

COPY

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

DIANA GRAHAM,
Plaintiff,

v.

RADRIC DAVIS a/k/a GUCCI MANE,
Defendant.

:
:
:
:
:
:
:

2011 OCT 28 A 9:55

CIVIL ACTION NO.:

11CV11515-5

JURY TRIAL DEMAND

COMPLAINT

COMES NOW Diana Graham, Plaintiff, and files this Complaint against Defendant Radric Davis a/k/a Gucci Mane respectfully showing this Honorable Court as follows:

INTRODUCTION

This lawsuit arises out of the injury and suffering sustained on January 28, 2011 when Radric Davis, a/k/a Gucci Mane, pushed Diana Graham out of his white Hummer at 2034 Brannen Road in Atlanta, Georgia.

PARTIES, JURISDICTION, AND VENUE

1.

Diana Graham is a resident and citizen of the State of Georgia and resides in Fulton County, Atlanta Georgia 30363. At the time of the incident, Ms. Graham was shopping at South DeKalb Mall located in DeKalb County, Georgia.

2.

Defendant Radric Davis, a/k/a Gucci Mane currently resides in the DeKalb County Jail located at 4415 Memorial Drive, Decatur, Georgia 30032. Prior to his incarceration, and at the time of this incident, Defendant Davis was residing at 1784 Flintwood Drive SE, Atlanta, Georgia 30316 located in DeKalb County, Georgia.

3.

Jurisdiction is proper in this Court.

4.

Venue is proper in this Court.

FACTS

5.

On the morning of January 28, 2011, Ms. Graham was at South DeKalb Mall waiting for a beauty supply store to open.

6.

Ms. Graham was approached by a male in a white Hummer who introduced himself as "Gucci" and asked her if she would like to get breakfast.

7.

Ms. Graham agreed to get breakfast and got into the passenger side of the white Hummer. As they were driving, "Gucci" stated he was the rapper Gucci Mane.

8.

When Ms. Graham realized they were driving further than she had anticipated, she asked were they were going.

9.

Radric Davis a/k/a Gucci Mane stated he wanted to go to a hotel and that he would give her \$150.00.

10.

Ms. Graham refused and asked to be taken back to the mall.

11.

Radric Davis a/k/a Gucci Mane then leaned over Ms. Graham and opened the passenger

side door while the vehicle was still in motion.

12.

Radric Davis a/k/a Gucci Mane shoved Ms. Graham several times in the side and shoulder area in an attempt to get her out of his vehicle.

13.

Radric Davis a/k/a Gucci Mane vehicle then left the roadway on Brannen Road where he was able to push Ms. Graham out of the vehicle which was still moving.

14.

After the incident, Radric Davis a/k/a Gucci Mane admitted in a tape recorded phone call from jail that he pushed Ms. Graham out of his vehicle.

15.

On September 13, 2011 Radric Davis a/k/a Gucci Mane plead guilty to two counts of Battery, two counts of Reckless Conduct and Disorderly Conduct in the State Court of DeKalb County.

COUNT I

BATTERY

16.

Plaintiff adopts and incorporates by reference paragraphs 1 through 15 of her Complaint as if said paragraphs are set forth fully herein.

17.

The aforementioned acts of the individual Defendant constitute Battery in violation of Title 51 of the Official Code of Georgia Annotated.

COUNT II

FALSE IMPRISONMENT

18.

Plaintiff adopts and incorporates by reference paragraphs 1 through 17 of her Complaint as if said paragraphs are set forth fully herein.

19.

The aforementioned acts of the individual Defendant constitute False Imprisonment in violation of Title 51 of the Official Code of Georgia Annotated.

COUNT III

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

20.

Plaintiff adopts and incorporates by reference paragraphs 1 through 19 of her Complaint as if said paragraphs are set forth fully herein.

21.

The aforementioned acts of the individual Defendant constitute intentional infliction of emotional distress in violation of Title 51 of the Official Code of Georgia Annotated.

COUNT IV

PUNITIVE DAMAGES

22.

Plaintiff adopts and incorporates by reference paragraphs 1 through 21 of her Complaint as if said paragraphs are set forth fully herein.

23.

The forgoing acts of the Defendant were intentional and humiliating. Further, said actions and inactions evince a conscious disregard for the circumstances and right of others, and a specific intent to cause harm. Plaintiff is entitled to recover from Defendant, in addition to her compensatory charges, an award of punitive damages under the law of Georgia in order to punish


Defendant, or to deter Defendant from repeating such wrongful acts.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that she be granted the following relief:

- (a) that a copy of the Summons and Complaint be served upon the Defendant;
- (b) that a trial by jury as to each and every appropriate issue;
- (c) a judgment against Defendant;
- (d) the recovery of out of pocket expenses in an amount to be set forth more specifically by way of amendment and/or at trial;
- (e) the recovery of lost income in an amount to be set forth more specifically by way of amendment and/or at trial;
- (f) the recovery of compensatory damages for the physical pain, mental anguish and emotional distress of Plaintiff
- (g) an award of punitive damages in an amount sufficient to deter future similar conduct by the Defendant;
- (h) the recovery of reasonable attorney's fees and expenses of litigation;
- (i) that all costs of this action be cast against the Defendant; and
- (j) any and all such further relief as the Court may deem just and appropriate.

Respectfully submitted this 28th day of October, 2011.



Brenda Joy Bernstein
Georgia Bar No.: 054904
Counsel for Defendant

THE BERNSTEIN FIRM, P.C.
1201 Peachtree Street, NE
400 Colony Square, Suite 200
Atlanta, Georgia 30361
(404) 522-1200
(404) 810-9092 fax