

**IN THE STATE COURT OF DEKALB COUNTY  
STATE OF GEORGIA**

Mary Anne Downing, Individually )	
and as Representative of the Estate )	Civil Action
of Bradley Downing, Deceased )	
Plaintiff, )	19A73142
— <i>versus</i> — )	File No. _____
Complete Care at Home LLC, and )	
John/Jane Doe 1-5, )	Jury Trial Demanded
Defendants )	
)	

**PLAINTIFFS’ COMPLAINT FOR DAMAGES**

**Nature of the Action**

1. Mary Anne Downing, individually as surviving parent of Bradley Downing, and as Representative of the Estate of Bradley Downing, brings this wrongful death action against Defendants.

**Parties, Jurisdiction, and Venue**

2. Plaintiff Mary Anne Downing is a Georgia citizen residing in Gwinnett County. She is subject to the jurisdiction of this Court and submits to venue in this Court. Mary Anne Downing is the mother of Bradley Downing, deceased, and the representative of the Estate of Bradley Downing.

3. Defendant Complete Care at Home LLC (“Complete Care”) is a Georgia limited liability company. Complete Care’s principal office address is 11 Dunwoody Park, Suite 140, Dunwoody, GA 30338. Complete Care is subject to the jurisdiction and venue of this Court. Complete Care may be served with process through their registered agent, Lisa Reisman, at the address given above.

4. Defendants John/Jane Doe 1-5 are those yet unidentified individuals and/or entities who may be liable, in whole or part, for the damages alleged herein. Once served with process, John/Jane Doe 1-5 are subject to the jurisdiction and venue of this Court.

5. This Court has subject matter jurisdiction, and venue is proper as to all Defendants in this Court.

### **Facts**

6. On April 24, 2018, an employee or agent of Complete Care was attending to Bradley Downing at Mr. Downing’s home.

7. Complete Care’s employee gave Mr. Downing a bath.

8. Complete Care’s employee adjusted the water temperature to scalding.

9. Complete Care’s employee sprayed Mr. Downing with the scalding water, giving Mr. Downing severe burns.

10. Mr. Downing was hospitalized for the burns.

11. Mr. Downing developed complications from the burns and died because of those complications.

### **Count 1 – Negligence**

12. Plaintiff incorporates by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

13. Defendant Complete Care's employee acted negligently in adjusting the bathwater to scalding and then spraying Mr. Downing with it.

14. The negligence of Complete Care's employee caused Mr. Downing's burns.

15. The negligence of Complete Care's employee caused the complications that resulted from Mr. Downing's burns.

16. The negligence of Complete Care's employee caused Mr. Downing to suffer economic costs, physical pain and suffering, and emotional distress.

17. Complete Care is vicariously liable for the negligence of the employee.

18. The employee's negligence occurred while performing actions within the scope of employment by Complete Care.

19. Complete Care is liable to the Estate of Bradley Downing for the economic and non-economic harms suffered by Mr. Downing before he died.

### **Count 2 – Wrongful Death**

20. Plaintiff incorporates by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

21. The negligence of Complete Care's employee caused Mr. Downing's premature death as a result of complications from the burns.

22. On the date of his death, May 29, 2018, Bradley Downing was 41 years old.

23. His remaining life expectancy — according to the Annuity Mortality Table For 1949, Ultimate — was 34.22 years.

24. Complete Care is vicariously liable for the negligence of the employee.

25. Complete Care is liable to Plaintiff for the full value of the life taken from Bradley Downing, as well as damages for funeral costs and all other items of damages properly recoverable under Georgia law for the wrongful death of Mr. Downing.

### **Damages**

26. Plaintiff incorporates by reference, as if fully set forth herein, all preceding paragraphs of this Complaint.

27. As a direct and proximate result of the Defendants' individual and collective conduct, Plaintiff is entitled to recover from Defendants reasonable compensatory damages in an amount exceeding \$10,000.00 to be determined by a fair and impartial jury for all damages Plaintiff suffered, including physical, emotional, and economic injuries.

28. WHEREFORE, Plaintiff demands a trial by jury and judgment against the Defendants as follows:

a. Compensatory damages in an amount exceeding \$10,000.00 to be determined by a fair and impartial jury;

b. All costs of this action; and

c. Such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Lloyd N. Bell

LLOYD N. BELL

Georgia Bar No. 048800

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