

IN THE SUPERIOR COURT OF RICHMOND COUNTY
STATE OF GEORGIA


Hattie Holmes Sullivan, Clerk
Richmond County, Georgia

GERMAYNE FARRELL, JR.,)
GERMAYNE RASHID FARRELL,) CIVIL ACTION FILE NO. :
TARIQ GERMAYNE FARRELL,) 2023-RCCV-00565
SHERNIA ANQUEL JOHNSON, and)
JADA TREANN JOHNSON,)
)
)
Plaintiffs,)
)
V.)
)
AUGUSTA, GEORGIA,)
)
)
Defendant.)

FIRST AMENDED COMPLAINT

The plaintiffs, through counsel, sue defendant and allege the following:

PARTIES AND JURISDICTION

1. The plaintiffs are the surviving children and heirs at law of Germayne Farrell pursuant to O.C.G.A. §53-2-1.
2. The defendant is a consolidated government entity.
3. The Augusta Fire Department is a department of the defendant.
4. Pursuant to O.C.G.A. §36-92-2, the sovereign immunity of the defendant is waived up to \$500,000.00 for the negligent use of one of its covered motor vehicles.
5. Upon information and belief, the defendant purchased insurance to cover claims for the negligent use of its covered motor vehicles.

6. On or about July 20, 2023, the plaintiffs properly served the defendant with an Ante-Litem Notice and settlement demand pursuant to O.C.G.A. §§36-11-1 and 36-33-5, a copy of which is attached hereto as Exhibit "1".

7. In a letter to plaintiffs' counsel dated August 16, 2023, the defendant, through counsel, denied the plaintiffs' claim. A copy of the defendant's letter to plaintiffs' counsel is attached hereto as Exhibit "2".

8. Jurisdiction and venue are proper in this Court.

BACKGROUND

9. On or about May 13, 2023, between approximately 6:00 p.m. and 6:55 p.m., the plaintiffs' father, Germayne Farrell, was at the Outcast Motorcycle Club located at 115 Prep Phillips Drive in Augusta, Georgia when several gunshots were fired.

10. Germayne Farrell was shot and fell to the ground while in the parking lot.

11. It was light outside and visibility was clear.

12. A short while later, Gregory Hartshorne, while in the course and scope of his employment with the Augusta Fire Department, was driving an Augusta Fire Department owned or leased vehicle north across the parking lot when he ran over Germayne Farrell and dragged him for over fifty (50) feet.

13. Germayne Farrell was pronounced dead after Gregory Hartshorne ran over and dragged him.

14. Germayne Farrell's time of death was 7:50 p.m.

15. Upon information and belief, Gregory Hartshorne's employment with the Augusta Fire Department was terminated and/or he voluntarily resigned as a result of running over and dragging Germayne Farrell.

16. In response to the plaintiffs' Ante Litem Notice, on August 16, 2023, the Augusta Law Department, through counsel, stated that "the purported facts do not support any legal theory that Augusta-Richmond County, the City of Augusta, Georgia, and/or Augusta Richmond County Fire Department have any liability for the acts so alleged" and denied the plaintiffs' claim.

COUNT I

NEGLIGENCE/GROSS NEGLIGENCE

The plaintiffs repeat the allegations contained in paragraphs 1 through 16 as though fully set forth herein and further allege the following:

17. Gregory Hartshorne, while in the course and scope of his employment with the Augusta Fire Department, was negligent and/or grossly negligent, acted recklessly, willfully, and/or wantonly, and breached his duty of care to Germayne Farrell and the plaintiffs in one or more of the following ways:

- (a) Recklessly disregarding Augusta Fire Department's policies and procedures;
- (b) Failing to exercise due care while operating an Augusta

Fire Department motor vehicle;

- (c) Failing to exercise due care in controlling the speed and movement of an Augusta Fire Department motor vehicle;
- (d) Failing to keep a proper lookout while operating an Augusta Fire Department motor vehicle;
- (e) Failing to remain alert and observe Germayne Farrell; and,
- (f) Failing to exercise due care in handling and not mutilating a corpse, assuming for purposes of this subparagraph only that Germayne Farrell was deceased at the time Gregory Hartshorne ran him over and dragged him.

18. The plaintiffs have suffered, and continue to suffer, emotional and other damages as a direct and proximate result of Gregory Hartshorne's negligence and/or gross negligence.

19. The defendant, pursuant to O.C.G.A. §§ 36-92-2 and 36-92-3(b), is liable for the tortious acts and omissions of Gregory Hartshorne involving the use of a covered motor vehicle while he was in the course and scope of his employment with the defendant and/or in the performance of his official duties.

WHEREFORE, the plaintiffs pray as follows:

- (a) That the defendant be served as provided by law;
- (b) That the plaintiffs recover from the defendant all of

their past and future general damages;

(c) That the plaintiffs recover from the defendant all of their past and future special damages;

(d) That the plaintiffs have a trial by jury; and,

(e) That the plaintiffs have such further and other relief as the Court may deem appropriate.

This 18th day of January, 2024.

s/Raymond J. Doumar

Raymond J. Doumar

Ga. Bar No. 227510

Bettis C. Rainsford, Jr.

Ga. Bar No. 778594

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ATTORNEYS FOR THE PLAINTIFFS

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **First Amended Complaint** was mailed to below counsel and that this Document has been electronically filed with the Clerk of Court using the PeachCourt eFiling system which will send email notification of such filing to the following:

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Tameka Haynes, Esquire
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This 18th day of January, 2024.

s/Raymond J. Doumar

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Ga. Bar No. 227510
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