

**IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
DIVISION**

WESLEY YORK

PLAINTIFF

V.

NO. 60CV

**GALR, LLC d/b/a THE SUMMIT AT
VELVET RIDGE; CURTEZ LACURT
NICHOLS; DEVONTE LAQUAN
GOODLOE; and DEONTE LAVELL
GOODLOE**

DEFENDANTS

COMPLAINT

COMES NOW the Plaintiff, Wesley York, by and through his attorneys, Green & Gillispie, and Denton & Zachary, PLLC, and for his cause of action against the above-named Defendants, states the following:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff, Wesley York, is a resident of North Little Rock, Pulaski County, Arkansas, and was so at all times relevant to this action.
2. Defendant, GALR, LLC d/b/a The Summit at Velvet Ridge (hereafter “Velvet Ridge” or “GALR”), is a for-profit corporation doing business in the State of Arkansas and can be served with process via its registered agent: Corporation Service Company, 300 Spring St., Suite 900, Little Rock, AR 72201.
3. Defendant Curtez Lacurt Nichols (hereafter “Nichols”) was at all times material to this action a resident of Pulaski County, Arkansas.
4. Defendant Devonte Laquon Goodloe (hereafter “Devonte”) was at all times material to this action a resident of Pulaski County, Arkansas.

5. Defendant Deonte Lavell Goodloe (hereafter “Deonte”) was at all times material to this action a resident of Pulaski County, Arkansas.

6. This Circuit Court has jurisdiction over these parties and subject matter pursuant to A.C.A. § 16-4-101 and 16-13-201.

7. Venue in Pulaski County is proper pursuant to A.C.A. § 16-60-112. The incident complained of herein occurred in Pulaski County, Arkansas. The Plaintiff is a resident of Pulaski County, Arkansas.

ALLEGATIONS COMMON TO ALL COUNTS

8. Plaintiff re-alleges all preceding paragraphs as if fully stated herein.

9. Plaintiff, at all times relevant to this action, worked as a pizza delivery driver for Marco’s Pizza, in North Little Rock.

10. GALR is an apartment complex in North Little Rock. It does business as The Summit at Velvet Ridge. It is located at 5000 Summertree Dr., North Little Rock, AR 72116.

11. On December 14, 2019, Plaintiff was delivering a pizza at the Velvet Ridge apartments. While doing so, Plaintiff was robbed at gunpoint by Curtez Nichouls, Devonte Goodloe, and Deonte Goodloe in the Velvet Ridge parking lot.

12. During the armed robbery, one of the assailants struck Plaintiff in the left eye with the butt of a pistol. Plaintiff lost his left eye, and now wears a glass eye.

13. The parking lot in which Plaintiff was attacked is a common area possessed and controlled solely by GALR. No other entity or individual, including tenants of GALR, are authorized to exercise any form of control over the area in which Plaintiff was attacked and suffered injury.

14. Plaintiff was an invitee upon the premises of GALR. GALR owed Plaintiff a duty

to use ordinary care to maintain the premises in a reasonably safe condition. Plaintiff was a public invitee. He was invited to enter and remain on the property as a member of the public for a purpose for which the property is held open to the public. Plaintiff was also a business invitee. Plaintiff was present on the property, for a purpose other than a social visit, and for a purpose directly or indirectly connected with the business dealings of GALR. Plaintiff's presence benefited GALR.

15. At the time of Plaintiff's attack, the owners and operators of GALR were fully aware that criminal activity, including violent criminal activity, was occurring at the apartment complex at an alarming rate. Between January 1, 2014 and the date of this incident, the North Little Rock Police Department were called to Velvet Ridge approximately 4,700 times.

16. GALR was aware or should have been aware of the presence of Plaintiff and those similarly situated on the property.

17. In the approximately five (5) years preceding Plaintiff's attack, there were approximately:

- a. Sixteen (16) Armed Robberies;
- b. Thirty-one (31) Aggravated Assaults;
- c. One Hundred Fifty-Eight (158) Assaults & Batteries;
- d. Four (4) Rapes;
- e. Two (2) Homicides [A third homicide occurred in January of 2020];
- f. One Hundred Eleven (111) reports of Shots Fired;
- g. Fifty-four (54) Burglaries;
- h. Three (3) Robberies;
- i. Thirteen (13) Disturbances Involving Weapons;

- j. Fifty-six (56) Criminal Trespasses;
- k. Forty-three (43) reports of Harassment;
- l. Two Hundred Fifty-four (254) reports of Suspicious Circumstances; and
- m. One Hundred Seventy-seven (177) reports of Suspicious Persons.

18. GALR was specifically aware of the unreasonable likelihood that persons on the premises would be subjected to violent crime.

19. GALR was specifically aware of numerous incidents of criminal activity substantially similar to the criminal activity that resulted in Plaintiff's injury.

20. In fact, GALR or its agents personally called the police to report criminal activity on the premises more than fifty (50) times in the approximately five (5) years preceding Plaintiff's attack.

21. GALR knew of the presence of Plaintiff and other food-delivery drivers on the premises. GALR welcomed Plaintiff and other food-delivery drivers onto the property. GALR invited Plaintiff's presence onto the premises. GALR knew that Plaintiff and other similarly situated invitees were in a position of danger each time they set foot on the premises. The danger, while known by GALR, was not visible, open or obvious to Plaintiff and other similarly situated persons entering onto the premises.

22. The GALR premises, and specifically the portion of the premises where Plaintiff was injured, was open to the public. At the time of Plaintiff's injury, conditions known to GALR existed on the premises which rendered the premises unfit for the purpose intended and which constituted a nuisance. This nuisance was dangerous to the general public and even to persons not upon the premises

23. Despite this, GALR chose to provide no warning to Plaintiff of any possible

danger; chose not to install security cameras, which would have deterred criminal activity; chose not to hire a security guard, which would have deterred criminal activity; and chose to take no action whatsoever to prevent the highly foreseeable incident that resulted in the loss of Plaintiff's eye.

24. GALR acted willfully and wantonly in choosing to utterly ignore the fact that its premises was and is a haven of violent crime and other criminal activity that necessitated approximately 4,700 police incidents over a period of only five (5) years. GALR displayed a conscious disregard for the safety of others. GALR was fully aware that Plaintiff and those similarly situated were at an unreasonable risk of violent crime the moment they stepped foot on the property; despite this, GALR did nothing to prevent the harm or even to lesson the danger. GALR showed utter indifference and conscious disregard to the safety of Plaintiff, who was not aware of the peril.

25. The crime committed upon Plaintiff was a foreseeable consequence of GALR's conscious disregard for the safety of others.

26. GALR, through its actions prior to Plaintiff's injury, assumed the duty to provide reasonable security from criminal activity in the common areas of the premises. These actions included, but are not limited to, GALR's attempts to have the North Little Rock Police Department provide free security on the premises, including GALR's request for the North Little Rock Police Department to provide daily patrols of the premises.

27. Velvet Ridge is a public housing unit that receives federal aid from the US Department of Housing and Urban Development (hereafter "HUD"). GALR is required to operate Velvet Ridge in compliance with applicable HUD regulations. Among other requirements, HUD requires that public housing units such as Velvet Ridge "must be decent,

safe, sanitary and in good repair.” 24 C.F.R. § 5.703. GALR, as part of its agreement to accept HUD funding, contractually agreed to keep the premises safe, and to provide reasonable security from criminal activity in the common areas of the premises. Alternatively, in seeking and obtaining HUD funding, and thereby agreeing to comply with HUD safety requirements, GALR assumed the duty to provide reasonable security from criminal activity in the common areas of the premises, but took little to no actions to fulfill this duty.

28. GALR publicly represented that it would maintain the public housing units at Velvet Ridge in safe condition. Despite GALR’s public representation, it took little to no actions for the safety of residents and visitors such as Plaintiff.

29. HUD records reveal GALR’s extensive history of non-compliance and of violations specifically for failures to provide reasonable security from criminal activity on the premises.

**COUNT ONE: NEGLIGENCE
(against GALR)**

30. Plaintiff hereby incorporates by reference all previous paragraphs as if fully set forth herein.

31. Defendant GALR owed a duty to Plaintiff to use ordinary care and a duty not to cause Plaintiff injury by wanton conduct or reckless indifference to a peril known to GALR but not to Plaintiff.

32. GALR breached its duty to Plaintiff.

33. GALR’s breach of its duty was the proximate cause of Plaintiff’s injuries.

34. The harm suffered by Plaintiff was foreseeable to GALR. GALR was aware of Plaintiff’s presence, knew that delivery drivers frequented the premises with GALR’s blessing. GALR knew of an unreasonable risk of harm to Plaintiff.

35. As a direct result of GALR's negligent and reckless conduct, Plaintiff has suffered the injuries and damages described herein – namely, the loss of his left eye.

36. GALR knew, or should have known through the exercise of ordinary care and reasonable diligence, that the probability of a violent crime being committed against Plaintiff on its premises was foreseeable and likely to happen if reasonable steps were not implemented to prevent such an occurrence.

37. GALR knew, or should have known through the exercise of ordinary care and reasonable diligence, that events similar to the one causing Plaintiff's injuries had previously and recently occurred on the premises, and within a recent enough period of time as to give GALR adequate notice that similar incidents would occur.

38. GALR knew, or should have known under the totality of the circumstances, that the nature, condition, and location of the premises, along with prior similar incidents on the premises, made Plaintiff's injuries foreseeable.

39. GALR's negligence specifically consisted of the following:

- a. Failing to maintain necessary and proper security measures to prevent injury to Plaintiff and those similarly situated;
- b. Failing to adequately develop and maintain adequate and appropriate safety, security, and protection procedures and policies to prevent injury to Plaintiff and those similarly situated;
- c. Failing to implement and maintain an adequate incident/occurrence reporting system and/or policy and procedure which would have identified the inherent risks that a harmful event was foreseeable and likely to happen if reasonable steps were not implemented to prevent the occurrence of a similar incident as

the one forming the basis of this lawsuit;

- d. Failing to warn Plaintiff of the unsafe conditions on its premises, and that previous crimes had occurred on its premises, including many armed robberies, aggravated assaults and batteries in the parking lot of the premises.
- e. Failure to maintain adequate surveillance cameras;
- f. Failure to employ and/or use a security guard or security guards; and
- g. Failing to maintain and provide adequate employee staffing to prevent injury to Plaintiff and those similarly situated.

40. All of the foregoing acts and omissions on the part of GALR, taken separately and/or collectively, constitute a direct and proximate cause of the injuries and damages suffered by Plaintiff.

41. The negligence of unknown employees and staff of GALR is imputed to GALR, as they were acting within the scope of their employment.

**COUNT TWO: BATTERY
(against Nichouls, Devonte Goodloe, and Deonte Goodloe)**

42. Plaintiff hereby incorporates by reference all previous paragraphs as if fully set forth herein.

43. Nichouls, Devonte Goodloe, and Deonte Goodloe acted with intent to cause some harmful or offensive contact with Plaintiff.

44. Harmful or offensive contact with Plaintiff resulted.

**COUNT THREE: ASSAULT
(against Nichouls, Devonte Goodloe, and Deonte Goodloe)**

45. Plaintiff hereby incorporates by reference all previous paragraphs as if fully set forth herein.

46. Nichouls, Devonte Goodloe, and Deonte Goodloe acted in such a manner as to create a reasonable apprehension of immediate harmful or offensive contact upon the person of Plaintiff.

47. They intended to cause that apprehension.

48. Plaintiff was actually put in that apprehension.

**COUNT FOUR: TORT OF OUTRAGE
(against all Defendants)**

49. Plaintiff hereby incorporates by reference all previous paragraphs as if fully set forth herein.

50. Defendants willfully and wantonly engaged in extreme and outrageous conduct. Defendants' conduct was so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious and utterly intolerable in a civilized society.

51. Defendants knew or should have known that this outrageous conduct would result in injury to Plaintiff and those similarly situated to Plaintiff. Despite this, Defendants continued to engage in such conduct in reckless and callous disregard of the consequences.

52. Plaintiff suffered damages, as set forth herein. Defendants' outrageous conduct directly and proximately caused Plaintiff's damages, including extreme emotional distress and bodily harm that no person could reasonably be expected to endure.

**COUNT FIVE: CRIME VICTIM CIVIL ACTION
(against GALR)**

53. Plaintiff hereby incorporates by reference all previous paragraphs as if fully set forth herein.

54. GALR has maintained a drug premises, in violation of A.C.A. § 5-64-402. This is a Class C felony.

55. Plaintiff lost his eye because of GALR's felonious conduct.

56. Pursuant to A.C.A § 16-118-107, Plaintiff is entitled to relief from GALR that includes his costs and attorney fees.

**COUNT SIX: CRIME VICTIM CIVIL ACTION
(against Nichouls, Devonte Goodloe, and Deonte Goodloe)**

57. Plaintiff hereby incorporates by reference all previous paragraphs as if fully set forth herein.

58. Nichouls, Devonte Goodloe, and Deonte Goodloe committed aggravated robbery, in violation of A.C.A. § 5-12-103. This is a Class Y felony.

59. Plaintiff lost his eye because of their felonious violent conduct.

60. Pursuant to A.C.A § 16-118-107, Plaintiff is entitled to relief from these Defendants that includes his costs and attorney fees.

DAMAGES

61. Plaintiff hereby incorporates by reference all previous paragraphs as if fully set forth herein.

62. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff sustained injuries that include, but are not limited to, the following:

- a. Severe permanent injury, including the loss of his left eye;
- b. Past and future medical expenses;
- c. Past and future pain, suffering, and mental anguish;
- d. Past and future loss of earnings;
- e. Loss of earning capacity; and

f. Disfigurement and scarring.

PUNITIVE DAMAGES

63. Plaintiff hereby incorporates by reference all previous paragraphs as if fully set forth herein.

64. When viewed from the standpoint of GALR, at the time of the acts and omissions, their conduct involved an intentional and reckless disregard of the known risks and dangers to visitors and invitees on the premises, given the occurrence of recent similar acts of violence and crime as that suffered by Plaintiff.

65. GALR had actual subjective awareness of the risks and dangers to Plaintiff and other visitors and invitees. GALR intentionally and recklessly disregarded known prior acts of violence and crime, placing Plaintiff's and other invitees' and visitors' safety in jeopardy.

66. GALR intentionally and recklessly failed to assess the risk of a foreseeable crime, failed warn of the risk, and failed to maintain adequate safety, security, and crime prevention measures.

67. GALR's conduct displayed a conscious indifference to the rights, safety, and welfare of Plaintiff and others in Plaintiff's position.

68. Plaintiff seeks punitive damages, in an amount deemed appropriate by the Court, in order to punish GALR, and to deter other similarly situated property owners from engaging in similar conduct.

JURY DEMAND

69. Plaintiff respectfully demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, by and through his attorneys, respectfully requests recovery for

all damages previously pled herein, and for compensatory damages for the reasons previously pled and in an amount previously prayed for and/or allowed by common law or by statute, in an amount left to the sound discretion of the jury, but in an amount necessary to satisfy the jurisdictional limits of this Court or any other Court, unless said damages are set, in whole or in part, by statute, for punitive damages, for his attorney fees and all costs herein expended, and for all other relief to which Plaintiff is justifiably entitled.

Respectfully submitted by:

/s/ Joshua D. Gillispie

ABA # 2010131

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