

IN THE SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA

FILED
HALL CO., GA

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DWIGHT S. WOOD, CLERK
SUPERIOR STATE COURT

JANICE LOWMAN, next friend and
natural guardian of
COREY BENJAMIN PIRKLE,,
and COREY BENJAMIN PIRKLE,,
Individually,

Plaintiffs,

v.

LAUREL WOOD at NORTHEAST GEORGIA
MEDICAL CENTER, INC.,

Defendant.

BY
CIVIL ACTION

FILE NO. 2000CV3606J

COMPLAINT

COME NOW JANICE LOWMAN, next friend and natural guardian of COREY BENJAMIN PIRKLE, and COREY BENJAMIN PIRKLE, Individually, plaintiffs herein, and file their Complaint, respectfully showing the court the following:

1.

Plaintiff Janice Lowman (Lowman) is the mother of Corey Benjamin Pirkle, The father's parental rights have been terminated. Plaintiff Lowman has the right to bring this action under the provisions of O.C.G.A. § 51-1-10.

2.

Plaintiff Corey Benjamin Pirkle, (Ben) was a minor at the time of the occurrence referred to in this action. His date of birth is December 31, 1989.



3.

Defendant LAUREL WOOD at NORTHEAST GEORGIA MEDICAL CENTER, INC. (Laurelwood) is a Georgia registered corporation whose registered agent is James E. Gardner, 743 Spring Street, Gainesville, Hall County, Georgia 30501, (770) 535-3553. Defendant is subject to the jurisdiction of this court.

4.

Ben, then 16 years old, was admitted to Laurelwood at about 1:00 A.M. on November 11, 2006 with suicidal ideation and agitation. According to the Laurelwood record, he was strip searched at that time.

5.

On November 12, 2006 between the hours of 12:00 and 16:30, while in the care of Laurelwood, Ben was permitted to have sex or attempted sex at Laurelwood with two female juvenile patients also being treated at Laurelwood, R.J., age 14, and A.G., age 13, in the bathroom adjoining the girls' room.

6.

On November 14, 2006 Ben was discharged from Laurelwood. That same day he was arrested on charges of statutory rape, rape, and two counts of child molestation.

7.

On February 8, 2008 he pled guilty before the Superior Court of Hall County to

child molestation, statutory rape, simple assault, simple battery, disorderly conduct, and contributing to the delinquency of a minor. He received a sentence that includes a total of 12 months of house arrest followed by 19 years of probation. He is required to register as a sex offender and he is subject to special strict conditions of probation during the entire time on probation that will substantially restrict his potential business, social and personal life. The restrictions on him as a registered sex offender will continue for the rest of his life.

8.

Laurelwood was negligent in the following particulars:

- A. In failing to institute and/or enforce a protocol or policy requiring the close supervision and monitoring of Ben every 15 minutes for at least 24 hours after admission, given his history of suicidal ideation and agitations and threats to kill himself because, although the records indicate that such monitoring occurred, it is unlikely that it did given that it would take longer than 15 minutes for Ben to have come to the girls' room, taken R.J. into the bathroom, left, returned after A.G. took a shower, had sex or attempted to have sex with both girls, stayed and flirted with R.J., and then left and returned to his room;
- B. In failing to institute and/or enforce a protocol or policy for minor children who are patients at the facility to maintain male and female patients in

segregated areas of the facility and to prevent a male patient from going into the room of female patients unsupervised and to remain long enough to engage in illegal sexual intercourse or attempted sexual intercourse within the facility;

- C. In failing to institute and/or enforce a protocol or policy requiring that video cameras in patient rooms be monitored closely enough to observe a male patient going into the room of female patients unsupervised on two occasions, to remain long enough on one occasion to engage in illegal sexual intercourse or attempted sexual intercourse with both patients, and then to remain while one patient flirted with him.

8.

The counselor at Laurelwood stated to Plaintiff Lowman that Laurelwood took full responsibility for the incident.

9.

Plaintiff Lowman incurred the following special damages:

- a. \$1500.00 - attorney's fees to William S. Hardman, P.C. for representing Ben to obtain a bond;
- b. \$15,000.00 - attorney's fees to David A. Fox for representing Ben in his criminal cases;
- c. \$450.00 (approx.) - Dr. Kenneth Goolsby, psychiatric treatment for Ben;
- d. \$1000.00 (approx.) - Dr. Rees Chapman, psychological counseling for Ben;

- e. \$650.00 - sexual assault test;
- f. \$500.00 (approx.) - motel expenses to visit Ben;
- g. \$450.00 (approx.) - fuel expense to visit Ben;
- h. \$150.00 - packages, mail, magazines for Ben;
- I. \$150.00 - alcohol and drug testing;
- j. \$800.00 (approx.) - Robocuff monitoring for Ben on bond required by court;
- k. \$120.00 - phone line for monitoring Ben's house arrest;
- l. \$1750.00 - three car payments for Ben while incarcerated;
- m. \$600.00 - three loan payments for Ben while incarcerated;
- n. \$4500.00 - advance for the necessary purchase of Ben's truck;
- o. \$3200.00 - Ben's step-father's lost wages for 15 days dealing with court, tests and appointments;
- p. \$3150.00 - Plaintiff Lowman's lost wages for 10 days dealing with court, tests and appointments.

Total - \$34,620.00

10.

Ben will incur special damages in the future for lost opportunity for employment because of his criminal record and sex offender status, court costs and surcharges, probation supervision fees of \$32.00 per month for 19 years (\$7296.00), the cost of sex offender evaluation and treatment, fees for drug and alcohol treatment, mileage for visits with probation officer, and lost wages for work time lost for

probation visits.

11.

Ben has suffered and will suffer "noneconomic" damages for his arrest and incarceration, time spent on bond with electronic monitoring, serving 12 months house arrest, diminished social opportunities for life, complying with statutory restrictions applicable to sex offenders for life, and being subject to the following conditions of probation for 19 years, and face incarceration for balance of sentence for slight evidence of violation:

- a. waiver of his constitutional right to be free from unreasonable searches and seizures:
- b. no contact with any minor, including his own children, directly or indirectly, without advance written approval of court. Must report any incidental contact to probation officer;
- c. may not reside with a minor, including own children, without prior approval of probation officer;
- d. no change of residence without prior approval of probation officer;
- e. probation officer must approve employment;
- f. may not create, possess, access or control any photograph, video, rendering or digital imagery of a minor except as authorized by court or probation officer;
- g. may not date or marry anyone with children under 18 without advance written approval of probation officer in consultation with treatment provider or court.

Must notify any such person of criminal history;

h. may not possess or subscribe to any sexually oriented or stimulating material including mail, computer or television, nor patronize any place where any such material or entertainment is available;

I. may not use a "900" number or have a post office box without prior written approval from probation officer;

j. must abide by curfew set by probation officer;

k. must attend and actively participate in sex offender evaluation and treatment in an approved program, must abide by the rules of the program, may not change programs without approval of probation officer, all at own expense;

l. must submit to any program of polygraph, psychological or physiological treatment at direction of probation officer or treatment provider at own expense;

m. may not purchase, possess or consume alcoholic beverages;

n. must submit to and pay for breath, urine, blood or saliva tests;

o. must maintain a driving log;

p. may never drive alone;

q. may not hitchhike or pick up hitchhikers.

12.

These damages were proximately caused by defendant's negligence.

13.

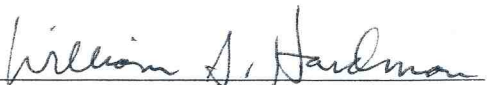
Plaintiffs have filed contemporaneously herewith an affidavit which complies

with the requirements of O.C.G.A. § 9-11-9.1.

WHEREFORE, plaintiffs demand recovery from defendant as follows:

- a. \$34,620.00 in special damages incurred by Plaintiff Lowman;
- b. Loss of Ben's services during his minority by Plaintiff Lowman as provided by law in such amounts as may be shown by the evidence;
- c. special damages incurred by Ben in such amounts as may be shown by the evidence;
- d. \$350,000.00 for past, present and future noneconomic damages suffered by Ben; and,
- e. costs of this action.

WILLIAM S. HARDMAN, P.C.


William S. Hardman
Ga. Bar No. 325650
Attorney for Plaintiffs