



## AlaFile E-Notice

01-CV-2020-902622.00

To: G. COURTNEY FRENCH MR.  
cfrench@fpflaw.com

---

# NOTICE OF ELECTRONIC FILING

---

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

JESSLYN M. LAYFIELD, AS MOTHER AND NEXT FRIEND AND PERSONAL REPRESENTATIVE  
01-CV-2020-902622.00

The following complaint was FILED on 7/21/2020 10:35:15 PM

Notice Date: 7/21/2020 10:35:15 PM

JACQUELINE ANDERSON SMITH  
CIRCUIT COURT CLERK  
JEFFERSON COUNTY, ALABAMA  
JEFFERSON COUNTY, ALABAMA  
716 N. RICHARD ARRINGTON BLVD.  
BIRMINGHAM, AL, 35203

205-325-5355  
jackie.smith@alacourt.gov

01

Date of Filing:  
07/21/2020

Judge Code:

**COVER SHEET**  
**CIRCUIT COURT - CIVIL CASE**  
(Not For Domestic Relations Cases)

**Election to Proceed under the Alabama Rules for Expedited Civil Actions:** ☐ YES ☐ NO

Jesslyn M. Layfield, as Mother and Next Friend and )  
 Personal Representative of the Estate of Royta D. )  
 Giles, Jr., deceased, )

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

**V.**

) Case No.: \_\_\_\_\_

**MIKE WHITE, an individual** )  
**ANDY FRAIN SERVICES, INC.** )  
**BROOKFIELD PROPERTIES RETAIL, INC.** )

- No.1:** whether singular or plural, the person or entity that reserved the right to control the manner and methods of security at the Riverchase Galleria
- No.2:** whether singular or plural, the person or entity that was in charge of the security at the Riverchase Galleria
- No.3:** whether singular or plural, the person or entity that hired and/or retained security guards to work as security guards at the Riverchase Galleria
- No.4:** whether singular or plural, the person or entity that supervised security guards work at the Riverchase Galleria
- No.5:** whether singular or plural, the person or entity that trained security guards to work as security guards at Riverchase Galleria
- No.6:** whether singular or plural, is the person or entity that undertook to provide security at the Riverchase Galleria
- No.7:** whether singular or plural, the person or entity that is the successor corporation, successor entity, and/or successor in interest of any of the Defendants in this case.

) )

## COMPLAINT

Comes now the Plaintiff, Jesslyn M. Layfield, as Mother and Next Friend and as the duly appointed Personal Representative of the Estate of Royta D. Giles, Jr. deceased, who alleges the following facts and asserts the following causes of action against the following Defendants: MIKE WHITE, an individual, ANDY FRAIN SERVICES, INC., BROOKFIELD PROPERTIES RETAIL, INC. and Nos.1 thru No.7.

## PARTIES, JURISDICTION & VENUE

1. Plaintiff is an adult resident citizen of Jefferson County, Alabama.
2. Plaintiff was the Mother of the Decedent, Royta D. Giles, Jr., who was 8 years old and

a minor resident citizen of Jefferson County, Alabama, at the time of his death.

3. On July 21, 2020, Plaintiff was issued Letters of Administration to act as the Personal Representative of the Estate of Royta D. Giles, Jr. by the Probate Court of Jefferson County (Case No.: 2020-BHM01409).

4. Defendant Mike White, an individual, is a resident citizen of Jefferson County, Alabama. Defendant Mike White was the General Manager of the Riverchase Galleria at the time of the incident made the basis of this wrongful death action.

5. Defendant BROOKFIELD PROPERTIES RETAIL, INC. ("Brookfield") is a business incorporated under the laws of the state of Delaware with its principal place of business in the state of Chicago. Its registered agent for service is the Corporation Service Company, Inc., which can be served at 641 South Lawrence Street, Montgomery, Alabama 36104. Defendant Brookfield Properties Retail, Inc. is the owner and operator of the Riverchase Galleria.

6. Defendant ANDY FRAIN SERVICES, INC. ("Security") is a business incorporated under the laws of the state of Illinois. Its principal office is in Illinois at 333 W Wacker Drive, #2000, Chicago, IL 60606. Its registered agent for service is CT Corporation System, who can be served at 2 North Jackson Street, Suite 605, Montgomery, AL 36104. Andy Frain Services, Inc., and/or No.1 thru No.7 had a duty to provide adequate security for shoppers and guests at the Riverchase Galleria.

7. No.1, whether singular or plural, is the person or entity that reserved the right to control the manner and methods of security at the Riverchase Galleria.

8. No.2, whether singular or plural, is the person or entity that was in charge of the security at the Riverchase Galleria.

9. No.3, whether singular or plural, whether singular or plural, the person or entity that hired and/or retained security guards to work as security guards at the Riverchase Galleria.

10. No.4, whether singular or plural, is the person or entity that supervised security guards at the Riverchase Galleria.

11. No.5, whether singular or plural, is the person or entity that trained security guards at the Riverchase Galleria.

12. No.6, whether singular or plural, is the person or entity that had or undertook the duty to provide security at the Riverchase Galleria.

13. No.7, whether singular or plural, is the person or entity that is the successor corporation, successor entity, and/or successor in interest of any of the Defendants in this case.

14. The identities of Fictitious Defendants No.1 through No.7 are unknown to the Plaintiff. Plaintiff will substitute the true parties when their identities are ascertained. A reference to

"Defendants" herein means both the named and the fictitious defendants.

### **STATEMENT OF THE FACTS**

15. On July 3, 2020, Plaintiff and Decedent, Royta D. Giles, Jr., were shopping in the Riverchase Galleria.

16. On July 3, 2020 at approximately 3:00 p.m., a group of males got into a verbal altercation near the food court at the Riverchase Galleria. One of the males pulled a handgun and began shooting. Several other males had handguns and began returning fire.

17. During the exchange of gunfire, Royta D. Giles, Jr. was caught in the crossfire of the gunfight inside Riverchase Galleria where he was fatally shot.

18. Decedent Royta D. Giles, Jr. was pronounced dead a short time later at Children's Hospital.

19. The Defendants were negligent and wanton in failing to provide adequate security at the Riverchase Galleria, resulting in the wrongful death of 8-year-old Royta D. Giles, Jr.

### **CAUSES OF ACTION**

20. Plaintiff brings all of the following causes of action as Personal Representative to recover punitive damages for the death of the Decedent pursuant to Ala. Code § 6-5-410.

#### **Count One -- Negligence**

21. Plaintiff adopts and realleges each and every allegation set forth in the paragraphs above as if they were fully set forth herein.

22. This cause of action is brought against Defendants MIKE WHITE, an individual, ANDY FRAIN SERVICES, INC., BROOKFIELD PROPERTIES RETAIL, INC. and Nos.1 thru No.7.

23. Defendants were negligent in the way they performed security guard duties at the Riverchase Galleria.

24. Defendants MIKE WHITE, ANDY FRAIN SERVICES, INC., BROOKFIELD PROPERTIES RETAIL, INC. and Nos.1 thru No. 7 negligently hired, trained, retained, and supervised security guards at the Riverchase Galleria. Additionally, Defendants MIKE WHITE, ANDY FRAIN SERVICES, INC., BROOKFIELD PROPERTIES RETAIL, INC. and Nos.1 thru No. 7 and their employees negligently provided inadequate security at the Riverchase Galleria.

25. Additionally, by their contracts, their policies, and by their other conduct, Defendants MIKE WHITE, ANDY FRAIN SERVICES, INC., BROOKFIELD PROPERTIES RETAIL, INC. and Nos.1 thru No. 7 and their employees severally and collectively undertook the duty to provide

the shoppers and guests at the Riverchase Galleria with adequate security. By their acts and their omissions, these Defendants and their employees negligently breached these undertaken duties.

26. Furthermore, based upon numerous prior violent acts, assaults, shootings and a death at the Riverchase Galleria, it was foreseeable or should have been foreseeable to Defendants MIKE WHITE, ANDY FRAIN SERVICES, INC., BROOKFIELD PROPERTIES RETAIL, INC. and Nos.1 thru No. 7 these Defendants and their employees severally and collectively that the Riverchase Galleria was an environment where this tragedy would likely occur.

27. Furthermore, Defendants MIKE WHITE, ANDY FRAIN SERVICES, INC., BROOKFIELD PROPERTIES RETAIL, INC. and Nos.1 thru No. 7 and their employees had a duty to use reasonable care to keep the Riverchase Galleria reasonably safe for the use of their shoppers and guests and to implement reasonable security measures to control the conduct of a third persons to prevent harm to shoppers and guests. These Defendants and their employees breached their duty and failed to provided reasonable security for shoppers and guests, including 8 year old Decedent, Royta D. Giles, Jr.

28. As a proximate result of the combining and concurring conduct of all of these Defendants and their employees, the Decedent, Royta D. Giles, Jr., was shot to death and killed.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests a struck jury (1) to enter judgment against these Defendants, (2) to award punitive damages pursuant to Ala. Code § 6-5-410 for the death of the Decedent and to punish these Defendants for their wrongful conduct, and to deter these Defendants and others from committing the same or similar wrongful conduct, (3) to award court costs and interest as allowed by law, and (4) to award any other relief as the Court deems just and proper.

### **Count Two -- Wantonness**

29. Plaintiff adopts and realleges each and every allegation set forth in the paragraphs above as if they were fully set forth herein.

30. This cause of action is brought against Defendants MIKE WHITE, ANDY FRAIN SERVICES, INC., BROOKFIELD PROPERTIES RETAIL, INC. and Nos.1 thru No. 7.

31. By consciously doing and/or not doing the acts set-forth above, these Defendants and their employees knew that injury and or death would likely or probably result to someone. Their conduct was wanton, reckless and outrageous.

32. As a proximate result of the combining and concurring conduct of all of these Defendants and their employees, the Decedent, Royta D. Giles, Jr., was shot and killed.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests a struck jury: (1) to enter judgment against these Defendants, (2) to award punitive damages pursuant to Ala. Code § 6-5-410 for the death of the Decedent, Royta D. Giles, Jr., to punish these Defendants for their wrongful conduct, and to deter these Defendants and others from committing the same or

similar wrongful conduct,(3) to award court costs and interest as allowed by law, and(4) to award any other relief as the Court deems just and proper.

**\*\*Plaintiff Demands a Trial by Struck Jury\*\***

Respectfully submitted,

/s/ G. Courtney French

G. Courtney French (FRE041)

Michael D. Petway (PET 036)

Samuel K. Ford (FOR075)

Attorneys for Plaintiff Jesslyn M. Layfield, as  
Mother and Next Friend and Personal Representative  
of the Estate of Royta D. Giles, Jr.

**OF COUNSEL:**

PETWAY, FRENCH & FORD, L.L.P.

600 Luckie Drive; Suite 300

Birmingham, Alabama 35223

Phone: (205)977-9798

Fax: (205)977-9799

Email: [cfrench@fpflaw.com](mailto:cfrench@fpflaw.com)

Email: [mpetway@fpflaw.com](mailto:mpetway@fpflaw.com)

Email: [sford@fpflaw.com](mailto:sford@fpflaw.com)

**Request for Service**

I hereby certify that on this the 21<sup>st</sup> day of July, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and have paid for the following Defendants to be immediately served at the following addresses:

**SERVE DEFENDANTS BY CERTIFIED MAIL AS FOLLOWS:**

ANDY FRAIN SERVICES, INC.

c/o C.T. Corporation System, its registered agent

2 North Jackson Street; Suite 605

Montgomery, Alabama 36104

BROOKFIELD PROPERTIES RETAIL, INC.

c/o Corporation Service Company, Inc., its registered agent

641 South Lawrence Street

Montgomery, Alabama 36104

**SERVE DEFENDANT BY PRIVATE PROCESS SERVER:**

MIKE WHITE, an individual  
2000 Galleria Circle  
Birmingham, Alabama 35244

/s/ G. Courtney French  
G. Courtney French

Jesslyn M. Layfield, as Mother and Next Friend and )  
 Personal Representative of the Estate of Royta D. )  
 Giles, Jr., deceased, )

3) **\*\*Plaintiff Demands Jury Trial\*\***

**V.**

) Case No.: \_\_\_\_\_

**MIKE WHITE, an individual,** )  
**ANDY FRAIN SERVICES, INC.** )  
**BROOKFIELD PROPERTIES RETAIL, INC.** )

- No.1:** whether singular or plural, the person or entity that reserved the right to control the manner and methods of security at the Riverchase Galleria
- No.2:** whether singular or plural, the person or entity that was in charge of the security at the Riverchase Galleria
- No.3:** whether singular or plural, the person or entity that hired and/or retained security guards to work as security guards at the Riverchase Galleria
- No.4:** whether singular or plural, the person or entity that supervised security guards work at the Riverchase Galleria
- No.5:** whether singular or plural, the person or entity that trained security guards to work as security guards at Riverchase Galleria
- No.6:** whether singular or plural, is the person or entity that undertook to provide security at the Riverchase Galleria
- No.7:** whether singular or plural, the person or entity that is the successor corporation, successor entity, and/or successor in interest of any of the Defendants in this case.

## Defendants

**PLAINTIFF'S FIRST DISCOVERY TO ALL DEFENDANTS**

All of these interrogatories and requests for production are directed to all of the named defendants: (1) Mike White, (2) Andy Frain Services, Inc., and (3) Brookfield Properties Retail, Inc.

1. Please state whether the Defendants are properly identified in the complaint. If not, please state the proper legal name and spelling of said persons/entities.
2. Please state the relationship between Defendants Mike White, Andy Frain Services, Inc., and Brookfield Properties Retail, Inc.
3. Please produce any and all policies, procedures and rules that Defendant Brookfield

Properties Retail, Inc. is required to follow in providing security to its guests. Please state the name(s) and address(es) of which entity created these policies, procedures and rules and which entity enforces these policies, procedures and rules.

4. Please state the names, addresses, and phone numbers of all employees of these defendants who were present at Riverchase Galleria on the day and night in question. Please identify their position and/or job.

5. Please list any and all acts of violence, incidents, offenses and/or force that have occurred on the premises of the Riverchase Galleria within the five (5) years prior to the incident made the basis of this complaint. Please produce for inspection and copying all investigatory materials and reports pertaining to said incidences, including the ultimate findings of the investigations.

6. Please state the identities of any and all persons who investigated the incident made the basis of this suit. Please provide addresses and phone numbers for these persons as well as the role they played in the investigation. Please produce for inspection and copying any and all materials generated during said investigation including the ultimate findings of the investigation.

7. Please produce the complete employment file(s) of all security personnel employed or retained by these defendants for the five (5) years preceding the event made the basis of this suit.

8. Please produce for inspection and/or copying any and all policies of liability insurance, including declaration pages, for any of the Defendants for their conduct as alleged in the complaint. Please include any excess and/or all policies that may also be applicable.

9. Please state whether a claim has been made by any of the Defendants under any of these policies for the incident made the basis of this suit. If so, please state whether the insurer is honoring the claim, and, if not, whether there has been any notice of a defense made with reservation of rights.

10. Please produce any and all written policies, regulations, procedures, by-laws, and/or rules of Defendant Brookfield Properties Retail, Inc.

11. Please produce any and all written policies and/or rules that governed Defendant Mike White while he performed his work as General Manager of the Riverchase Galleria.

12. Please state any and all supervisors of Defendant Mike White at the time made the basis of this suit, including all persons up to the reporting chain to CEO/President/Chairman.

13. Please state any and all managers/supervisors on duty at the Riverchase Galleria on the day and night in question, including all persons up the reporting chain (whether on duty or not).

Respectfully submitted,

/s/ G. Courtney French

G. Courtney French (FRE041)

Michael D. Petway (PET 036)

Samuel K. Ford (FOR075)

Attorneys for Plaintiff Jesslyn M. Layfield, as  
Mother and Next Friend and Personal Representative  
of the Estate of Royta D. Giles, Jr.

**OF COUNSEL:**

PETWAY, FRENCH & FORD, L.L.P.

600 Luckie Drive; Suite 300

Birmingham, Alabama 35223

Phone: (205)977-9798

Fax: (205)977-9799

Email: [cfrench@fpflaw.com](mailto:cfrench@fpflaw.com)

Email: [mpetway@fpflaw.com](mailto:mpetway@fpflaw.com)

Email: [sford@fpflaw.com](mailto:sford@fpflaw.com)

**TO BE SERVED WITH THE SUMMONS & COMPLAINT**