

IN THE STATE COURT OF MUSCOGEE COUNTY  
STATE OF GEORGIA

KATRINA ARCHIE and JAMES HODGE, )  
Individually, and as the Biological Parents )  
of MARKEESE HODGE, and as the )  
Administrators of the Estate of )  
MARKEESE HODGE, Deceased, )  
Plaintiffs, )  
vs. )  
MCCORLEW REALTY, INC. )  
Defendant. )

CIVIL ACTION FILE  
NO. SC 15 CV 17

SUMMONS

TO THE ABOVE NAMED DEFENDANT: MCCORLEW REALTY, INC.

You are hereby summoned and required to file with the Clerk of said Court and serve upon the Plaintiffs' attorney, whose name and address is:

GEORGIA MUSCOGEE COUNTY  
SUPERIOR/STATE COURT  
FILED IN OFFICE  
JAN 07 2015  
DEPUTY CLERK  
M. LINDA PIERCE, CLERK

Jeff P. Shiver, Esq.  
R. Scott Campbell, Esq.  
Shiver Hamilton, LLC  
3340 Peachtree Road  
Suite 950  
Atlanta, Georgia 30326

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 7<sup>th</sup> day of January, 2015.

Clerk of Court  
By: Michelle Webb  
State Court of Muscogee County, Georgia

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**COMPLAINT**

COME NOW Plaintiffs in the above-styled action and hereby file this Complaint as follows:

1.

On or about August 6, 2014, Markeese Hodge died intestate and is survived by his mother Katrina Archie and his father James Hodge, who are his sole heirs.

2.

Katrina Archie and James Hodge are to be the duly appointed Administrators of the Estate of Markeese Hodge, deceased.

3.

Plaintiffs Katrina Archie and James Hodge ("Plaintiffs"), individually, and on behalf of the Estate of Markeese Hodge and all heirs at law, state their intention and desire to bring each and every permissible, proper, and authorized claim for damages under Georgia law, including general, special, compensatory, consequential, economic, punitive, and other damages as proven by the evidence at trial. In particular, Plaintiffs bring a wrongful death claim on behalf of

themselves as the sole surviving parents and heirs of Markeese Hodge and as the Administrators of the Estate of Markeese Hodge for all claims belonging to the Estate of Markeese Hodge.

4.

Defendant McCorlew Realty, Inc. (hereinafter "MRI") is a Georgia corporation incorporated in the State of Georgia and is subject to the venue and jurisdiction of this Court.

5.

MRI may be served by serving its registered agent: Thomas J. McCorlew, Jr., 2329 South Lumpkin Road, Columbus, Georgia 31903.

6.

MRI has been properly served with process in this action.

7.

MRI's registered agent is in Muscogee County. Thus, venue is proper in Muscogee County pursuant to O.C.G.A. § 14-2-510.

8.

At all the relevant times, MRI owned, operated, controlled, and managed Cross Keys Apartments located at 3816 Baker Plaza Drive, Columbus, Georgia. (hereinafter "the Premises").

9.

On August 6, 2014 Markeese Hodge was present as an invitee on the Premises where he was attending a party with friends.

10.

Without provocation Markeese Hodge was shot multiple times by a stranger causing his death.

11.

Just 10 days prior to the murder of Markeese Hodge three other individuals attending a party at Cross Keys Apartments were shot.

12.

Markeese Hodge was totally innocent and exercised ordinary care and diligence at all times herein and under the circumstances then existing.

13.

At all times mentioned herein, MRI controlled the management of the Premises, and had the legal duty to keep the Premises in a state consistent with the due regard for the safety of its invitees, including Markeese Hodge.

14.

MRI breached the duty owed to Markeese Hodge by failing to exercise ordinary care to keep the Premises safe.

15.

MRI 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 Premises, of the failure to maintain, inspect, secure, patrol, and manage the Premises, and that said conditions were likely to result in injuries and/or death to its invitees, including Markeese Hodge.

16.

Prior to and on August 6, 2014, the Premises was negligently maintained, inspected, secured, patrolled, and managed. MRI had knowledge, both actual and constructive, of the need

to properly maintain, secure, inspect, patrol, and manage the Premises, but failed to exercise ordinary care to do so.

17.

MRI had actual and constructive knowledge of criminal activity existing on and around the Premises prior to the shooting of Markeese Hodge, including prior violent crimes on the Premises and in the immediate area. Said prior criminal activity was negligently permitted to exist and remain at said premises.

18.

MRI negligently failed to maintain adequate security devices or measures to permit proper use of the Premises, thereby causing an unreasonable risk of injury and death to its invitees, including Markeese Hodge.

19.

MRI were negligent in failing to maintain, inspect, secure, patrol, and manage the Premises, thereby creating an unreasonable risk of injury and death to its invitees, including Markeese Hodge.

20.

MRI negligently failed to warn its invitees, including Markeese Hodge, of the existence of the aforementioned criminal activity and the likelihood of further criminal attacks.

21.

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

22.

MRI negligently represented to its invitees that the Premises was properly maintained and reasonably safe.

23.

MRI failed to take appropriate action to remedy or reduce the danger to its invitees, including Markeese Hodge, and allowed the dangerous environment on the Premises to continue to exist unabated, thereby creating a nuisance.

24.

MRI was and is negligent *per se*.

25.

Each of the foregoing tortious acts and omissions constitute an independent act of negligence on the part of MRI and one or more or all of the above stated acts and omissions proximately caused the injuries to and death of Markeese Hodge.

26.

MRI is liable for the injuries to and death of Markeese Hodge.

27.

The injuries to and resulting death of Markeese Hodge were the direct and proximate result of the negligence of MRI. But for said negligence, Markeese Hodge would not have suffered injuries and died. MRI is liable for Markeese Hodge's injuries, pain and suffering, the full value of his life pursuant to O.C.G.A. § 51-4-1 et seq., and all other elements of damage allowed under the laws of the State of Georgia.

28.

MRI is liable to Plaintiffs directly, as well as under theories of *respondeat superior*, joint enterprise, and agency principles.

29.

As a direct and proximate result of MRI's negligence Markeese Hodge sustained catastrophic injuries, conscious pain and suffering, and ultimately became aware of his impending death.

30.

Plaintiffs state their intention to seek all compensatory, special, economic, consequential, general, punitive, and all other damages permissible under Georgia Law, including, but not limited to:

- a) Personal injuries;
- b) Pain and suffering;
- c) Mental anguish, fright, shock, and terror;
- d) Loss of the enjoyment of life;
- e) Wrongful death;
- f) Damages for all elements of the full value of Markeese Hodge's life, tangible and intangible;
- g) Funeral expenses;
- h) Incidental expenses;
- i) Past, present, and future loss of earnings;
- j) Medical expenses; and
- k) Consequential damages to be proven at trial.

31.

Plaintiffs are entitled to recover punitive damages from MRI, because the actions of MRI and its agents and employees showed willful misconduct, malice, fraud, wantonness, oppression, or an entire want of care which would raise the presumption of conscious indifference to consequences. Accordingly, Plaintiffs are entitled to recover punitive damages from MRI in an amount to be determined by the enlightened conscience of an impartial jury.

32.

MRI's actions evidence a species of bad faith. MRI was and is stubbornly litigious and has caused Plaintiffs undue expense. Thus, Plaintiffs are entitled to recover their necessary expenses of litigation, including an award of reasonable attorneys' fees and expenses required by this action, pursuant to O.C.G.A. § 13-6-11, as well as any other applicable statutory or common law basis.

WHEREFORE, Plaintiffs pray that:

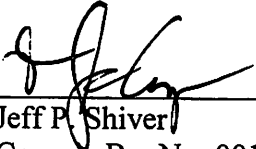
- (a) Process be issued as provided by law;
- (b) Plaintiffs be awarded actual damages in amounts to be shown at trial from MRI;
- (c) Plaintiffs be awarded the full value of Markeese Hodge's life pursuant to O.C.G.A. § 51-4-1 et seq.
- (d) Plaintiffs be awarded all general, special, compensatory, economic, punitive, and other allowable damages in accordance with the enlightened conscience of an impartial jury from the MRI and as permitted under Georgia law;
- (e) Plaintiffs have a trial by jury; and



(f) Plaintiffs have such other relief as this Court deems just and proper.

PLAINTIFFS HEREBY DEMAND A TRIAL BY JURY.

Respectfully submitted,  
**SHIVER HAMILTON, LLC**

  
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