



AlaFile E-Notice

02-CV-2023-901093.00

To: JOSEPH CANNIZZO JR.
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NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

MARY A. BLEVINS, INDIVIDUALLY AND AS THE PERSONAL REPRESENTATIVE OF TH
02-CV-2023-901093.00

The following complaint was FILED on 6/1/2023 1:29:47 PM

Notice Date: 6/1/2023 1:29:47 PM

SHARLA KNOX
CIRCUIT COURT CLERK
MOBILE COUNTY, ALABAMA
CIRCUIT CIVIL DIVISION
205 GOVERNMENT STREET
MOBILE, AL, 36644

251-574-8420
charles.lewis@alacourt.gov

State of Alabama Unified Judicial System Form ARCiv-93 Rev. 9/18	COVER SHEET CIRCUIT COURT - CIVIL CASE (Not For Domestic Relations Cases)	Ca: 02 Date of Filing: 06/01/2023 Judge Code:	02-CV-2023-50103-00 CIRCUIT COURT OF MOBILE COUNTY, ALABAMA SHARLA KNOX, CLERK
GENERAL INFORMATION			
IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA MARY A. BLEVINS, INDIVIDUALLY AND AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF JACQUELL			
First Plaintiff: ☐ Business ☐ Individual ☐ Government ☒ Other			
First Defendant: ☐ Business ☐ Individual ☐ Government ☒ Other			
NATURE OF SUIT: Select primary cause of action, by checking box (check only one) that best characterizes your action:			
TORTS: PERSONAL INJURY ☒ WDEA - Wrongful Death ☐ TONG - Negligence: General ☐ TOMV - Negligence: Motor Vehicle ☐ TOWA - Wantonness ☐ TOPL - Product Liability/AEMLD ☐ TOMM - Malpractice-Medical ☐ TOLM - Malpractice-Legal ☐ TOOM - Malpractice-Other ☐ TBFM - Fraud/Bad Faith/Misrepresentation ☐ TOXX - Other: _____		OTHER CIVIL FILINGS (cont'd) ☐ MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/ Enforcement of Agency Subpoena/Petition to Preserve ☐ CVRT - Civil Rights ☐ COND - Condemnation/Eminent Domain/Right-of-Way ☐ CTMP - Contempt of Court ☐ CONT - Contract/Ejectment/Writ of Seizure ☐ TOCN - Conversion ☐ EQND - Equity Non-Damages Actions/Declaratory Judgment/ Injunction Election Contest/Quiet Title/Sale For Division ☐ CVUD - Eviction Appeal/Unlawful Detainer ☐ FORJ - Foreign Judgment ☐ FORF - Fruits of Crime Forfeiture ☐ MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition ☐ PFAB - Protection From Abuse ☐ EPFA - Elder Protection From Abuse ☐ QTLB - Quiet Title Land Bank ☐ FELA - Railroad/Seaman (FELA) ☐ RPRO - Real Property ☐ WTEG - Will/Trust/Estate/Guardianship/Conservatorship ☐ COMP - Workers' Compensation ☐ CVXX - Miscellaneous Circuit Civil Case	
TORTS: PERSONAL INJURY ☐ TOPE - Personal Property ☐ TORE - Real Property		OTHER CIVIL FILINGS ☐ ABAN - Abandoned Automobile ☐ ACCT - Account & Nonmortgage ☐ APAA - Administrative Agency Appeal ☐ ADPA - Administrative Procedure Act ☐ ANPS - Adults in Need of Protective Service	
ORIGIN: F ☒ INITIAL FILING A ☐ APPEAL FROM DISTRICT COURT O ☐ OTHER R ☐ REMANDED T ☐ TRANSFERRED FROM OTHER CIRCUIT COURT			
HAS JURY TRIAL BEEN DEMANDED? ☒ YES ☐ NO Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P, for procedure)			
RELIEF REQUESTED: ☒ MONETARY AWARD REQUESTED ☐ NO MONETARY AWARD REQUESTED			
ATTORNEY CODE: CAN028 6/1/2023 1:29:43 PM /s/ JOSEPH CANNIZZO JR. Date Signature of Attorney/Party filing this form			
MEDIATION REQUESTED: ☐ YES ☒ NO ☐ UNDECIDED			
Election to Proceed under the Alabama Rules for Expedited Civil Actions: ☐ YES ☐ NO			



IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

**MARY A. BLEVINS, individually, and as
the Personal Representative of the ESTATE
OF JACQUELL J. GRAHAM,**

Plaintiff,

v.

**RAYMOND J. ZOGHBY, an individual,
and ROSALIE D. ZOGHBY, an individual,
collectively d/b/a "RAYMOND J. ZOGHBY
REAL ESTATE COMPANY",**

**EDDRICK B. WILLIAMS, an individual,
and CLUB UPTOWN, INC., collectively
d/b/a "LOTUS GENTLEMEN'S CLUB",**

THE CITY OF PRICHARD, ALABAMA,

and FICTITIOUS DEFENDANTS:

No. 1-10: whether singular or plural, those
individuals who act as security guards and/or
bouncers, at Lotus Gentlemen's Club, if not a
named Defendant,

Defendant(s).

****Plaintiff Demands Jury Trial****

Case No.: _____

COMPLAINT

COMES NOW the Plaintiff, MARY A. BLEVINS, individually, and as the Personal Representative of the ESTATE OF JACQUELL J. GRAHAM, residing at 6460 Stuardi Court, Mobile, Alabama 36608, by and through her legal counsel, Joseph Cannizzo Jr., Esq. of Lento Law Group, P.C., and who alleges the following facts and asserts the following causes of action against the aforesaid Defendants, and avers as follows:

PARTIES, JURISDICTION & VENUE

1. At all times relevant herein, Plaintiff, MARY A. BLEVINS, is an adult resident citizen of Mobile County, Alabama, with a residential address as above.
2. Plaintiff brings this action in her own right and as the Personal Representative (to be appointed) of the ESTATE OF JACQUELL J. GRAHAM, her late son.
3. At all times relevant herein, Defendant, RAYMOND J. ZOGHBY, is, upon information and belief, an adult resident citizen of Mobile County, Alabama, with an address for service of process believed to be 237 S. Wilson Avenue, Mobile, Alabama 36610.
4. At all times relevant herein, Defendant, ROSALIE D. ZOGHBY, is, upon information and belief, an adult resident citizen of Mobile County, Alabama, with an address for service of process believed to be 237 S. Wilson Avenue, Mobile, Alabama 36610.
5. Upon information and belief, together, Defendants RAYMOND J. ZOGHBY and ROSALIE D. ZOGHBY (hereinafter, “Mr. & Mrs. Zoghby”) do business as “RAYMOND J. ZOGHBY REAL ESTATE COMPANY”, with a registered office address for service of process also believed to be 237 S. Wilson Avenue, Mobile, Alabama 36610.
6. At all times relevant herein, Defendant, EDDRICK B. WILLIAMS, is, upon information and belief, an adult resident citizen of Mobile County, Alabama, with an address for service of process believed to be 259 Calhoun Street, Mobile, Alabama 36603.
7. At all times relevant herein, Defendant CLUB UPTOWN, INC. is, upon information and belief, a domestic, for-profit corporation, duly incorporated under the laws of the State of Alabama, with a principal place of business located at 312 S. Wilson Avenue, Prichard, Alabama 36610, and with a registered agent for service of process believed to be Defendant EDDRICK B. WILLIAMS, servable at 259 Calhoun Street, Mobile, Alabama 36603.
8. At all times relevant herein, Defendants EDDRICK B. WILLIAMS and CLUB UPTOWN,

INC., collectively own, operate, and/or do business as, “LOTUS GENTLEMEN’S CLUB”, which operates as a gentlemen’s club (i.e., a “strip-club”) located at 312 S. Wilson Avenue, Prichard, Alabama 36610.

9. At all times relevant herein, Defendant, CITY OF PRICHARD, ALABAMA, is, upon information and belief, a political subdivision of the State of Alabama, with the capacity to sue and be sued.

10. At all times relevant herein, FICTITIOUS DEFENDANT(S) No. 1-10, whether singular or plural, are those individuals who act as security guards and/or bouncers, at Lotus Gentlemen’s Club, if not a named Defendant.

11. The identities of Fictitious Defendants No. 1-10 are presently unknown to the Plaintiff, however, if necessary, Plaintiff will seek leave to amend and substitute the true parties when their identities are ascertained.

12. A reference to “Defendants” herein means both the named and the fictitious defendants.

GENERAL FACTUAL ALLEGATIONS

13. On Sunday, May 14, 2023 – Mother’s Day – Plaintiff’s decedent, her late son, Jacquell J. Graham, was shot dead at Defendant LOTUS GENTLEMEN’S CLUB (hereinafter, “Lotus” or “the club”).

14. Upon information and belief, the club is owned, operated, managed, overseen, and/or otherwise controlled by Defendants EDDRICK B. WILLIAMS and CLUB UPTOWN, INC.

15. Upon information and belief, per information provided by the Mobile County Revenue Commission¹, the property upon which Lotus sits is owned by Defendants RAYMOND J. ZOGHBY and ROSALIE D. ZOGHBY, doing business as “RAYMOND J. ZOGHBY REAL

¹ <https://esearch.mobilecopropertytax.com/Property/View/1503518?year=2022>

ESTATE COMPANY”.

16. Further, upon information and belief, FICTITIOUS DEFENDANT(S) No. 1-10, who act as security guards and/or bouncers, at Lotus, knowingly and willfully accepted bribes – believed to be in the form of cocaine – to permit club patrons to enter the establishment with firearms.

17. The shooting of Plaintiff’s decedent was perpetrated by at least three known club patrons – Harold Lee Miller, who was subsequently arrested and charged in connection with the shooting, as well as Raheem Catlin and DeAngelo Miller, who, at present, remain at large.

18. Two other individuals were also shot during the gunfire at club Lotus, with one having been shot in the leg and the other having been grazed by a bullet. Both survived.

Prior Criminal Activity at Lotus Gentlemen’s Club and Similar Prichard Nightclubs

19. The shooting of Plaintiff’s decedent was far from the first violent incident to occur at club Lotus, and certainly not the first criminal act to transpire in a Prichard nightclub.

20. In July of 2014, fourteen individuals were arrested after a raid operation on a similar nightclub, Club Suga, located on St. Stephens Road.

21. The raid resulting in authorities locating and seizing \$4,300.00 in cash, a .12 gauge shotgun, eight handguns and ammunition; close to two gallons of codeine syrup, packs of synthetic marijuana, marijuana, powder cocaine, prescription drugs, five digital scales, and \$180 in counterfeit money, per reporting on the incident².

22. Like Club Suga, Lotus itself harbors its fair share of criminals.

23. In August of 2020, Eva Rudolph, believed to be a then-employee of Lotus according to reporting³, faced misdemeanor child endangerment charges after leaving her infant daughter alone

² https://www.al.com/news/mobile/2014/07/prichard_nightclub_sugas_raide.html

³ <https://www.wsbtv.com/news/trending/alabama-mom-accused-leaving-baby-alone-car-6-hours-outside-strip-club/HNQDRV6K7RFRXCPIDAGJY5YFFI/>

in a locked vehicle parked outside club Lotus, with no air conditioner running and no windows cracked, for approximately six hours while she worked inside the club.

24. Further, on Easter morning in 2022, a shootout ensued on South Wilson Avenue in front of club Lotus, resulting in 24 year-old Justin Trotter and 25 year-old Romello Williams shooting and killing each other⁴.

25. Following the deadly shootout between Trotter and Williams in front of club Lotus, 42 year-old Robert McMillan went to University Hospital in Mobile, Alabama, to check on one of the victims, where he was subsequently gunned down himself by shooter Algernon Grayson, was caught as a result of surveillance camera footage from club Lotus clocking him as being at the club shortly before the shooting took place, despite having lied about being there, according to reporting⁵.

26. Even Plaintiff's decedent himself was shot, nonfatally, at club Lotus only about a week before his death at the club.

27. Upon information and belief, other shootings, besides those of Plaintiff's decedent, have also occurred within club Lotus.

28. Although minor in comparison to the violent crimes and homicides which have occurred at club Lotus, a Lotus customer's review of the club on Google, reproduced below, indicates that he was pickpocketed by one of the club's dancers.

29. The reviewer remarked further that, "This will be the next club raided and shut down by police," perhaps alluding to Club Suga.

30. Club Lotus's owner is aware of the allegation of criminal activity taking place within Lotus, as the owner responded to the comment.

⁴ <https://myNBC15.com/news/local/two-mobile-county-shootings-three-deaths-connected>

⁵ <https://www.fox10tv.com/2022/07/21/testimony-surveillance-video-hospital-strip-club-link-prichard-man-murder/>

31. The response is believed to have come from Defendant EDDRICK B. WILLIAMS (hereinafter, “Williams”), who, as owner, appears to also control the club’s online presence, for example, on Instagram, with Defendant Williams’ name listed on the club’s Instagram page⁶.



32. Plaintiff respectfully requests the Court take judicial notice of the foregoing crimes described above and cited in the sources provided.

The High Rates of Crime in the City of Prichard, Alabama

33. The rampant criminal activity at Club Lotus and similar nightclubs like Club Suga, is emblematic of a larger crime problem within the City of Prichard itself.

34. A recent article, published by the Southwest Journal on May 24, 2023, citing the ten most dangerous cities in Alabama placed the City of Prichard, Alabama, at No. 5 on its list⁷.

35. The article indicates that the City of Prichard has an estimated population of 22,300 people, a violent crime rate per 100,000 people of 1,193, and a property crime rate per 100,000 people of 5,650.

36. The Federal Bureau of Investigation’s National Incident-Based Reporting System (NIBRS), part of the Bureau’s Uniform Crime Reporting (UCR) program, indicates that in 2021 –

⁶ https://www.instagram.com/lotus_gentlemens_club/?hl=en

⁷ <https://www.southwestjournal.com/most-dangerous-cities-in-alabama/>

the most recent year that such data was available – there were 173 violent crime incidents and 202 offenses (which includes crimes against property) reported by the Prichard Police Department.

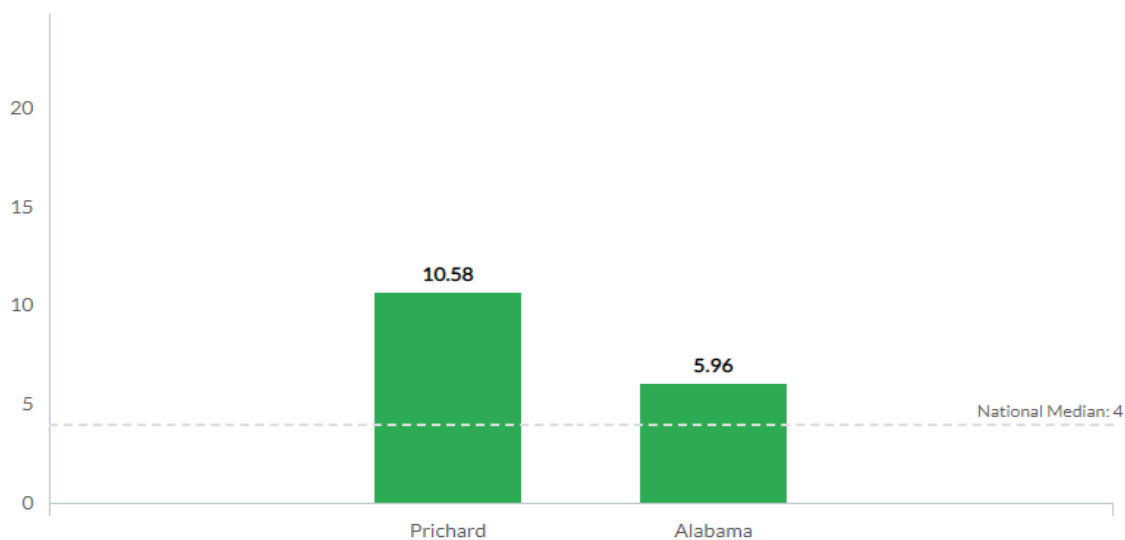
37. Violent crimes under the NIBRS computation consists of crimes against persons and includes murder, nonnegligent manslaughter, rape, robbery, and aggravated assault.

38. According to online crime risk analytics compiler Neighborhood Scout, the chances of becoming a victim of violent crime in the City of Prichard is 1 in 95, as compared to a 1 in 168 chance of becoming a victim of violent crime in the State of Alabama overall.⁸

39. The following graph, provided by Neighborhood Scout illustrates the disparity in violent crimes committed in Prichard as compared to the State overall, with violent crimes in Prichard being nearly double that of the State, and almost three times the national median.

VIOLENT CRIME

Violent Crime Comparison (per 1,000 residents)



⁸<https://www.neighborhoodscout.com/al/prichard/crime#:~:text=The%20chance%20of%20becoming%20a,and%20t,owns%20of%20all%20sizes.>

40. This data is provided herein to illustrate to the Court that the City of Prichard has a markedly higher violent crime rate than the State of Alabama generally, a fact which Plaintiff respectfully requests the Court take judicial notice of.

The State Legislature's Awareness of, and Response to, the Prevalence of Drug-Related Crime

41. The prevalence of violent crime in the State of Alabama, particularly drug-related crime, is something that even that State Legislature has taken notice of.

42. Ala. Code 1975 § 6-5-155, part of the statutory framework which contemplates “drug-related nuisances”, provides as follows:

The Legislature finds and declares the following:

- (1) There is a drug crisis in the State of Alabama which is plaguing our neighborhoods and our housing and rental accommodations.
- (2) Drugs have caused an increase in crime and violence and a deterioration in the habitability of housing and rental accommodations, as well as diminished property values.
- (3) Currently there are inadequate incentives for property owners to take a more active role in preventing the use of their property for the manufacture, use, sale, storage, or distribution of drugs.

43. In light of these Legislative findings, and in attempting to combat the rise of drug-related crime, the State Legislature provided a mechanism in Ala. Code 1975 §§ 6-5-155 *et. seq.* by which a municipality may intervene to abate, enjoin, and prevent a “drug-related nuisance”.

44. Under Ala. Code 1975 § 6-5-155.1(3), a “drug-related nuisance” is defined as any of the following:

- a. Any property, in whole or in part, used or intended to be used to facilitate any violation of the controlled substance acts or any similar ordinance of any municipality in this state or a similar act of the United States or any other state.

- b. The use, sale, distribution, possession, storage, transportation, or manufacture of any controlled substances in violation of the controlled substance acts, or similar act of the United States or any other state.
- c. Drug-related nuisance includes, but is not limited to, conduct unlawful in itself or unreasonable under the circumstances, knowingly or recklessly creating or maintaining a condition which endangers the safety or health of persons not occupying the property alleged to be a drug-related nuisance, and knowingly or recklessly conducting or maintaining any premises or place where persons gather for purposes of engaging in drug-related activities. For purposes of this definition, “knowingly” means either actual awareness or should have reasonably known.

45. Further, per Ala. Code 1975 § 6-5-155.2, those with standing to file an action to abate, enjoin, and prevent the drug-related nuisance include, “the Attorney General, district attorney, the attorney for the county or municipality, a person residing in the county in which the property is located including a tenant of the property, or any community-based organization...”

CAUSES OF ACTION

COUNT I

NEGLIGENCE – PREMISES LIABILITY

(As to Defendants **EDDRICK B. WILLIAMS and CLUB UPTOWN, INC.**, collectively d/b/a “**LOTUS GENTLEMEN’S CLUB**”; and **RAYMOND J. ZOGHBY and ROSALIE D. ZOGHBY**, collectively d/b/a “**RAYMOND J. ZOGHBY REAL ESTATE COMPANY**”)

46. Plaintiff hereby repeats all allegations contained in the Complaint thus far above and incorporates same as if fully set forth at length herein.

47. At all times relevant herein, Defendants **RAYMOND J. ZOGHBY and ROSALIE D. ZOGHBY**, doing business as “**RAYMOND J. ZOGHBY REAL ESTATE COMPANY**” (hereinafter, collectively referred to as “the Real Property Owner Defendants”), are believed to be the owners of the real property located at 312 S. Wilson Avenue, Prichard, Alabama 36610.

48. At all times relevant herein, Defendants **EDDRICK B. WILLIAMS and CLUB UPTOWN**,

INC., doing business as “LOTUS GENTLEMEN’S CLUB” (hereinafter, collectively referred to as “the Club Owner Defendants”), are believed to be the owners and operators of the business which operates upon the real property located at 312 S. Wilson Avenue, Prichard, Alabama 36610, the “Lotus Gentlemen’s Club”.

49. On Sunday, May 14, 2023 – Mother’s Day – Plaintiff’s decedent, her late son, Jacquell J. Graham, was shot dead at club Lotus (hereinafter, the “premises”), whilst he was lawfully upon said premises as a patron/customer of the club.

50. As such, with respect to the Real Property Owner Defendants and the Club Owner Defendants as the owners of the property and premises, under the law of the State of Alabama, Plaintiff’s decedent would be considered a business invitee of club Lotus at the time of his death, in that his presence on the premises materially or commercially benefited the owners of the premises.

51. Alabama law is well-settled regarding the scope of the duty a business-invitor owes a business invitee.

52. “The owner of premises owes a duty to business invitees to use reasonable care and diligence to keep the premises in a safe condition, or, if the premises are in a dangerous condition, to give sufficient warning so that, by the use of ordinary care, the danger can be avoided.” Armstrong v. Georgia Marble Co., 575 So.2d 1051, 1053 (Ala.1991).

53. In keeping with the duty to use reasonable care, generally Alabama Courts have been hesitant to impose a legal duty upon defendant premises owners to protect against the criminal acts of third parties.

54. The singular exception to this general rule arises where the “particular criminal conduct was foreseeable.” Henley v. Pizitz Realty Co., 456 So.2d 272, 276 (Ala. 1984).

55. The Court in Ortell v. Spencer Companies, 477 So.2d 299 (Ala. 1985), explained that, “[t]his Court has recognized that a duty may be imposed upon a [business] owner to take reasonable precautions to protect invitees from criminal attack in the exceptional case where the [business] owner possessed actual or constructive knowledge that criminal activity which could endanger an invitee was a probability.”

56. While it is true that an intervening criminal act typically breaks the causal chain with respect to proximate cause, the Supreme Court of Alabama “has held many times that a person, who by some act or omission sets in motion a series of events, is not responsible for consequences of intervention of another agency, *unless at the time of his original act or omission, the act of the intervening agency could reasonably be foreseen*. If so, the causal chain is not broken.” Vines v. Plantation Motor Lodge, 336 So.2d 1338, 1339 (Ala. 1976).

57. As the Court in Vines, supra. said, “The key here is foreseeability.” Id.

58. In the present case, given the exorbitant amount of criminal activity – particularly gun violence – that has occurred at, on, and within the subject premises, it is virtually impossible to believe that the Real Property Owner Defendants and the Club Owner Defendants, as the premises owners, do not have actual, let alone constructive, knowledge of the criminal activity occurring at the premises.

59. This is especially so considering the Real Property Owner Defendants, upon information and belief, own a shop, “Zoghby’s Department Store”, located only a few storefronts down from club Lotus, at 237 South Wilson Avenue, on the opposite side of the street.

60. Thus, the long history of criminal activity at club Lotus and the frequency with which it occurs evidence the fact that the Real Property Owner Defendants and the Club Owner Defendants, as the premises owners, have grossly failed to exercise reasonable care and diligence to keep the

premises in a safe condition.

61. This failure is especially grievous given the known risk of criminal activity occurring at, on, or within the premises which could endanger business invitees being both clearly foreseeable and a clear probability.

62. Further, while sufficient facts and “special circumstances” (See, Broadus v. Chevron USA, Inc., 677 So.2d 199, 202 (Ala. 1996)) so as to impose liability upon the Real Property Owner Defendants and the Club Owner Defendants, given their knowledge of the probability of conduct by third parties that would endanger their business invitees, upon information and belief, the Club Owner Defendants, specifically, Defendant Eddrick B. Williams, either actively facilitated, or implicitly permitted, firearms and drugs to come into club Lotus.

63. Upon information and belief, FICTITIOUS DEFENDANT(S) No. 1-10, being those individuals who act as security guards and/or bouncers at Lotus Gentlemen’s Club, were accepting bribes from club patrons in the form of cocaine to allow firearms into the club, with either the knowledge and consent of Defendant Eddrick B. Williams or his reckless and wanton disregard as to same.

64. This is, therefore, the “exceptional” case, where liability upon the owners of the premises should – and in the interest of both justice and the public policy, must – be imposed in connection with clearly foreseeable criminal acts of third parties, specifically, the tragic death by shooting of Plaintiff’s decedent at the criminal den that is club Lotus, and which was directly and proximately caused by the repeated, continuous, wanton, and grossly negligent failures of the premises owners to take reasonable action to keep the premises in a safe condition.

WHEREFORE, the premises considered, Plaintiff, MARY A. BLEVINS, individually, and as the Personal Representative of the ESTATE OF JACQUELL J. GRAHAM, respectfully

demands judgement against the Defendants named in this Count, jointly and severally, in an amount that exceeds the minimal jurisdictional limits of this Court, for general and compensatory damages, and punitive damages pursuant to Ala. Code 1975 § 6-11-20; reasonable attorney's fees and costs of suit with interest; and any such other and further relief which the court may deem equitable and just.

COUNT II
WRONGFUL DEATH (Ala. Code §6-5-410 (1975))
(As to the Zoghby Defendants and the Club Owner Defendants)

65. Plaintiff hereby repeats all allegations contained in the Complaint thus far above and incorporates same as if fully set forth at length herein.

66. On Sunday, May 14, 2023 – Mother's Day – Plaintiff's decedent, her late son, Jacquell J. Graham, was shot dead at Defendant LOTUS GENTLEMEN'S CLUB (hereinafter, "Lotus" or "the club"), while a patron therein.

67. At all times relevant herein, and as aforesaid, the Real Property Owner Defendants, are believed to be the owners of the real property upon which club Lotus sits, while the Club Owner Defendants are believed to be the owners and operators of club Lotus.

68. Both the Real Property Owner Defendants and the Club Owner Defendants were exceptionally negligent and manifested clear wanton, reckless, and/or conscious disregard with respect to the careful ownership and operation of the subject premises, particularly with respect to foreseeable acts of gun violence upon said premises, as aforesaid.

69. As a result, Plaintiff's decedent was caused to suffer serious bodily harm, which ultimately resulted in his death.

WHEREFORE, the premises considered, Plaintiff, MARY A. BLEVINS, individually, and as the Personal Representative of the ESTATE OF JACQUELL J. GRAHAM, respectfully demands judgement against the Defendants named in this Count, jointly and severally, in an

amount that exceeds the minimal jurisdictional limits of this Court, for punitive damages pursuant to Ala. Code 1975 §6-5-410; reasonable attorney's fees and costs of suit with interest; and any such other and further relief which the court may deem equitable and just.

COUNT III
NEGLIGENCE
(As to Defendant The City of Prichard, Alabama)

70. Plaintiff hereby repeats all allegations contained in the Complaint thus far above and incorporates same as if fully set forth at length herein.

71. As aforesaid, the prevalence of violent crime in the State of Alabama, particularly drug-related crime, is a fact that the State Legislature has taken notice of.

72. As cited earlier, Ala. Code 1975 § 6-5-155, part of the statutory framework which contemplates "drug-related nuisances", provides as follows:

The Legislature finds and declares the following:

- (1) There is a drug crisis in the State of Alabama which is plaguing our neighborhoods and our housing and rental accommodations.
- (2) Drugs have caused an increase in crime and violence and a deterioration in the habitability of housing and rental accommodations, as well as diminished property values.
- (3) Currently there are inadequate incentives for property owners to take a more active role in preventing the use of their property for the manufacture, use, sale, storage, or distribution of drugs.

73. In light of these Legislative findings, and in attempting to combat the rise of drug-related crime, the State Legislature provided a mechanism in Ala. Code 1975 §§ 6-5-155 *et. seq.* by which a municipality may intervene to abate, enjoin, and prevent a "drug-related nuisance".

74. Under Ala. Code 1975 § 6-5-155.1(3), a "drug-related nuisance" is defined as any of the following:

- a. Any property, in whole or in part, used or intended to be used to facilitate any violation of the controlled substance acts or any similar ordinance of any municipality in this state or a similar act of the United States or any other state.
- b. The use, sale, distribution, possession, storage, transportation, or manufacture of any controlled substances in violation of the controlled substance acts, or similar act of the United States or any other state.
- c. Drug-related nuisance includes, but is not limited to, conduct unlawful in itself or unreasonable under the circumstances, knowingly or recklessly creating or maintaining a condition which endangers the safety or health of persons not occupying the property alleged to be a drug-related nuisance, and knowingly or recklessly conducting or maintaining any premises or place where persons gather for purposes of engaging in drug-related activities. For purposes of this definition, “knowingly” means either actual awareness or should have reasonably known.

75. Further, per Ala. Code 1975 § 6-5-155.2, those with standing to file an action to abate, enjoin, and prevent the drug-related nuisance include, “the Attorney General, district attorney, the attorney for the county or municipality, a person residing in the county in which the property is located including a tenant of the property, or any community-based organization...”

76. Specifically, Ala. Code 1975 § 6-5-155.2 provides that, “Wherever there is reason to believe that a drug-related nuisance exists,” those individuals named in this statute “may file an action in the circuit courts of this state to abate, enjoin, and prevent the drug-related nuisance.”

77. While the plain language of the statute clearly makes its enforcement by the attorney for the county or municipality permissive, given the word “may”, importantly the statute begins, “Wherever there is reason to *believe*,” (emphasis added).

78. Surely then, wherever there is reason to *know* that a drug-related nuisance exists, given a property’s longstanding and well-documented history of drug-related gun violence – one which has directly resulted in multiple homicides, in fact, and clearly poses a continued risk to public

safety – the duty of the attorney for the county or municipality to enforce Ala. Code 1975 § 6-5-155.2 by filing an action thereunder to abate, enjoin, and prevent the drug-related nuisance must be heightened.

79. Given the knowledge, actual or constructive, of Defendant THE CITY OF PRICHARD, ALABAMA (hereinafter, “the City”), of the drug-related nuisance posed by club Lotus, and the clearly foreseeable probability that further drug-related gun violence is likely to occur there in the future, a reasonable city attorney, exercising due care and acting commensurate with the duties of his office, would promptly file an action pursuant to Ala. Code 1975 § 6-5-155.2 to abate, enjoin, and prevent the drug-related nuisance posed by club Lotus.

80. In fact, that such an action was not filed by the City, after the first homicide at Lotus, or after the second, or after the third, or after the murder of Plaintiff’s decedent at Lotus, for example, clearly demonstrated a negligent dereliction of duty on the part of the City to enforce the laws which were designed and specifically intended to keep the public safe from the very type of harm which befell Plaintiff’s decedent.

81. As such, the City breached its duty, given the prevailing facts, to enforce Ala. Code 1975 § 6-5-155.2, directly and proximately allowing a drug-related nuisance to subsist unabated, and facilitating the ongoing drug-related gun violence which has manifested from club Lotus for years.

82. As a direct and proximate result of the City’s breach in this manner, Plaintiff’s decedent was caused to suffer significant bodily harm, and ultimately, death by the very gun violence the City had a duty to prevent.

WHEREFORE, the premises considered, Plaintiff, MARY A. BLEVINS, individually, and as the Personal Representative of the ESTATE OF JACQUELL J. GRAHAM, respectfully demands judgement against the Defendant, THE CITY OF PRICHARD, ALABAMA, in an

amount that exceeds the minimal jurisdictional limits of this Court, for general and compensatory damages, and punitive damages pursuant to Ala. Code 1975 § 6-11-20; reasonable attorney's fees and costs of suit with interest; and any such other and further relief which the court may deem equitable and just.

COUNT IV
WRONGFUL DEATH (Ala. Code §6-5-410 (1975))
(As to Defendant The City of Prichard, Alabama)

83. Plaintiff hereby repeats all allegations contained in the Complaint thus far above and incorporates same as if fully set forth at length herein.

84. On Sunday, May 14, 2023 – Mother's Day – Plaintiff's decedent, her late son, Jacquell J. Graham, was shot dead at Defendant LOTUS GENTLEMEN'S CLUB (hereinafter, "Lotus" or "the club"), while a patron therein.

85. At all times relevant herein, Defendant THE CITY OF PRICHARD, ALABAMA (hereinafter, "the City") had a duty, as arising under Ala. Code 1975 § 6-5-155.2, and given the prevailing facts, to enforce said statute by filing an action to abate, enjoin, and prevent the drug-related nuisance posed by club Lotus.

86. Despite this duty, the City repeatedly and continuously failed to do so.

87. As a result, Plaintiff's decedent was caused to suffer serious bodily harm, which ultimately resulted in his death, as a result of a drug-related nuisance which was permitted to subsist, unabated, by the City.

WHEREFORE, the premises considered, Plaintiff, MARY A. BLEVINS, individually, and as the Personal Representative of the ESTATE OF JACQUELL J. GRAHAM, respectfully demands judgement against the Defendant, THE CITY OF PRICHARD, ALABAMA, in an amount that exceeds the minimal jurisdictional limits of this Court, for punitive damages pursuant

to Ala. Code 1975 §6-5-410; reasonable attorney's fees and costs of suit with interest; and any such other and further relief which the court may deem equitable and just.

COUNT V
UNLAWFUL OR TORTIOUS CONDUCT OF FICTITIOUS DEFENDANTS NO. 1-10

88. Plaintiff hereby repeats all allegations contained in the Complaint thus far above and incorporates same as if fully set forth at length herein.

89. At all times relevant to this action, FICTITIOUS DEFENDANTS NO. 1-10, whether singular or plural, are those individuals who act as security guards and/or bouncers, at Lotus Gentlemen's Club, if not a named Defendant, and are fictitious names for said individuals whose identities are unknown at present, and who participated in the tortious actions of the Defendants described herein, whether by way of their negligence or in other ways as yet undetermined, including, but not limited to, accepting bribes of cocaine from club Lotus patrons to permit firearms into the premises.

90. As a direct and proximate results of the illegal, negligent, and/or tortious conduct of FICTITIOUS DEFENDANTS NO. 1-10, Plaintiff's decedent has been caused to suffer, and in fact did suffer, significant bodily injuries, resulting ultimately in death.

91. Plaintiff alleges an insufficient opportunity to determine the identity of all individuals or business entities whose actions or omissions may be potentially responsible in whole or in part for the damages incurred by Plaintiff's decedent.

92. As such, Plaintiff specifically reserves the right to name additional individuals or entities as Defendants to this action, when and if their identities become known to Plaintiff.

WHEREFORE, the premises considered, Plaintiff, MARY A. BLEVINS, individually, and as the Personal Representative of the ESTATE OF JACQUELL J. GRAHAM, respectfully demands judgement against FICTITIOUS DEFENDANTS NO. 1-10, in an amount that exceeds

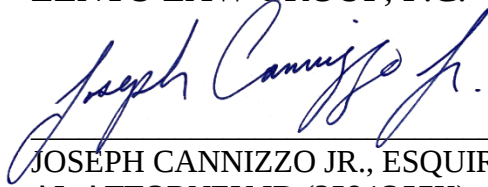
the minimal jurisdictional limits of this Court, for general and compensatory damages, and punitive damages pursuant to Ala. Code 1975 § 6-11-20; reasonable attorney's fees and costs of suit with interest; and any such other and further relief which the court may deem equitable and just.

JURY DEMAND

Pursuant to Ala R. Civ. P. Rule 38(b), Plaintiff demands a trial by struck jury on all issues so triable.

Respectfully submitted,

LENTO LAW GROUP, P.C.

A handwritten signature in blue ink, reading "Joseph Cannizzo Jr.", is written over a horizontal line.

Dated: June 1, 2023

JOSEPH CANNIZZO JR., ESQUIRE
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Attorney for Plaintiff

REQUEST FOR SERVICE

I hereby certify that on this, the 1st day of June, 2023, I electronically filed the foregoing documents with the Clerk of Court using the CM/ECF system, AlaFile, and have paid for the following Defendants to be immediately served at the following addresses:

SERVE DEFENDANT BY PRIVATE PROCESS SERVER:

RAYMOND J. ZOGHBY and ROSALIE D. ZOGHBY, d/b/a
“RAYMOND J. ZOGHBY REAL ESTATE COMPANY”
237 S. Wilson Avenue
Mobile, Alabama 36610

EDDRICK B. WILLIAMS and CLUB UPTOWN, INC., d/b/a
“LOTUS GENTLEMEN’S CLUB”
312 S. Wilson Avenue,
Prichard, Alabama 36610

CITY OF PRICHARD, ALABAMA
216 E. Prichard Avenue
Prichard, Alabama 36610

LENTO LAW GROUP, P.C.



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Attorney for Plaintiff

Dated: June 1, 2023