

# General Civil Case Filing Information Form (Non-Domestic)

**Court**  
 Superior  
 State

**County** WARE

**Date Filed** 10-28-15  
 MM-DD-YYYY

**Docket #** 515V-082

**Plaintiff(s)**

LITTLE, DIANE  
 Last First Middle I. Suffix Prefix Maiden

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 Last First Middle I. Suffix Prefix Maiden

\_\_\_\_\_  
 Last First Middle I. Suffix Prefix Maiden

\_\_\_\_\_  
 Last First Middle I. Suffix Prefix Maiden

**No. of Plaintiffs** 1

**Plaintiff/Petitioner's Attorney**  **Pro Se**

SAVAGE, BRENT J  
 Last First Middle I. Suffix

**Bar #** 627450

**Defendant(s)**

GUINOVRT, RUBEN  
 Last First Middle I. Suffix Prefix Maiden

CITY OF WAYCROSS  
 Last First Middle I. Suffix Prefix Maiden

EDDINS, DAVID E  
 Last First Middle I. Suffix Prefix Maiden

\_\_\_\_\_  
 Last First Middle I. Suffix Prefix Maiden

**No. of Defendants** 3

**Check Primary Type (Check only ONE)**

- Contract/Account
- Wills/Estate
- Real Property
- Dispossessory/Distress
- Personal Property
- Equity
- Habeas Corpus
- Appeals, Reviews
- Post Judgement Garnishment, Attachment, or Other Relief
- Non-Domestic Contempt
- Tort (If tort, fill in right column)
- Other General Civil Specify \_\_\_\_\_

**If Tort is Case Type:**  
 (Check no more than TWO)

- Auto Accident
- Premises Liability
- Medical Malpractice
- Other Professional Negligence
- Product Liability
- Other Specify \_\_\_\_\_

**Are Punitive Damages Pleaded?**  Yes  No

I hereby certify that the documents in this filing (including attachments and exhibits) satisfy the requirements for redaction of personal or confidential information in O.C.G.A. 9-11-7.1

IN THE STATE COURT OF WARE COUNTY  
STATE OF GEORGIA

DIANE LITTLE, Individually and as  
next of kin and Administrator of the  
Estate of JEFF LITTLE,

Plaintiff,

vs.

RUBEN GUINOVART, CITY OF  
WAYCROSS, GA and  
DAVID E. EDDINS,

Defendants.

\*

\*

Civil Action File No. SI5V-082

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SUMMONS

TO: RUBEN GUINOVART

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

Brent J. Savage  
SAVAGE, TURNER & PINCKNEY  
Post Office Box 10600  
Savannah, Georgia 31412

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusively 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 28 day of October, 2015.

MELBA H. FIVEASH  
Clerk of ~~Superior~~ Court  
State

By Melba H. Fiveash  
Deputy Clerk

IN THE STATE COURT OF WARE COUNTY  
STATE OF GEORGIA

DIANE LITTLE, Individually and as  
next of kin and Administrator of the  
Estate of JEFF LITTLE,

Plaintiff,

vs.

RUBEN GUINOVART, CITY OF  
WAYCROSS, GA and  
DAVID E. EDDINS,

Defendants.

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Civil Action File No. SI5Y-082

SUMMONS

TO: CITY OF WAYCROSS, GA

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

Brent J. Savage  
SAVAGE, TURNER & PINCKNEY  
Post Office Box 10600  
Savannah, Georgia 31412

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusively 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 28 day of October, 2015.

MELBA H. FIVEASH  
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IN THE STATE COURT OF WARE COUNTY  
STATE OF GEORGIA

DIANE LITTLE, Individually and as  
next of kin and Administrator of the  
Estate of JEFF LITTLE,

Plaintiff,

vs.

RUBEN GUINOVART, CITY OF  
WAYCROSS, GA and  
DAVID E. EDDINS,

Defendants.

\*

\*

Civil Action File No. 515V-082

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SUMMONS

TO: DAVID E. EDDINS

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

Brent J. Savage  
SAVAGE, TURNER & PINCKNEY  
Post Office Box 10600  
Savannah, Georgia 31412

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusively 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 28 day of October, 2015.

MELBA H. FIVEASH  
Clerk of ~~Superior~~ Court  
State

By Melba H. Fiveash  
~~Deputy~~ Clerk

IN THE STATE COURT OF WARE COUNTY  
STATE OF GEORGIA

DIANE LITTLE, Individually )  
and as next of kin and Administrator )  
of the Estate of JEFF LITTLE, )  
)  
)  
Plaintiff, )  
)  
vs. )  
)  
RUBEN GUINOVART, CITY OF )  
WAYCROSS, GA & )  
DAVID E. EDDINS )  
)  
Defendant. )

CIVIL ACTION NO. S15V-082

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**COMPLAINT**

COMES NOW, DIANE LITTLE, Individually and as next of kin and Administrator of the Estate of JEFF LITTLE, Deceased, (Hereinafter "Plaintiff"), Plaintiff in the above-styled action and file this their claim for damages against Defendants Ruben Guinovart, City of Waycross, Ga and David E. Eddins as follows:

**I.**

**PARTIES, JURISDICTION AND VENUE**

1.

Plaintiff Diane Little is a citizen and resident of Ware County, Georgia and is the next of kin and Administrator of the Estate of Jeff Little, deceased.

2.

Defendant Ruben Guinovart is a resident of Miami, Florida and can be served with process at 11821 SW 152<sup>nd</sup> Path, Miami, Florida 33196. Defendant Guinovart is subject to the

Georgia Long-Arm Statute under O.C.G.A. § 9-10-91(2) by committing a tortious act or omission within this state.

3.

Defendant City of Waycross, Georgia is a city located in Ware County in the State of Georgia and is subject to the jurisdiction of this Court. As Plaintiff's claims against this Defendant are being brought under 42 U.S.C. § 1983, Plaintiff need not provide Defendant with an ante litem notice. Defendant City of Waycross can be served through the City Manager, Raphel Maddox at 417 Pendleton Street, Waycross, Georgia 31502.

4.

Defendant David E. Eddins is a citizen and resident of Ware County Georgia and can be served with process at 1708 Marshal Drive, Waycross, Georgia 31501.

5.

This court has jurisdiction over each Defendant and over the subject matter of this action.

6.

Venue for this action lies within Ware County, Georgia.

7.

Jurisdiction and Venue are proper in this Court.

**II.**

**FACTS SUPPORTING CAUSE OF ACTION**

8.

In or around 2005, Defendant Ruben Guinovart acquired property located at 1005 Isabella Street, Waycross, Georgia.

9.

In or around 2005, the home located at 1005 Isabella Street, Waycross, Georgia was condemned by the City of Waycross.

10.

This condemnation was ignored by Defendant Guinovart who took no action to repair or remove the condemned structure.

11.

Defendant City of Waycross took no action to repair or remove the condemned structure.

12.

Around June of 2012 two Waycross firefighters including Bill Jordan and Roger Summerall filed complaints against Defendant Eddins, Fire Chief for the City of Waycross for his disparate treatment in allowing employees to apply for jobs.

13.

Subsequent to the above-mentioned complaints, Defendant Eddins fired firefighter Jordan and attempted to fire the aforementioned firefighter Summerall.

14.

Firefighter Jordan was subsequently re-hired but the personal grudge of Defendant Eddins against both he and Firefighter Summerall remained.

15.

On December 15, 2013, the house located at 1005 Isabella Street, Waycross, Georgia caught on fire and the City of Waycross Fire Department responded to the blaze.

16.

Upon arrival at the scene, a sweep of the premises indicated no persons inside the home.

17.

Hours later while the house was still on fire, Defendant Eddins forcefully ordered Roger Summerall into the burning home if he wanted to keep his job.

18.

Defendant Eddins knew there was no one in the home and knew there was no need for the firefighters to enter the home. This action by Defendant Eddins was with malice and as retaliation for the complaint filed against him.

19.

The personal animus shown by Defendant Eddins intimidated Plaintiff's husband Jeff Little and others into entering the property alongside their fellow firefighter.

20.

While in the home, the structure collapsed causing injuries to several firefighters including the death of Plaintiff's husband Jeff Little.

21.

Subsequent to the fire, Defendant Eddins fraudulently put out a gag order to prevent those injured in the fire from speaking about the circumstances and fraudulently denied the State Fire Marshall James Atkinson's requests to interview the firefighters involved in an attempt to conceal his actions.



### III.

#### CAUSES OF ACTION

##### COUNT ONE

**DEFENDANTS EDDINS AND CITY OF WAYCROSS**  
**Constitutional and Civil Rights Pursuant to 42 U.S.C. §§ 1983, 1988**  
***Violation of First Amendment Speech Rights***

22.

Defendant Eddins and Defendant City of Waycross as employer of Defendant Eddins did violate certain Firefighters' First Amendment rights through retaliation for filing a complaint against Defendant Eddins.

23.

Defendant Eddins was acting under color of law, employed customs, policies, and/or procedures which resulted in the violations of these First Amendment rights.

24.

These First Amendment right to Free Speech outweighed any interest of Defendants in suppressing that speech.

25.

As a direct and proximate cause of Defendants' retaliatory actions and violations of the First Amendment rights of multiple firefighters, Plaintiff suffered severe and substantial losses.

##### COUNT TWO

**DEFENDANTS EDDINS AND CITY OF WAYCROSS**  
**Violation of O.C.G.A. § 45-1-4**

26.

Defendant Eddins and Defendant City of Waycross as employer of Defendant Eddins did violate O.C.G.A. § 45-1-4 by retaliating against firefighters for filing complaints against

Defendant Eddins and his office.

27.

As a direct and proximate cause of Defendants' retaliatory actions and violations of O.C.G.A. § 45-1-4, Plaintiff suffered severe and substantial losses.

**COUNT THREE**  
**DEFENDANT GUINOVART**  
**Premises Liability**

28.

Defendant Guinovart had a nondelegable duty under Georgia law to exercise ordinary care to prevent a known or reasonably expected risk of injury due to dangerous conditions on his property.

29.

Defendant breached this duty by failing to maintain the property in such a way that it was not unreasonably dangerous to persons coming on to the property.

30.

As a proximate result of Defendant's breach, Plaintiff's husband was severely injured and killed by the dangerous environment existing on its premises.

**COUNT FOUR**  
**DEFENDANTS GUINOVART & CITY OF WAYCROSS**  
**Negligence**

31.

Defendant owed a duty to maintain premises under its control in a condition that was not unreasonably dangerous to foreseeable third parties.

32.

Defendant Guinovart breached this duty by failing to repair or destroy the structure after the condemnation proceedings began.

33.

Defendant City of Waycross breached this duty by failing to proceed with the condemnation action for a period of around eight years during which it could have destroyed or repaired the structure.

34.

Defendant's negligence proximately caused Plaintiff's injuries.

**COUNT FIVE**  
**DEFENDANT GUINOVART & CITY OF WAYCROSS**  
**Negligence Per Se**

35.

Defendants failed to adhere to Georgia law concerning condemnation procedures with respect to the property located at 1005 Isabella Street, Waycross, Georgia.

36.

Plaintiff is included in the class of people this statute was intended to protect.

37.

As a direct and proximate cause of their failure to follow Georgia law, Plaintiff's husband was severely and permanently injured and/or wrongfully died.

**IV.**  
**DAMAGES**

38.

Each of the foregoing acts and omissions constitute an independent act of negligence on

the part of Defendants, and one, more, or all of the above stated acts and omissions were the proximate cause of Plaintiff's injuries and death. Plaintiff seeks and asserts all permissible claims for the wrongful death and injuries of Plaintiff, and all damages recoverable under Georgia law.

39.

The wrongful death and injuries to Plaintiff's husband were the direct and proximate result of Defendants' negligence. But for said negligence, Plaintiff's husband would not have died and Plaintiff Jordan would not have been injured.

40.

Plaintiff Diane Little, Individually and as the Administrator of the Estate of Jeff Little, Deceased, is entitled to recover for the full value of the life of Jeff Little, for his wrongful death, and all other elements of damages allowed under Georgia law. Plaintiff seeks all compensatory, special, economic, consequential, general, and all other damages permissible under Georgia law, including but not limited to:

- (a) Pain and suffering;
- (b) Mental anguish;
- (c) Loss of the enjoyment of life;
- (d) Wrongful death;
- (e) Funeral expenses;
- (f) Incidental expenses; and
- (g) Consequential damages to be proven at trial.

V.

**ATTORNEY'S FEES**

41.

Defendants have acted in bad faith, has been stubbornly litigious, and has caused Plaintiff unnecessary trouble and expense and, accordingly, is liable to Plaintiff for attorney's fees and costs of litigation, pursuant to O.C.G.A. § 13-6-11.

WHEREFORE, Plaintiff prays:

- (A) That Summons and Process be issued and served upon Defendants;
- (B) For a trial by a jury comprised of twelve persons;
- (C) That Plaintiff be awarded an appropriate sum in excess of \$15,000 to compensate for the injuries, damages, and wrongful death of Plaintiff;
- (D) That Plaintiff be awarded all general, special, compensatory, economic, and other allowable damages in accordance with the enlightened conscience of an impartial jury and as permitted under Georgia law;
- (E) Plaintiff be awarded all funeral expenses in an amount to be proven through the evidence at the time of trial;
- (F) For recovery of attorney's fees and all costs of litigation against Defendant; and
- (G) That Plaintiff recover such other and further relief as this Court deems just and proper.

This 27<sup>th</sup> day of September, 2015.

Brent J. Savage by Sean Simmons  
with express permission.

Brent J. Savage

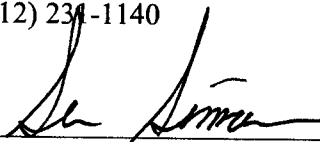
Georgia Bar No. 627450

SAVAGE, TURNER & PINCKNEY

Post Office Box 10600

Savannah, Georgia 31412

(912) 231-1140



Sean Simmons

Georgia Bar No. 800264

319 Albany Ave

Waycross, Ga 31501

(912) 614-7538

FILED IN OFFICE THIS 28 DAY  
OF October 2015  
Melba M. Simons CLERK  
WARE COUNTY.