-1 et seq and 8-2-200 et seq.. Said violation of law is the violation of a ministerial duty and shall punishable as a misdemeanor under *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations*, *Penalties* Sec. 10-8 and *Violations* 1-8.

d. By handling a Class 1 liquid, to wit: Methanol, in a manner that did not conform to the manufacturer’s recommendations and material safety data sheets because she failed to remove ignition sources from the presence of the Methanol and failed to ventilate the area, instead pouring the Methanol onto or near an open flame, in violation of *NFPA 45*, Code Sec. 9.2.2.7, as adopted by the *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations* Sec. 10-5, and as adopted by the *Georgia State Fire Code’s State Minimum Fire Safety Standards* Sec. 120-3-3-.04 pursuant to enabling statutes O. C. G. A. 25-2-1 et seq and 8-2-200 et seq.. Said violation of law is the violation of a ministerial duty and shall punishable as a misdemeanor under *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations*, *Penalties* Sec. 10-8 and *Violations* 1-8.

e. By dispensing of a Class I flammable liquid, to wit: Methanol, less than five gallons, without using a chemical fume hood and in an area not provided with proper ventilation for the release of flammable liquids and vapors, in violation of

*NFPA 45*, Code Sec. 10.3.1, as adopted by the *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations* Sec. 10-5, and as adopted by the *Georgia State Fire Code’s State Minimum Fire Safety Standards* Sec.120-3-3-.04 pursuant to enabling statutes O. C. G. A. 25-2-1 et seq and 8-2-200 et seq.. Said violation of law is the violation of a ministerial duty and shall be punishable as a misdemeanor under *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations*, *Penalties* Sec. 10-8 and *Violations* 1-8.

f. By conducting the heating of a flammable and combustible liquid, to wit: Methanol, in a manner that failed to minimize fire hazards, by pouring Methanol out of a four liter jug onto or near an open flame, in violation of *NFPA 45*, Code Sec. 12.1.2.1, as adopted by the *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations* Sec. 10-5, and as adopted by the *Georgia State Fire Code’s State Minimum Fire Safety Standards* Sec. 120-3-3-.04 pursuant to enabling statutes O. C. G. A. 25-2-1 et seq and 8-2-200 et seq.. Said violation of law is the violation of a ministerial duty and shall punishable as a misdemeanor under *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations*, *Penalties* Sec. 10-8 and *Violations* 1-8.

g. By failing to take precautions to prevent the ignition of flammable vapors from a Class I flammable liquid, to wit: Methanol, by deliberately pouring Methanol over or near an open flame in violation of *NFPA 30*, Code Sec. 6.5.1, as adopted by the *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations* Sec. 10-5, and as adopted by the *Georgia State Fire Code’s State Minimum Fire Safety Standards* Sec.120-3-3-.04 pursuant to enabling statutes

O. C. G. A. 25-2-1 et seq and 8-2-200 et seq.. Said violation of law is the violation of a ministerial duty and shall be punishable as a misdemeanor under *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations*, *Penalties* Sec. 10-8 and *Violations* 1-8.

h. By using a Class I flammable liquid, to wit: Methanol, outside of a closed system where there was an open flame or other source of ignition, in violation of

*NFPA 30*, Code Sec. 18.4.3, as adopted by the *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations* Sec. 10-5, and as adopted by the *Georgia State Fire Code’s State Minimum Fire Safety Standards* Sec.120-3-3-.04 pursuant to enabling statutes O. C. G. A. 25-2-1 et seq and 8-2-200 et seq.. Said violation of law is the violation of a ministerial duty and shall be punishable as a misdemeanor under *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations*, *Penalties* Sec. 10-8 and *Violations* 1-8.

i. By deliberately, negligently, or recklessly ignoring the large, highly visible NFPA 30 warning sticker that was in plain view and which was affixed to the flammable liquids cabinet in the chemistry lab storage room where the four liter Methanol jug was stored, which commanded and instructed First Defendant in bold red letters to “***KEEP FIRE AWAY***.”

j. By deliberately or negligently setting fire to or causing the burning of combustible material, to wit: Methanol, in such a manner as to endanger the safety of persons or property, to wit: Olivia Johnson, in violation of *International Fire Code (hereinafter referred to as “IFC”)* Sec. 305.4, as adopted by the *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations* Sec. 10-5, and as adopted by the *Georgia State Fire Code’s State Minimum Fire Safety Standards* Sec.120-3-3-.04 pursuant to enabling statutes O. C. G. A. 25-2-1 et seq and 8-2-200 et seq.. Said violation of law is the violation of a ministerial duty and shall be punishable as a misdemeanor under *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations*, *Penalties* Sec. 10-8 and *Violations* 1-8.

k. By failing to be aware of and familiar with the Material Safety Data Sheets on Methanol that were required by law to be stored in the chemistry storage lab that contained ministerial, non-discretionary, and mandatory warnings to “remove ignition sources” from the presence of Methanol, in violation of *IFC* Sec. 407.2 and 407.4, as adopted by the *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations* Sec. 10-5, and as adopted by the *Georgia State Fire Code’s State Minimum Fire Safety Standards* Sec.120-3-3-.04 pursuant to enabling statutes O. C. G. A. 25-2-1 et seq and 8-2-200 et seq.. Said violation of law is the violation of a ministerial duty and shall be punishable as a misdemeanor under *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations*, *Penalties* Sec. 10-8 and *Violations* 1-8.

l. By failing to provide safeguards to minimize the risk of exposing combustible hazardous materials, to wit: Methanol, to unintended sources of ignition by deliberately and recklessly pouring Methanol over or near an open flame, in violation of *IFC* Sec. 5001.3.3.5, as adopted by the *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations* Sec. 10-5, and as adopted by the *Georgia State Fire Code’s State Minimum Fire Safety Standards* Sec.120-3-3-.04 pursuant to enabling statutes O. C. G. A. 25-2-1 et seq and 8-2-200 et seq.. Said violation of law is the violation of a ministerial duty and shall be punishable as a misdemeanor under *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations*, *Penalties* Sec. 10-8 and *Violations* 1-8.

m. By failing to provide safeguards to minimize the risk of exposure of hazardous materials, to wit: Methanol, to a fire or physical damage whereby such exposure could endanger of people or property, to wit: Olivia Johnson by deliberately and recklessly pouring Methanol over or near an open flame, in violation of *IFC* Sec. 5001.3.3.6, as adopted by the *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations* Sec. 10-5, and as adopted by the *Georgia State Fire Code’s State Minimum Fire Safety Standards* Sec.120-3-3-.04 pursuant to enabling statutes O. C. G. A. 25-2-1 et seq and 8-2-200 et seq.. Said violation of law is the violation of a ministerial duty and shall be punishable as a misdemeanor under *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations*, *Penalties* Sec. 10-8 and *Violations* 1-8.

n. By failing to provide safeguards to minimize the risk of and limit damage from a fire or explosion involving hazardous materials, to wit: Methanol, whereby such fire explosion could endanger of people or property, to wit: Olivia Johnson by deliberately and recklessly pouring Methanol over or near an open flame, in violation of *IFC* Sec. 5001.3.3.7, as adopted by the *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations* Sec. 10-5, and as adopted by the *Georgia State Fire Code’s State Minimum Fire Safety Standards* Sec.120-3-3-.04 pursuant to enabling statutes O. C. G. A. 25-2-1 et seq and 8-2-200 et seq.. Said violation of law is the violation of a ministerial duty and shall be punishable as a misdemeanor under *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations*, *Penalties* Sec. 10-8 and *Violations* 1-8.

o. By directing, instructing and/or authorizing the use of an open flame or high temperature device in a manner which created a hazardous condition and which was not listed for use with the hazardous material used, to wit: Methanol, by deliberately and recklessly pouring Methanol over or near an open flame, in violation of *IFC* Sec. 5003.7.2, as adopted by the *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations* Sec. 10-5, and as adopted by the *Georgia State Fire Code’s State Minimum Fire Safety Standards* Sec.120-3-3-.04 pursuant to enabling statutes O. C. G. A. 25-2-1 et seq and 8-2-200 et seq.. Said violation of law is the violation of a ministerial duty and shall be punishable as a misdemeanor under *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations*, *Penalties* Sec. 10-8 and *Violations* 1-8.

p. By using, drawing, or dispensing a Class 1 liquid, to wit: Methanol, where flammable vapors could reach a source of ignition, by deliberately and recklessly pouring Methanol over or near an open flame, in violation of *IFC* Sec. 5706.4.8, as adopted by the *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations* Sec. 10-5, and as adopted by the *Georgia State Fire Code’s State Minimum Fire Safety Standards* Sec.120-3-3-.04 pursuant to enabling statutes O. C. G. A. 25-2-1 et seq and 8-2-200 et seq.. Said violation of law is the violation of a ministerial duty and shall be punishable as a misdemeanor under *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations*, *Penalties* Sec. 10-8 and *Violations* 1-8.

q. By conducting a chemistry experiment involving a Class 1 flammable liquid, to wit: Methanol, in an area that did not contain a fire extinguisher, fire blanket, and fire shower, in violation of NFPA 45, as adopted by the *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations* Sec. 10-5, and as adopted by the *Georgia State Fire Code’s State Minimum Fire Safety Standards* Sec.120-3-3-.04 pursuant to enabling statutes O. C. G. A. 25-2-1 et seq and 8-2-200 et seq.. Said violation of law is the violation of a ministerial duty and shall be punishable as a misdemeanor under *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations*, *Penalties* Sec. 10-8 and *Violations* 1-8.

22. First Defendant violated the following ministerial, mandatory, and non-discretionary safety rules, policies and procedures of the “Material Safety Data Sheet for Methanol,” each of which is made law in Douglas County by *IFC* Sec. 407.2 and 407.4, as adopted by the *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations* Sec. 10-5, and as adopted by the *Georgia State Fire Code’s State Minimum Fire Safety Standards* Sec.120-3-3-.04 pursuant to enabling statutes O. C. G. A. 25-2-1 et seq and 8-2-200 et seq., to wit:

a. by failing to have appropriate fire extinguishers and spill cleanup equipment in the area of the methanol experiment (§ 7, Handling & Storage);

b. by failing to provide Plaintiff with required skin protection including chemical protective gloves, coveralls, boots, and/or other chemical protective clothing (§8, Exposure Controls/Personal Protection);

c. by failing to provide Plaintiff with a safety shower and/or eye wash fountain nearby (§8, Exposure Controls/Personal Protection);

d. by failing to have in place stringent control measures such as a ventilation system due to the high potential fire/explosion hazard associated with Methanol (§8, Exposure Controls/Personal Protection);

e. by failing to avoid heat, open flame, and ignition sources around the Methanol (§10, Stability and Reactivity).

Each said violation of law is the violation of a ministerial duty and shall be punishable as a misdemeanor under *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations*, *Penalties* Sec. 10-8 and *Violations* 1-8.

23. First Defendant violated the following ministerial safety rules, policies and procedures of the “Flinn Scientific’s Student Safety Contract,” to wit:

a. by failing to conduct a chemistry experiment involving hazardous and flammable chemicals inside the laboratory room;

b. by failing to conduct the experiment in a well ventilated area, and in failing to use the fume hood when working with Methanol, a known volatile substance around flames and ignition sources;

c. by conducting a chemistry experiment involving hazardous and flammable materials in a place where there was no safety equipment immediately nearby, including fire extinguishers, safety shower, first aid kit, etc.;

d. by failing to read and go over any authorized instructions for this experiment with Plaintiff prior to performing it;

e. by dispensing a flammable liquid, to wit: Methanol, from a storage container and over or near an open flame.

f. by failing to personally monitor and observe a chemistry experiment involving hazardous and flammable chemicals at all times;

24. First Defendant violated the following ministerial safety rules of the “Chemistry Demonstration: More Visibility Flame Tests,” to wit:

a. by failing to measure the amount of Methanol she was pouring into the crucible;

b. by pouring in excess of 20 ml of Methanol into the crucible when it ignited into a flash flame.

c. by failing to add the methanol to the solid substance in the crucible prior to introducing a fire source into the experiment.

d. by using a lighter with an open flame instead of a “burning wood splint” during this Methanol experiment.

**SECOND CAUSE OF ACTION – NEGLIGENT VIOLATION OF MINISTERIAL DUTIES BY SECOND DEFENDANT**

25. The Plaintiff re-alleges each and every paragraph heretofore alleged as if set forth below verbatim.

26. As part of his duties as Principal at Chapel Hill, Second Defendant has a ministerial duty to and is required to adhere to and follow all local, state, and federal codes, laws, and government regulations, and all available policies and procedures for chemistry experiments, including but not limited to those expressly embodied in NFPA 30, NFPA 45, IFC, OSHA, the “Material Safety Data Sheet” for Methanol and the documents entitled “Chemistry Demonstration: More Visibility Flame Tests,” and “Flinn Scientific’s Student Safety Contract.”

27. Second Defendant was subject to and violated the ministerial safety rules, policies and procedures of 29 CFR 1910.1200 et seq of the Occupational Safety & Health Administration by failing to provide adequate safety warnings to First Defendant and Plaintiff prior to allowing them to handle and use the hazardous and flammable chemical Methanol in the hallway of the school.

28. Second Defendant violated the following ministerial, mandatory, and non-discretionary Douglas County and State of Georgia fire codes, laws, and regulations in the performance of the chemistry experiment, to wit:

a. By knowingly, negligently, and/or recklessly instructing, authorizing and/or allowing the performance a chemistry experiment involving a highly flammable liquid, to wit: Methanol, to be conducted outside the chemistry laboratory and in a school hallway that was not separated from the remainder of the building by a one hour rated enclosure, in violation of *National Fire Protection Association* (hereinafter referred to as “*NFPA*”) *45*, Code Sec. 9.2.2.4, as adopted by the *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations* Sec. 10-5, and as adopted by the *Georgia State Fire Code’s State Minimum Fire Safety Standards* Sec. 120-3-3-.04 pursuant to enabling statutes O. C. G. A. 25-2-1 et seq and 8-2-200 et seq.. Said violation of law is the violation of a ministerial duty and shall punishable as a misdemeanor under *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations*, *Penalties* Sec. 10-8 and *Violations* 1-8.

b. By knowingly, negligently, and/or recklessly instructing, authorizing and/or allowing the transfer of a Class 1 liquid, to wit: Methanol, from one vessel to another in an exit access corridor, a school hallway, in violation of *NFPA 45*, Code Sec. 9.2.2.4, as adopted by the *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations* Sec. 10-5, and as adopted by the *Georgia State Fire Code’s State Minimum Fire Safety Standards* Sec. 120-3-3-.04 pursuant to enabling statutes O. C. G. A. 25-2-1 et seq and 8-2-200 et seq.. Said violation of law is the violation of a ministerial duty and shall punishable as a misdemeanor under *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations*, *Penalties* Sec. 10-8 and *Violations* 1-8.

c. By knowingly, negligently, and/or recklessly instructing, authorizing and/or allowing the dispensing of a Class I flammable liquid, to wit: Methanol, less than five gallons, without using a chemical fume hood and in an area not provided with proper ventilation for the release of flammable liquids and vapors, in violation of *NFPA 45*, Code Sec. 10.3.1, as adopted by the *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations* Sec. 10-5, and as adopted by the *Georgia State Fire Code’s State Minimum Fire Safety Standards* Sec.120-3-3-.04 pursuant to enabling statutes O. C. G. A. 25-2-1 et seq and 8-2-200 et seq.. Said violation of law is the violation of a ministerial duty and shall be punishable as a misdemeanor under *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations*, *Penalties* Sec. 10-8 and *Violations* 1-8.

d. By failing to be aware of and familiar with and in failing to properly train First Defendant to be aware of and familiar with the Material Safety Data Sheets on Methanol that were required by law to be stored in the chemistry storage lab that contained ministerial, non-discretionary, and mandatory warnings to “remove ignition sources” from the presence of Methanol, in violation of *IFC* Sec. 407.2 and 407.4, as adopted by the *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations* Sec. 10-5, and as adopted by the *Georgia State Fire Code’s State Minimum Fire Safety Standards* Sec.120-3-3-.04 pursuant to enabling statutes O. C. G. A. 25-2-1 et seq and 8-2-200 et seq.. Said violation of law is the violation of a ministerial duty and shall be punishable as a misdemeanor under *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations*, *Penalties* Sec. 10-8 and *Violations* 1-8.

e. By knowingly, negligently, and/or recklessly instructing, authorizing and/or or allowing First Defendant to conduct a chemistry experiment involving a Class 1 flammable liquid, to wit: Methanol, in an area that did not contain a fire extinguisher, fire blanket, and fire shower, in violation of NFPA 45, as adopted by the *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations* Sec. 10-5, and as adopted by the *Georgia State Fire Code’s State Minimum Fire Safety Standards* Sec.120-3-3-.04 pursuant to enabling statutes O. C. G. A. 25-2-1 et seq and 8-2-200 et seq.. Said violation of law is the violation of a ministerial duty and shall be punishable as a misdemeanor under *Douglas County Code of Ordinances*, *Standard Fire Safety Rules and Regulations*, *Penalties* Sec. 10-8 and *Violations* 1-8.

29. Second Defendant also violated the following ministerial safety rules, policies and procedures of the “Flinn Scientific’s Student Safety Contract,” to wit:

a. by instructing, authorizing and/or allowing First Defendant to conduct a chemistry experiment involving hazardous and flammable chemicals outside the laboratory room and in the hallway of the school;

b. by instructing, authorizing and/or allowing First Defendant to conduct a chemistry experiment involving hazardous and flammable materials in a place where there was no safety equipment immediately nearby, including fire extinguishers, safety shower, first aid kit, etc.;

c. by instructing, authorizing and/or allowing First Defendant to conduct a chemistry experiment involving hazardous and flammable materials without providing Plaintiff with appropriate protective gear for her body;

30. That as a direct and proximate result of the Defendants’ joint and several negligent acts and/or omissions, the Plaintiff was severely and permanently injured in a Methanol induced flash fire that engulfed her and caused her to suffer severe bodily disfigurement and burns, to sustain excruciating pain, and to consciously suffer from the date of the fire through the present date and to suffer both mentally and physically in the future for the duration of her life expectancy of approximately 50 years.

31. As a result of the Defendants’ negligence, joint and several, the Plaintiff has, or will incur, the following damages which are recoverable from the Defendants as allowed by the laws and the statutes of the State of Georgia:

**SPECIAL DAMAGES**

(a) Past medical expenses including hospital charges, physician charges, and medication charges in excess of $230,000.00;

(b) Medical expenses that will more likely than not be incurred in the future due to her catastrophic burn injuries, which will accelerate the degenerative processes of the Plaintiff's body as she ages;

(c) Expense of travel for medical treatment;

(d) Loss of earnings, past and future, as a direct result of her catastrophic burn injuries and medical treatment necessitated by the effects of her catastrophic burns;

(e) Loss of capacity to labor and earn money;

**GENERAL DAMAGES**

(f) Excruciating, chronic, and intractable bodily pain and suffering, past and future, from Defendants’ negligent ministerial acts and/or omissions from the date of the fire through the present and over the course of her life expectancy for the next 50 years or more;

(g) Being forced to experience numerous, painful, and major skin debridement and skin graft surgeries and recoveries from same, as well as other medical treatments and procedures which would not have been necessary had the Defendants’ fulfilled their ministerial duties;

(h) Severe disfigurement of her body and skin, causing extreme embarrassment, fear, mortification, shame, and feelings of unworthiness;

(i) Severe mental and emotional anguish, pain, and suffering, past and future, caused by her excruciating, chronic, and intractable physical injuries;

(j) Fear, past and future, of the extent of the damage to skin, organs, and body;

(k) Confinement, past and future, due to her disfigured and scarred condition;

(l) Permanent impairment of her bodily health and vigor;

(m) Loss of enjoyment of life and recreation due to the fact the Plaintiff is not the same person, physically, mentally, or emotionally that she was prior to the Defendants’ negligence;

(n) Loss of capacity to work and labor in her family and household;

(o) Interference with normal living;

(p) Limited activities for the rest of her life.

**WHEREFORE,** the Plaintiff prays that process issue and be served upon the Defendants, demands trial by jury, and prays judgment be awarded in her favor against the Defendants in a sum sufficient to fully and completely compensate Olivia for all her special and general damages allowed by Georgia law, including attorney’s fees and expenses of litigation under O. C. G. C. § 13-6-11 for the Defendants’ stubborn litigiousness and putting her to unnecessary trouble and expense, an award of the costs of this action, and for such other and further relief as this Court may deem just and proper.

Respectfully submitted, this 23rd day of February, 2016. **FOR OLIVIA JOHNSON,**

NEAL LAW OFFICE

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**JOSEPH R. NEAL, JR.**

Georgia Bar No. 535980

2751 Buford Hwy., Ste. 275

Atlanta, Georgia 30324

[joenealjr@neal-law.com](mailto:joenealjr@neal-law.com)

Ph. 404-445-7769

CHANCO SCHIFFER, P. C.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**DAVID A. OLSON**

Georgia Bar No. 287506

david@csfirm.com

**JOSHUA G. SCHIFFER**

Georgia Bar No. 642727

josh@csfirm.com

**DOUGLAS B. CHANCO**

Georgia Bar No. 139711

doug@csfirm.com

3355 Lenox Rd., Suite 750

Atlanta, Georgia 30326

Ph. 404.842.0909

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the foregoing

**AMENDED COMPLAINT FOR DAMAGES AND DEMAND FOR JURY**

**TRIAL** on counsel for Defendants by hand deliver/first class U. S. mail with

sufficient postage affixed to:

Hieu M. Nguyen, Esq.

Harben, Hartley & Hawkins, LLP

340 Jesse Jewell Pkwy.

Wells Fargo Center, Suite 750

Gainesville, Georgia 30501

Respectfully submitted, this 23rd day of February, 2016.

**FOR OLIVIA JOHNSON,**

NEAL LAW OFFICE

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**JOSEPH R. NEAL, JR.**

Georgia Bar No. 535980

2751 Buford Hwy., Ste. 275

Atlanta, Georgia 30324

[joenealjr@neal-law.com](mailto:joenealjr@neal-law.com)

Ph. 404-445-7769