

IN THE STATE COURT OF FULTON COUNTY

STATE OF GEORGIA

SHIRLEY DOBBS, as next
friend of TAURIE HELTON;
LAMESHA HELTON; and,
CYNTHIA POTTS, as next friend of
DONOVAN REDDISH,

Plaintiffs,

vs.

ALPINE GAS, INC.; ATLANTA GAS
LIGHT COMPANY; ATLANTA GAS
LIGHT SERVICES, INC.; COX
PLUMBING & SEPTIC, INC.; GREAT
WESTERN INN; DEVENDRA PATEL;
KIRIT PATEL and HEMLATA PATEL,

Defendants.

Civil Action File No.: _____

JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES

COME NOW the Plaintiffs herein and file their Complaint for Damages, respectfully showing this Honorable Court the following:

PARTIES, JURISDICTION AND VENUE

1.

Plaintiffs, Taurie Helton, Lamesha Helton and Donovan Reddish are the surviving children of Reese Helton. This action is brought on their behalf to recover damages for the mental and physical pain and suffering and wrongful death of their father, Reese Helton.

2.

Taurie Charonne Helton is an incompetent adult who appears as a plaintiff in this action by and through his mother and next friend, Shirley Ann Dobbs. Mr. Helton and Ms. Dobbs are citizens of the State of Georgia and reside at 646 Old Town Road, Villa Rica, Georgia 30180.

3.

Donovan Reddish is a minor and appears as a plaintiff in this action by and through his mother and next friend, Cynthia Reddish Potts. Lamesha Helton, Donovan Reddish and Cynthia Potts reside at 495 Henson Circle, Carrollton, Georgia 30117.

4.

Defendant Alpine Gas, Inc. (hereinafter referred to as “Alpine”) is a corporation which exists under the laws of the state of Georgia. Defendant Alpine is subject to the jurisdiction of this Court and may be served with a copy of the Summons and Complaint through its registered agent for service of process, Bledsoe Harwell, who is located at 3857 North Highway 27, Carrollton, Carroll County, Georgia 30117.

5.

Defendant Atlanta Gas Light Company (hereinafter referred to as “AGL Co.”) is a corporation existing under the laws of the state of Georgia. Defendant AGL Co. is subject to the jurisdiction of this Court and may be served with a copy of the Summons and Complaint through its registered agent for service of process, Paul R. Shlanta, who is located at 10 Peachtree Place, Suite 1000, Atlanta, Fulton County, Georgia 30309.

6.

Defendant Atlanta Gas Light Services, Inc. (hereinafter referred to as “AGL Services”) is a corporation existing under the laws of the state of Georgia. Defendant AGL Services is subject to the jurisdiction of this Court and may be served with a copy of the Summons and Complaint through its registered agent for service of process, Paul R. Shlanta, who is located at 10 Peachtree Place, Suite 1000, Atlanta, Fulton County, Georgia 30309.

7.

Defendant Cox Plumbing & Septic, Inc. (hereinafter referred to as “Cox Plumbing”) is a corporation which exists under the laws of the state of Georgia. Defendant Cox Plumbing is subject to the jurisdiction of this Court and may be served with a copy of the Summons and

Complaint through its registered agent for service of process, John E. Cox, who is located at 109 Thornbrook Court, Carrollton, Carroll County, Georgia 30116.

8.

Defendants Alpine, AGL Co, AGL Services and Cox Plumbing are all engaged in the business of installing and/or maintaining pipes and equipment for the supply of natural gas and/or liquid propane gas and selling and supplying natural gas and/or liquid propane gas to customers in the Carroll County area, including the Great Western Inn, which is located in Bremen, Georgia.

9.

Great Western Inn is a business entity created and maintained for the purpose of operating a hotel located at 1077 Alabama Avenue, Bremen, Georgia 30110. The exact nature and extent of the business structure of Great Western Inn is unknown to the Plaintiffs at this time.

10.

Defendants Devendra Patel, Kirit Patel and Hemlata Patel are the owners and/or operators of the Great Western Inn. Devendra Patel, Kirit Patel and Hemlata Patel are subject to the jurisdiction of this Court and may be served with a copy of the Summons and Complaint at their place of residence, The Great Western Inn, located at 1077 Alabama Avenue, Bremen, Georgia 30110.

11.

This Court may exercise jurisdiction over the subject matter of this action.

12.

Venue as to each of the Defendants is properly laid in this Court.

PRELIMINARY STATEMENT OF FACTS

13.

Plaintiffs adopt and incorporate by reference paragraphs 1 through 12 of their Complaint for Damages as if said paragraphs are set forth fully herein.

14.

This case is brought by the Plaintiffs for the death of their father, Reese Helton, who died as a proximate result of an explosion and fire caused by a gas leak on the property of Great Western Inn on or about June 27, 2006.

15.

Defendants AGL Co. and AGL Services installed, owned and maintained the pipes and fixtures which supplied natural gas to Great Western Inn and they sold or supplied natural gas to Great Western Inn on the date of the subject explosion and fire.

16.

Defendant Alpine installed, owned and maintained the tank, pipes and fixtures which supplied liquid propane gas to Great Western Inn and it sold or supplied liquid propane gas to Great Western Inn on the date of the subject explosion and fire.

17.

Defendant Cox Plumbing performed work, installation, maintenance and repairs on the pipes and fixtures which supplied natural gas and liquid propane gas to Great Western Inn prior to the explosion and fire in this case.

18.

The explosion and fire which caused the death of Reese Helton occurred in the maintenance area of the Great Western Inn and resulted from ignition of gas vapors.

19.

At the time of the explosion and fire, Reese Helton was working as an independent contractor performing custodial and janitorial work for Defendants Devendra Patel, Kirit Patel, Hemlata Patel and Great Western Inn. Therefore, Reese Helton was an invitee on the premises of Defendants Devendra Patel, Kirit Patel, Hemlata Patel and Great Western Inn at the time of the explosion and fire.

COUNT I
NEGLIGENCE OF ALPINE GAS, INC.,
ATLANTA GAS LIGHT COMPANY,
ATLANTA GAS LIGHT SERVICES, INC. and
COX PLUMBING & SEPTIC, INC.

20.

Plaintiffs adopt and incorporate by reference paragraphs 1 through 19 of their Complaint for Damages as if said paragraphs are set forth fully herein.

21.

Defendants Alpine, AGL Co., AGL Services and Cox Plumbing owed a duty to exercise reasonable care in the installation, maintenance and repair of the pipes and equipment which supplied natural gas and/or liquid propane gas to their customers, including Devendra Patel, Kirit Patel, Hemlata Patel and Great Western Inn.

22.

The Defendants* negligent failure to exercise reasonable care in installing, maintaining and repairing pipes, fixtures and equipment and in supplying natural and/or liquid propane gas proximately caused the untimely death of Reese Helton.

23.

As an actual and proximate result of the negligence of Defendants Alpine, AGL Co., AGL Services and Cox Plumbing, Plaintiffs' father, Reese Helton, sustained catastrophic injuries, including but not limited to burns, and subsequently died.

COUNT II
NEGLIGENCE OF GREAT WESTERN INN,
DEVENDRA PATEL, KIRIT PATEL and HEMLATA PATEL

24.

Plaintiffs adopt and incorporate by reference paragraphs 1 through 23 of their Complaint for Damages as if said paragraphs are set forth fully herein.

25.

On or about June 27, 2006, Plaintiffs' decedent, Reese Helton, was working as an independent contractor at the Great Western Inn. As such, Mr. Helton held the status of a business invitee. As the owners and operators of the Great Western Inn, Defendants Devendra Patel, Kirit Patel and Hemlata Patel owed a duty to maintain said premises in a condition that was safe for business invitees, including Reese Helton.

26.

Defendants Devendra Patel, Kirit Patel and Hemlata Patel negligently failed to maintain the premises of the Great Western Inn in a safe condition. The proximate result of their negligence was an explosion and fire which catastrophically injured and caused the death of Reese Helton.

27.

Defendants Devendra Patel, Kirit Patel and Hemlata Patel further breached a duty of care owed to Plaintiffs' decedent by failing to warn him of the existence of a gas leak on the premises and the potential for an explosion and fire.

28.

As an actual and proximate result of the negligence of Defendants Devendra Patel, Kirit Patel and Hemlata Patel, Reese Helton sustained catastrophic injuries, including but not limited to burns, and died.

COUNT III

PUNITIVE DAMAGES

29.

Plaintiffs adopt and incorporate by reference paragraphs 1 through 28 of their Complaint for Damages as if said paragraphs are set forth fully herein.

30.

All of the Defendants acted with reckless disregard for the safety and well-being of the public, including Reese Helton, when the Defendants created or allowed an unreasonably

dangerous condition to exist on the Great Western Inn property, namely a gas leak, without providing any safeguards or warnings for Reese Helton, even though each of them knew that this dangerous condition could result in injury and death.

31.

The Defendants* actions showed willful misconduct, malice, fraud, wantonness, oppression or that entire want of care which would raise the presumption of conscious indifference to consequences so as to entitle Plaintiffs to punitive damages against all Defendants in accordance with O.C.G.A. § 51-12-5.1.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that they be granted the following relief:

- (a) that a copy of the Summons and Complaint be served upon each of the Defendants;
- (b) that they have a trial by jury as to each and every appropriate issue;
- (c) a judgment against each Defendant;
- (d) the recovery of funeral and burial expenses in an amount to be set forth more specifically by way of amendment and/or at trial;
- (e) the recovery of out of pocket expenses in an amount to be set forth more specifically by way of amendment and/or at trial;
- (f) the recovery of lost income in an amount to be set forth more specifically by way of amendment and/or at trial;
- (g) the recovery of compensatory damages for the physical pain, mental anguish and emotional distress of Plaintiffs' decedent, Reese Helton;
- (h) the recovery of compensatory damages for the conscious pain and suffering of Plaintiffs' decedent, Reese Helton;
- (i) the recovery of an amount equal to the full value of the life of Reese Helton;
- (j) an award of punitive damages in an amount sufficient to deter future similar conduct by the Defendants;

- (k) the recovery of reasonable attorney's fees and expenses of litigation;
- (l) that all costs of this action be cast against the Defendants; and
- (m) any and all such further relief as the Court may deem just and appropriate.

This 17th day of July, 2006.

THOMAS, MEANS, GILLIS & SEAY, P.C.

// S// ***Quinton S. Seay***

191 Peachtree Street, N.E.
Suite 3550
Atlanta, GA 30303
(404) 222-8400

Quinton S. Seay
Georgia Bar No. 634025

ATTORNEYS FOR PLAINTIFFS