

2.

Plaintiff has initiated probate proceedings concerning the Estate of Ernest Byrd, Jr. in the Probate Court of Gwinnett County, Georgia under Envelope No. 21950394. Plaintiff's Petition for Letters of Administration remains pending. Upon appointment as Personal Representative of the Estate, Plaintiff reserves the right to amend this Complaint to assert any survival and estate claims in a representative capacity.

3.

Defendant Joseph Grier ("Grier") is an individual presently believed to be incarcerated within the State of Georgia and may be served in accordance with Georgia law at his place of incarceration or wherever he may otherwise be found. Grier is a proper party Defendant because he is alleged to have fatally shot Ernest Byrd, Jr. and engaged in the conduct described herein.

4.

Defendant Transdev Services, Inc. ("Transdev") is an Illinois corporation with a Principal office address at 720 E Butterfield Road, Suite 300, Lombard, IL, 60148 and authorized to transact business within the State of Georgia. At all times relevant hereto, Transdev operated, managed, staffed, supervised, trained, dispatched, maintained, controlled, and/or provided day-to-day operational services for the Ride Gwinnett public transit system and the bus involved in the events giving rise to this action. Transdev may be served through its registered agent at: C T Corporation System 289 S Culver St, Lawrenceville, GA, 30046

5.

Defendant Gwinnett County, Georgia ("Gwinnett County") is a political subdivision of the State of Georgia. Upon information and belief, Gwinnett County owned, funded, administered, maintained, controlled, and/or operated the public transit system known as Ride Gwinnett through

its departments, agencies, employees, contractors, agents, and representatives, including those responsible for public transportation services. Gwinnett County may be served in accordance with Georgia law at: 75 Langley Drive, Lawrenceville GA 30046.

6.

Upon information and belief, written notice of Plaintiff's claims arising from the June 11, 2024 incident was provided to Gwinnett County through its Justice and Law Department, including notice identifying the claimant, decedent, date of loss, nature of the occurrence, alleged acts and omissions, and resulting damages. Plaintiff alleges that Gwinnett County received actual notice of the claims asserted herein.

7.

Defendant The City of Atlanta ("Atlanta") is a municipal corporation organized and existing under the laws of the State of Georgia. Upon information and belief, Atlanta received timely ante litem notice concerning the claims arising from the June 11, 2024 incident. Atlanta may be served through via its Mayor or authorized agent at Atlanta City Hall, located at 55 Trinity Avenue, Atlanta, GA 30303.

8.

Defendant John Doe Bus Driver is the individual who operated the Ride Gwinnett transit bus involved in the events described herein. Plaintiff is presently unaware of this individual's identity despite the exercise of reasonable diligence. Upon discovery of the driver's true identity, Plaintiff will amend this Complaint accordingly.

9.

Defendants John Does 1 through 10 are individuals, corporations, governmental entities, agents, employees, contractors, partnerships, associations, or other persons whose identities are presently

unknown but who may be liable for some or all of the injuries and damages alleged herein. Plaintiff will amend this Complaint upon discovery of their true identities.

10.

This Court possesses subject matter jurisdiction over this action pursuant to Article VI, Section IV of the Constitution of the State of Georgia and O.C.G.A. § 15-6-8.

11.

Venue is proper in Fulton County, Georgia because substantial acts, omissions, events, and occurrences giving rise to Plaintiff's claims occurred within Fulton County, including, without limitation, the boarding of the Ride Gwinnett transit bus, the confrontation giving rise to the incident, the shooting of Ernest Byrd, Jr., and related events occurring within the City of Atlanta, Fulton County, Georgia.

12.

This Court has personal jurisdiction over all Defendants as this matter involves tortious acts and injuries within the state and notice of claim was provided pursuant to the Georgia Tort Claims Act and O.C.G.A. § 9-10-91.

13.

Venue is further proper because one or more Defendants reside in, transact business in, maintain offices in, may be found in, or are otherwise subject to suit within Fulton County, Georgia.

CONDITIONS PRECEDENT, NOTICE, AND WAIVER

14.

Plaintiff repeats and realleges, and incorporates by reference, the allegations above as through fully set forth herein.

15.

Plaintiff alleges that all conditions precedent to the filing of this action have been satisfied, excused, waived, substantially complied with, or otherwise fulfilled to the extent required by applicable law.

16.

Prior to the filing of this action, written notice of Plaintiff's claims arising from the June 11, 2024 incident was provided to the City of Atlanta (Exhibit A Attached) and Gwinnett County (Exhibit B Attached). Plaintiff alleges that said entities received actual notice of the occurrence, the parties involved, the nature of the claims asserted, and the damages alleged.

17.

To the extent required by law, Plaintiff pleads substantial compliance with all applicable notice provisions and reserves the right to supplement and amend these allegations as additional information becomes available through discovery.

18.

Plaintiff shows that probate proceedings concerning the Estate of Ernest Byrd, Jr. are presently pending in the Probate Court of Gwinnett County, Georgia under Envelope No. 21950394. Plaintiff is informed and believes that Letters of Administration have not yet been issued. To the extent any claims belonging to the Estate of Ernest Byrd, Jr. require prosecution by a duly qualified personal representative, Plaintiff reserves the right to amend this Complaint upon issuance of Letters of Administration.

19.

Plaintiff further shows that any such estate claims are subject to the provisions of O.C.G.A. §§ 9-3-92, 53-7-1(a), and 9-11-17(a), and expressly reserves all rights thereunder.

FACTUAL BACKGROUND

20.

Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.

21.

On or about June 11, 2024, officers of the Atlanta Police Department (“APD”) responded to a shooting incident at the Peachtree Center food court (also known as The Hub) in downtown Atlanta (the “Food Court”).

22.

On June 11, 2024, Defendant Joseph Grier was present in downtown Atlanta and, upon information and belief, was involved in or connected to events occurring near Peachtree Center shortly before the incident giving rise to this action.

23.

Publicly available reports indicate that Grier displayed erratic, alarming, and unstable behavior on June 11, 2024, prior to boarding the Ride Gwinnett transit bus involved in this action.

24.

Upon information and belief, Grier made statements concerning his mental condition, his failure to take prescribed medication, and his emotional state prior to the events that culminated in the death of Ernest Byrd, Jr.

25.

Upon information and belief, information concerning Grier's condition, conduct, demeanor, actions, or interactions with others on June 11, 2024, may have been observed by witnesses, transit personnel, security personnel, law enforcement personnel, or other individuals prior to the fatal shooting described herein.

26.

At all relevant times, the Ride Gwinnett transit system was owned, funded, maintained, administered, and/or controlled by Defendant Gwinnett County and operated, staffed, supervised, managed, dispatched, maintained, and controlled on a day-to-day basis by Defendant Transdev.

27.

The transit bus involved in this incident was operating within the City of Atlanta and Fulton County, Georgia on June 11, 2024.

28.

At all relevant times, Defendants Transdev and Gwinnett County, acting through their agents, employees, operators, contractors, representatives, and the John Doe Bus Driver, were engaged in the operation of a common carrier and owed passengers aboard the bus the duty of extraordinary diligence imposed by Georgia law.

29.

Ernest Byrd, Jr. was a lawful passenger aboard the Ride Gwinnett transit bus and was entitled to the protections afforded to passengers of a common carrier under Georgia law.

30.

After boarding the bus, Grier became involved in a confrontation with another passenger.

31.

Upon information and belief, the conduct that culminated in the fatal shooting of Ernest Byrd, Jr. was not instantaneous but developed over a period of time while passengers remained aboard the Ride Gwinnett transit bus.

32.

Upon information and belief, Grier engaged in conduct, behavior, actions, statements, interactions, or other activity that was observable to one or more individuals aboard the bus before the shooting occurred.

33.

Upon information and belief, the circumstances aboard the bus evolved from an ordinary passenger interaction into an escalating situation involving increasing tension, conflict, disruption, or confrontation before the fatal shooting of Ernest Byrd, Jr.

34.

Upon information and belief, the duration and nature of the events preceding the shooting provided an opportunity for observation, assessment, communication, and response by individuals responsible for the operation, supervision, dispatch, management, or control of the transit bus.

35.

Plaintiff alleges that discovery will reveal the nature and extent of information known to the bus driver, dispatch personnel, transit supervisors, law enforcement personnel, and other individuals before the shooting occurred.

36.

Despite the developing situation, the bus continued in operation while passengers, including Ernest Byrd, Jr., remained onboard.

37.

During the course of the events described herein, Grier obtained possession of a firearm and discharged the firearm aboard the bus.

38.

Grier shot Ernest Byrd, Jr., causing catastrophic injuries. As a direct result of the gunshot wound, Ernest Byrd, Jr. sustained severe physical injuries, conscious pain and suffering, emotional distress, fear, and terror.

39.

Following the shooting, Ernest Byrd, Jr. remained aboard the bus while the incident continued to unfold.

40.

After the shooting, Grier assumed control over the bus and directed the driver to continue operating the vehicle.

41.

Passengers and the bus driver remained onboard while the bus traveled through multiple jurisdictions within the metropolitan Atlanta area.

42.

A law enforcement response and pursuit ensued.

43.

Upon information and belief, audio recordings, dispatch records, surveillance recordings, onboard video, cellular telephone recordings, radio traffic, and other electronically stored information exist concerning the events described herein and will further establish the sequence of events leading to the death of Ernest Byrd, Jr.

44.

The circumstances surrounding those communications, the information available to various actors, the decisions made, and the actions taken remain the subject of ongoing investigation and discovery.

45.

Emergency medical personnel ultimately responded and rendered care to Ernest Byrd, Jr.

46.

Plaintiff is presently investigating the identity of all emergency medical personnel and entities involved in the treatment and transport of Ernest Byrd, Jr., as well as the nature and timing of the care provided.

47.

Ernest Byrd, Jr. was transported for emergency medical treatment.

48.

Despite medical intervention, Ernest Byrd, Jr. died as a result of the injuries sustained during the incident.

49.

As a direct and proximate result of the conduct described herein, Plaintiff and the statutory wrongful death beneficiaries have suffered substantial damages, including the full value of the life of Ernest Byrd, Jr., both economic and intangible, as permitted under Georgia law.

COUNT I
Intentional Tort / Assault, Battery, and Wrongful Conduct
(Against Defendant Joseph Grier)

50.

Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.

51.

At all times relevant hereto, Ernest Byrd, Jr. was a living person entitled to the protections afforded by the laws of the State of Georgia.

52.

On June 11, 2024, Defendant Joseph Grier intentionally, willfully, recklessly, and unlawfully engaged in the conduct described herein while aboard the Ride Gwinnett transit bus.

53.

During the course of said conduct, Grier obtained possession of a firearm and discharged the firearm aboard the transit bus.

54.

Grier shot Ernest Byrd, Jr., causing catastrophic bodily injuries.

55.

The acts and conduct of Grier constituted intentional, reckless, unlawful, and tortious conduct under the laws of the State of Georgia.

56.

As a direct and proximate result of Grier's conduct, Ernest Byrd, Jr. suffered severe bodily injury, conscious pain and suffering, emotional distress, fear, terror, mental anguish, and ultimately death.

57.

The death of Ernest Byrd, Jr. was directly and proximately caused by the acts and omissions of Grier.

58.

Pursuant to O.C.G.A. §§ 51-4-1 and 51-4-2, Plaintiff, as the surviving child of Ernest Byrd, Jr., is entitled to recover the full value of the life of Ernest Byrd, Jr., as shown by the evidence, both from the economic and intangible perspectives.

59.

As a direct and proximate result of the wrongful death of Ernest Byrd, Jr., Plaintiff and the statutory wrongful death beneficiaries have sustained damages in an amount to be determined by a jury.

60.

WHEREFORE, Plaintiff demands judgment against Defendant Joseph Grier for all damages recoverable under Georgia's Wrongful Death Act, together with costs, interest, and such other relief as this Court deems just and proper.

61.

COUNT II
**COMMON CARRIER NEGLIGENCE (Against Defendants Transdev Services, Inc.,
Gwinnett County, Georgia, and John Doe Bus Driver)**

Plaintiff incorporates and realleges each and every preceding paragraph of this Complaint as though fully set forth herein.

62.

At all relevant times, Defendants Transdev Services, Inc., Gwinnett County, Georgia, and John Doe Bus Driver were engaged in the operation of a common carrier transporting passengers for hire and/or public transportation purposes within the State of Georgia.

63.

Under Georgia law, common carriers owe their passengers a duty of extraordinary diligence for the protection of their lives and persons. O.C.G.A. § 46-9-132.

64.

Under Georgia law, extraordinary diligence means that extreme care and caution which very prudent and thoughtful persons exercise under the same or similar circumstances. O.C.G.A. § 51-1-3.

65.

At all relevant times, Ernest Byrd, Jr. was a passenger aboard the Ride Gwinnett transit bus and was entitled to the protections afforded to passengers of a common carrier under Georgia law.

66.

At all relevant times, Defendants Transdev Services, Inc., Gwinnett County, Georgia, and John Doe Bus Driver possessed the authority, responsibility, ability, and obligation to maintain order aboard the transit bus, protect passengers from unreasonable dangers, communicate with dispatch and supervisory personnel, seek law enforcement assistance when appropriate, and otherwise exercise the degree of care required of a common carrier under Georgia law.

67.

Georgia law further authorizes common carriers and their operators to refuse transportation to, control, direct, remove, or otherwise address passengers engaging in dangerous, disorderly, disruptive, threatening, or unsafe conduct. See O.C.G.A. §§ 46-9-131, 46-9-134, and 46-9-135.

68.

Prior to the shooting of Ernest Byrd, Jr., Grier engaged in conduct, actions, interactions, behavior, statements, confrontations, or other activity that, upon information and belief, was observable to one or more persons aboard the transit bus.

69.

Upon information and belief, the events preceding the shooting developed over a period of time sufficient to permit observation, assessment, communication, intervention, response, or protective action by Defendants.

70.

Upon information and belief, Defendants had the ability to communicate with dispatch personnel, supervisory personnel, law enforcement personnel, or emergency responders concerning the escalating circumstances aboard the transit bus.

71.

Upon information and belief, Defendants possessed the ability to take one or more measures intended to protect passengers, including but not limited to maintaining order, directing passenger conduct, requesting assistance, stopping the vehicle at a safe location, seeking law enforcement intervention, or otherwise responding to the developing circumstances.

72.

Notwithstanding the foregoing, Defendants failed to exercise the degree of extraordinary diligence required of a common carrier under the circumstances presented.

73.

Defendants were negligent, careless, reckless, and/or otherwise breached their duties owed to Ernest Byrd, Jr., including but not limited to the following: **(a.)** Failing to exercise extraordinary diligence for the protection of passengers; **(b.)** Failing to maintain a reasonably safe environment aboard the transit bus; **(c.)** Failing to properly monitor, assess, investigate, or respond to escalating circumstances aboard the transit bus; **(d.)** Failing to timely communicate information concerning developing safety concerns; **(e.)** Failing to implement, enforce, or follow reasonable safety policies, procedures, training, supervision, security or operational practices; **(f.)** Failing to timely request assistance, intervention, or support when circumstances warranted; **(g.)** Failing to adequately train, supervise, monitor, or manage personnel responsible for passenger safety; **(h.)** Failing to exercise the statutory authority available to common carriers for the protection of passengers; **(i.)** Failing to take reasonable measures to reduce, mitigate, or address known or observable risks to passengers; and **(j.)** Failing to exercise statutory authority afforded to common carriers under O.C.G.A. §§ 46-9-131, 46-9-134, and 46-9-135; **(k.)** Failing to maintain order aboard the transit vehicle and protect passengers from observable dangerous conduct **(l.)** Such other acts and omissions as may be revealed through discovery.

74.

As a direct and proximate result of the negligence and breaches of duty described herein, Ernest Byrd, Jr. suffered severe bodily injury, conscious pain and suffering, emotional distress, fear, terror, and ultimately death.

75.

As a direct and proximate result of the negligence of Defendants Transdev Services, Inc., Gwinnett County, Georgia, and John Doe Bus Driver, Plaintiff and the statutory wrongful death beneficiaries sustained damages including, but not limited to, the full value of the life of Ernest Byrd, Jr., both economic and intangible, in an amount to be determined by a jury.

76.

WHEREFORE, Plaintiff demands judgment against Defendants Transdev Services, Inc., Gwinnett County, Georgia, and John Doe Bus Driver for all damages recoverable under Georgia law, together with costs, interest, attorney's fees where authorized, and such other relief as this Court deems just and proper.

77.

COUNT III
NEGLIGENT HIRING, TRAINING, SUPERVISION, RETENTION, AND
OPERATIONAL MANAGEMENT (Against Defendant Transdev Services, Inc.)

Plaintiff incorporates and realleges each and every preceding paragraph of this Complaint as though fully set forth herein.

78.

At all relevant times, Transdev was responsible for the hiring, training, supervision, retention, management, dispatching, monitoring, and oversight of personnel involved in the operation of the Ride Gwinnett transit system, including the John Doe Bus Driver and other personnel responsible for passenger safety.

79.

At all relevant times, Transdev was responsible for developing, implementing, maintaining, enforcing, and supervising operational policies, safety procedures, communication protocols, emergency response procedures, and training requirements applicable to the operation of the transit bus involved in this incident.

80.

Transdev owed a duty to exercise reasonable care in the hiring, training, supervision, retention, monitoring, management, and oversight of its employees, agents, representatives, contractors, dispatch personnel, supervisors, and other individuals involved in passenger transportation and safety.

81.

Upon information and belief, deficiencies existed in one or more aspects of Transdev's hiring, training, supervision, retention, communication procedures, operational management, safety practices, dispatch procedures, emergency response procedures, passenger protection policies, or incident-response protocols.

82.

Upon information and belief, Transdev failed to adequately prepare, train, supervise, instruct, monitor, evaluate, or manage personnel responsible for responding to escalating passenger conflicts, disruptive conduct, threats to passenger safety, emergency situations, or violent incidents occurring aboard transit vehicles.

83.

Upon information and belief, Transdev failed to establish, implement, communicate, enforce, monitor, or maintain adequate policies and procedures concerning passenger safety, emergency

communications, dispatch involvement, law enforcement notification, threat assessment, security, conflict escalation, passenger protection, or emergency intervention.

84.

Upon information and belief, Transdev knew or should have known that inadequate training, supervision, operational oversight, communication procedures, emergency protocols, or safety practices could create an unreasonable risk of harm to passengers utilizing its transit services.

85.

Transdev was negligent in one or more of the following respects: **(a.)** Failing to adequately hire, train, supervise, monitor, evaluate, or retain personnel; **(b.)** Failing to establish or enforce adequate passenger safety policies and procedures; **(c.)** Failing to establish or enforce adequate emergency response protocols; **(d.)** Failing to establish or enforce adequate communication and dispatch procedures; **(e.)** Failing to provide adequate instruction regarding escalating passenger confrontations and safety threats; **(f.)** Failing to properly monitor compliance with operational and safety requirements; **(g.)** Failing to adequately manage, oversee, or supervise personnel responsible for passenger transportation and safety; **(h.)** Failing to exercise reasonable care under the circumstances; and **(i.)** Such additional acts and omissions as may be revealed through discovery.

86.

As a direct and proximate result of the negligence described herein, Ernest Byrd, Jr. suffered severe bodily injury, conscious pain and suffering, emotional distress, fear, terror, and ultimately death.

87.

As a direct and proximate result of the negligence of Transdev, Plaintiff and the statutory wrongful death beneficiaries sustained damages including, but not limited to, the full value of the life of Ernest Byrd, Jr., both economic and intangible, in an amount to be determined by a jury.

88.

WHEREFORE, Plaintiff demands judgment against Defendant Transdev Services, Inc. for all damages recoverable under Georgia law, together with costs, interest, attorney's fees where authorized, and such other relief as this Court deems just and proper.

89.

COUNT IV
VICARIOUS LIABILITY / RESPONDEAT SUPERIOR (Against Defendants Transdev Services, Inc., Gwinnett County, Georgia.)

Plaintiff incorporates and realleges each and every preceding paragraph of this Complaint as though fully set forth herein.

90.

At all relevant times, the John Doe Bus Driver was acting as an employee, agent, servant, representative, contractor, and/or person acting on behalf of Defendants Transdev Services, Inc. and/or Gwinnett County, Georgia and was acting within the course and scope of his employment, agency, duties, responsibilities, and authority.

91.

At all relevant times, Defendants Transdev Services, Inc. and/or Gwinnett County, Georgia possessed the right to direct, supervise, control, monitor, train, manage, and oversee the actions of the John Doe Bus Driver.

92.

Plaintiff alleges that the John Doe Bus Driver committed one or more negligent acts or omissions contributing to the injuries and damages alleged herein.

93.

Upon information and belief, the John Doe Bus Driver failed to exercise the degree of care required under the circumstances and failed to adequately respond to the escalating conditions that developed aboard the transit bus.

94.

Upon information and belief, the John Doe Bus Driver failed to take one or more actions available to him for the protection of passengers, including actions relating to passenger safety, communication, intervention, reporting, monitoring, emergency response, or the maintenance of order aboard the transit vehicle.

95.

The precise nature and extent of the John Doe Bus Driver's conduct remain the subject of ongoing investigation and discovery and are uniquely within the possession of Defendants.

96.

To the extent the John Doe Bus Driver is found negligent, careless, reckless, or otherwise responsible for any portion of the injuries and damages alleged herein, Defendants Transdev Services, Inc. and Gwinnett County, Georgia are vicariously liable for such conduct under the doctrines of respondeat superior, agency, master-servant liability, and other applicable principles of Georgia law.

97.

As a direct and proximate result of the acts and omissions of the John Doe Bus Driver, Ernest Byrd, Jr. suffered severe bodily injury, conscious pain and suffering, emotional distress, fear, terror, and ultimately death.

98.

As a direct and proximate result of the conduct alleged herein, Plaintiff and the statutory wrongful death beneficiaries sustained damages including, but not limited to, the full value of the life of Ernest Byrd, Jr., both economic and intangible, in an amount to be determined by a jury.

99.

WHEREFORE, Plaintiff demands judgment against Defendants Transdev Services, Inc. and Gwinnett County, Georgia for all damages recoverable under Georgia law, together with costs, interest, attorney's fees where authorized, and such other relief as this Court deems just and proper.

100.

COUNT V
WRONGFUL DEATH (O.C.G.A. §§ 51-4-1 and 51-4-2)
(Against All Defendants)

Plaintiff incorporates and realleges each and every preceding paragraph of this Complaint as though fully set forth herein.

101.

As a direct and proximate result of the acts, omissions, negligence, gross negligence, recklessness, intentional conduct, and other wrongful conduct of Defendants as alleged herein, Ernest Byrd, Jr. sustained catastrophic injuries resulting in his death.

102.

The conduct of Defendants, whether acting individually, jointly, concurrently, independently, vicariously, or in combination, contributed to the injuries and death of Ernest Byrd, Jr.

103.

At all relevant times, Ernest Byrd, Jr. would have been entitled to maintain an action for personal injuries against one or more Defendants had he survived the injuries alleged herein.

104.

Pursuant to O.C.G.A. §§ 51-4-1 and 51-4-2, Plaintiff, as the surviving child of Ernest Byrd, Jr., brings this action individually and for the benefit of all statutory wrongful death beneficiaries.

105.

As a direct and proximate result of Defendants' conduct, Plaintiff and the statutory wrongful death beneficiaries have suffered the loss of the full value of the life of Ernest Byrd, Jr., both from the economic and intangible perspectives, as determined by the enlightened conscience of a fair and impartial jury.

106.

Plaintiff seeks recovery of all wrongful death damages authorized under Georgia law, including but not limited to the full value of the life of Ernest Byrd, Jr., together with all additional damages recoverable under applicable law.

107.

WHEREFORE, Plaintiff demands judgment against all Defendants, jointly and severally to the extent permitted by Georgia law, for the full value of the life of Ernest Byrd, Jr., together with costs, interest, attorney's fees where authorized, and such other relief as this Court deems just and proper.

108.

Count VI – Sovereign Immunity Waivers
(Against all Local Government Defendants)

109.

Plaintiff repeats and realleges, and incorporates by reference, the allegations above as though fully set forth herein.

110.

Plaintiff alleges that any sovereign immunity, governmental immunity, official immunity, municipal immunity, or related immunity defenses asserted by Defendants Gwinnett County, Georgia and/or the City of Atlanta have been waived to the fullest extent permitted by Georgia law.

111.

Plaintiff specifically alleges that any immunity applicable to claims arising from the ownership, operation, maintenance, supervision, control, management, dispatch, or use of the transit bus involved in the events described herein has been waived pursuant to applicable statutory, constitutional, insurance-based, risk-pool, contractual, and other waivers recognized under Georgia law.

112

Plaintiff alleges, upon information and belief, that one or more governmental Defendants maintained liability insurance, participated in a governmental risk management program, maintained self-insurance, participated in an intergovernmental risk-sharing program, or otherwise obtained coverage applicable to the claims asserted herein.

113.

Plaintiff further alleges that any immunity applicable to claims arising from the operation or use of covered motor vehicles has been waived to the extent provided by O.C.G.A. § 36-92-2 and any other applicable provisions of Georgia law.

114.

Plaintiff further alleges that any immunity applicable to Defendants has been waived to the extent of available insurance coverage pursuant to O.C.G.A. § 33-24-51 and any other applicable statutory or contractual waiver.

115.

Because information regarding insurance coverage, risk-management participation, self-insurance, indemnification agreements, intergovernmental agreements, and other potential waivers remains within the possession of Defendants, Plaintiff reserves the right to amend these allegations as discovery progresses.

116.

Plaintiff specifically pleads and relies upon all statutory, constitutional, contractual, insurance-based, and other waivers of immunity that presently exist or that may be revealed through discovery.

Count VII – Punitive Damages
(Against Defendant Joseph Grier)

117.

Plaintiff repeats and realleges, and incorporates by reference, the allegations above as though fully set forth herein.

118.

The acts and conduct of Defendant Joseph Grier were willful, wanton, malicious, reckless, intentional, and demonstrated an entire want of care evidencing conscious indifference to the consequences.

119.

Grier intentionally engaged in violent and criminal conduct aboard a public transit bus occupied by numerous passengers, including Ernest Byrd, Jr.

120.

Grier's conduct demonstrated a conscious disregard for the safety, rights, and lives of others and created an unreasonable risk of serious bodily injury and death.

121.

The conduct alleged herein was substantially more egregious than ordinary negligence and constituted aggravated, intentional, and reckless misconduct warranting the imposition of punitive damages under Georgia law.

122.

Pursuant to O.C.G.A. § 51-12-5.1, Plaintiff seeks punitive damages against Defendant Joseph Grier in an amount sufficient to punish, penalize, and deter similar conduct in the future.

123.

Plaintiff alleges that Defendant Grier's conduct constitutes the type of willful misconduct, malice, fraud, wantonness, oppression, or conscious indifference to consequences contemplated by O.C.G.A. § 51-12-5.1.

124.

WHEREFORE, Plaintiff demands punitive damages against Defendant Joseph Grier in an amount to be determined by a jury, together with all other relief authorized by Georgia law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Jazzmyn Byrd, individually and for the benefit of all statutory wrongful death beneficiaries, respectfully requests that this Court enter judgment in her favor and against Defendants and award the following relief:

- a. Compensatory damages against Defendants in an amount to be determined by the enlightened conscience of a fair and impartial jury;

- b. The full value of the life of Ernest Byrd, Jr., both from the economic and intangible perspectives, as authorized by O.C.G.A. §§ 51-4-1 and 51-4-2
- c. Punitive damages against Defendant Joseph Grier pursuant to O.C.G.A. § 51-12-5.1
- d. All costs of this action as allowed by law;
- e. Pre- and Post-Judgment Interest and Court Costs in accordance with applicable law;
- f. Leave to amend this Complaint to assert additional claims, identify additional parties, substitute fictitious parties, and assert estate-based claims upon the issuance of Letters of Administration or the discovery of additional facts;
- g. Any further relief deemed just and proper by the Court, including equitable relief and additional damages allowed by law.

Jury Demand

Plaintiff respectfully **demands a trial by jury** on all issues so triable.

Respectfully submitted this 8th day of June, 2026.

Respectfully Submitted,



Chevon Andre Brooks, Esq.
Georgia Bar No. 298860
Austin Gibson, Esq.
Georgia Bar No. 836470
Attorneys for Plaintiff
JAZZMYN BYRD

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EXHIBIT A

BROOKS & BERNE, PLLC

CHEVON ANDRE BROOKS, ESQ.
CHEVON.BROOKS@LAWBBH.COM
(914) 364-2691

December 10, 2024

VIA OVERNIGHT MAIL

Office of the Mayor
City of Atlanta
55 Trinity Avenue, SW
Suite 2400
Atlanta, Georgia 30303

Attn.: Andre Dickens, Mayor

Re: *Jazzmyn Bird v. Joseph Grier*
DOL : 06/11/2024

Dear Mayor Dickens,

Our office has been retained to represent Jazzmyn Bird in the above referenced claim. Enclosed, please find Notice of Claim, Police Report and additional enclosures regarding the same.

Thank you for your prompt attention to this matter and do not hesitate to contact me should you have any questions or comments.

Very truly yours,
BROOKS & BERNE, PLLC


Chevon Andre Brooks, Esq.

Encl.

-Notice of Claim w/ attachment

- Police Report



Claims Line: (404) 546-4195

ANDRE DICKENS, MAYOR
OFFICE OF THE MAYOR

City of Atlanta
55 Trinity Avenue, SW
Suite 2400
Atlanta, Georgia 30303

DOUG SHIPMAN, PRESIDENT
ATLANTA CITY COUNCIL

City of Atlanta
55 Trinity Avenue, SW
Suite 2900
Atlanta, Georgia 30303

NOTICE OF CLAIM

Today's Date: 12/11/2024

Dear Mayor Dickens or President Shipman:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ n/a property and/or \$ 10,000,000 bodily injury. The total amount of monetary damages being sought from the City is \$1,000,000. A specific amount of damages must be stated.

1. Date of incident: 06/11/2024 2. Time of incident: 4:29 PM to 6:00 PM 3. Police called: YES/NO Report No. Yes

4. Location of incident (including street address): (1) 45 Ivan Allen Jr Blvd NE Intersections: 1 Ralph McGill Blvd NE/ 300 Alexander St NE (2) 86 W Peachtree Pl NW (3) Hugh Howell Road, Stone Mountain

5. Name of your insurance company: _____ Phone No. _____ Policy No. _____ Claim No. _____

6. State what and how incident occurred:

See attached.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: _____

(Make) (Year)

(Tag Number)

(Driver's Name)

City vehicle: _____

(Make)

(City Driver's Name)

(Department/Bureau)

9. Witness: See attached. Phone No. _____

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of legal responsibility on behalf of the City of Atlanta and/or its employee(s).

11. Claims **must** be received within 6 months from the date of the event by personal delivery, certified mail, or overnight statutory delivery upon the Mayor or President of the City Council.

I HEREBY SWEAR OR AFFIRM THAT THE
ABOVE INFORMATION IS TRUE AND CORRECT.

Jazzmyn T Byrd
(Signature of Claimant)

jtbyrd415@gmail.com
(Email address of Claimant)

Jazzmyn Byrd, Marquis Byrd, Jastina Byrd, Bryanna Byrd, Ernest Byrd

(Print Claimant's Name)
228 E 135th Street Apt 910S

(Address)
Bronx, NY 10451

(City, State and Zip Code) 917-684-8743

(Work Number) (Home Number)

Comments: Claims include, without limitation, wrongful death, estate claim, pain and suffering, and loss of consortium.

Attachment to Notice of Claim

6. Incident: A gunman, identified as 39-year-old Joseph Grier, hijacked a commuter bus (reportedly a Gwinnett County transit bus operated by Transdev) with 17 people inside, and shot 58-year-old Ernest Byrd Jr. Mr. Grier was interviewed and recorded by new reporters after a shooting incident at a mall in Atlanta, Georgia which was being investigated by law enforcement officials, in which he described his lack of access to medications and exhibited his emotional instability and potential for danger. Upon information and belief, subsequently boarded the commuter bus at which time law enforcement officials responded to a call, heard gunshot(s), and/or communicated with Mr. Grier prior to the departure of the commuter bus. A pursuit ensued for approximately 1.5-hour hijacking, ending in Stone Mountain Georgia (DeKalb Co.). Mr. Grier was transported to Grady Memorial Hospital in Atlanta, Georgia (Fulton Co.).

9. Witnesses:

On Transit Bus

- Joseph Grier (suspect)
- Daniel Pinilla
- Aarya Oza
- Salmon Hasham
- Ashley Wynn
- Dan Ngo
- Cheryl Ledbetter
- Paulette Gilbert
- Leen Homs
- Cristie Meadows
- Gerhardt Gerard
- Shivan Sharma
- Ernest Antoine
- Felicia Kinsey
- Dora Ramiez

Police Officers

- Officers Rivas Ferraro #6392
- Officer Willie Adams #7275
- Officer Rodney Smither #5710
- Officer Rashard Clanton #6585

BROOKS & BERNE, PLLC

CHEVON ANDRE BROOKS, ESQ.
CHEVON.BROOKS@LAWBBH.COM
(914) 364-2691

December 10, 2024

VIA OVERNIGHT MAIL

Atlanta City Council
City of Atlanta
55 Trinity Avenue, SW
Suite 2900
Atlanta, Georgia 30303

Attn.: Doug Shipman, President

Re: *Jazzmyn Bird v. Joseph Grier*
DOL : 06/11/2024

Dear Councilman Shipman,

Our office has been retained to represent Jazzmyn Bird in the above referenced claim. Enclosed, please find Notice of Claim, Police Report and additional enclosures regarding the same.

Thank you for your prompt attention to this matter and do not hesitate to contact me should you have any questions or comments.

Very truly yours,
BROOKS & BERNE, PLLC


Chevon Andre Brooks, Esq.

Encl.

-Notice of Claim w/ attachment

- Police Report



Claims Line: (404) 546-4195

ANDRE DICKENS, MAYOR
OFFICE OF THE MAYOR

City of Atlanta
55 Trinity Avenue, SW
Suite 2400
Atlanta, Georgia 30303

DOUG SHIPMAN, PRESIDENT
ATLANTA CITY COUNCIL

City of Atlanta
55 Trinity Avenue, SW
Suite 2900
Atlanta, Georgia 30303

NOTICE OF CLAIM

Today's Date: 12/11/2024

Dear Mayor Dickens or President Shipman:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ n/a property and/or \$ 10,000,000 bodily injury. The total amount of monetary damages being sought from the City is \$1,000,000. A specific amount of damages must be stated.

1. Date of incident: 06/11/2024 2. Time of incident: 4:29 PM to 6:00 PM 3. Police called: YES/NO Report No. Yes

4. Location of incident (including street address): (1) 45 Ivan Allen Jr Blvd NE Intersections: 1 Ralph McGill Blvd NE/ 300 Alexander St NE (2) 86 W Peachtree Pl NW (3) Hugh Howell Road, Stone Mountain

5. Name of your insurance company: _____ Phone No. _____ Policy No. _____ Claim No. _____

6. State what and how incident occurred:

See attached.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: _____

(Make) (Year)

(Tag Number)

(Driver's Name)

City vehicle: _____

(Make)

(City Driver's Name)

(Department/Bureau)

9. Witness: See attached. Phone No. _____

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of legal responsibility on behalf of the City of Atlanta and/or its employee(s).

11. Claims **must** be received within 6 months from the date of the event by personal delivery, certified mail, or overnight statutory delivery upon the Mayor or President of the City Council.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Jazzmyn Byrd, Marquis Byrd, Jastina Byrd, Bryanna Byrd, Ernest Byrd

(Print Claimant's Name)

228 E 135th Street Apt 910S

(Address)

Bronx, NY 10451

(City, State and Zip Code) 917-684-8743

Jazzmyn T Byrd

(Signature of Claimant)

jtbyrd415@gmail.com

(Email address of Claimant)

(Work Number)

(Home Number)

Comments: Claims include, without limitation, wrongful death, estate claim, pain and suffering, and loss of consortium.

Attachment to Notice of Claim

6. Incident: A gunman, identified as 39-year-old Joseph Grier, hijacked a commuter bus (reportedly a Gwinnett County transit bus operated by Transdev) with 17 people inside, and shot 58-year-old Ernest Byrd Jr. Mr. Grier was interviewed and recorded by new reporters after a shooting incident at a mall in Atlanta, Georgia which was being investigated by law enforcement officials, in which he described his lack of access to medications and exhibited his emotional instability and potential for danger. Upon information and belief, subsequently boarded the commuter bus at which time law enforcement officials responded to a call, heard gunshot(s), and/or communicated with Mr. Grier prior to the departure of the commuter bus. A pursuit ensued for approximately 1.5-hour hijacking, ending in Stone Mountain Georgia (DeKalb Co.). Mr. Grier was transported to Grady Memorial Hospital in Atlanta, Georgia (Fulton Co.).

9. Witnesses:

On Transit Bus

- Joseph Grier (suspect)
- Daniel Pinilla
- Aarya Oza
- Salmon Hasham
- Ashley Wynn
- Dan Ngo
- Cheryl Ledbetter
- Paulette Gilbert
- Leen Homsy
- Cristie Meadows
- Gerhardt Gerard
- Shivan Sharma
- Ernest Antoine
- Felicia Kinsey
- Dora Ramiez

Police Officers

- Officers Rivas Ferraro #6392
- Officer Willie Adams #7275
- Officer Rodney Smither #5710
- Officer Rashard Clanton #6585

BROOKS & BERNE, PLLC

PAULA MCFARLANE, ESQ.
PAULA.MCFARLANE@LAWBBH.COM
(914) 364-2691

June 6, 2025

FEDEX OVERNIGHT

Office of the County Attorney
141 Pryor Street, SW
Suite 4038
Atlanta, GA 30303

Re: *Jazzmyn Bird v. Joseph Grier*
DOL : 06/11/2024

Dear Sir/Madam,

Our office has been retained to represent Jazzmyn Bird in the above-referenced claim. Enclosed, please find a Notice of Claim for Fulton County, Police Report, and additional enclosures regarding the same.

Thank you for your prompt attention to this matter and do not hesitate to contact me should you have any questions or comments.

Very truly yours,

BROOKS & BERNE, PLLC


Paula McFarlane, Esq.

Encl.

- *Notice of Claim w/attachment*
- *Police Report*

STATE OF GEORGIA
General Liability Incident Report Form

If a non-state employee is injured or property of others is damaged (or alleged) as a result of the State's operations, whether negligent or not, report the claim directly to DOAS / Risk Management Services by calling [404-656-6245](tel:404-656-6245) or Email to: risk.management@doas.ga.gov or Fax to 404-657-1188. Keep your answers brief and to the point. *** **Do not use this form for Auto Liability Claims** ***

Time is of the essence. Do not delay reporting the claim because you do not have all the information regarding the accident. Any additional information can be provided at a later date. Use multiple sheets for more than one Claimant.

Accident Information - General Liability

State Agency involved: Fulton County	
Date of the incident: June 11, 2024.	Incident time: Approximately, 4:29 PM to 6:00 PM
Incident location: (1) 45 Ivan Allen Jr Blvd NE Intersections: 1 Ralph McGill Blvd NE/ 300 Alexander St NE (2) 86 W Peachtree Pl NW (3) Hugh Howell Road	City and County: (1) Atlanta, Georgia (Fulton Co.) (2) Atlanta, Georgia (Fulton Co.) (3) Stone Mountain, Georgia (DeKalb Co.)
Description of the incident: A gunman, identified as 39-year-old Joseph Grier, hijacked a commuter bus (reportedly a Gwinnett County transit bus operated by Transdev) with 17 people inside, and shot 58-year-old Ernest Byrd Jr. Mr. Grier was interviewed and recorded by new reporters after a shooting incident at a mall in Atlanta, Georgia which was being investigated by law enforcement officials, in which he described his lack of access to medications and exhibited his emotional instability and potential for danger. Upon information and belief, subsequently boarded the commuter bus at which time law enforcement officials responded to a call, heard gunshot(s), and/or communicated with Mr. Grier prior to the departure of the commuter bus. A pursuit ensued for approximately 1.5-hour hijacking, ending in Stone Mountain Georgia (DeKalb Co.). Mr. Grier was transported to Grady Memorial Hospital in Atlanta, Georgia (Fulton Co.).	
Police authorities contacted: (1) City of Atlanta Police Department (Zone 5) and Officers Rivas Ferraro #6392, Willie Adams #7275, Rodney Smither #5710, Rashard Clanton #6585 (2) Georgia State Patrol	If yes, Accident Report Number: Case #241631326

Claimant Information

Name & address of the Claimant: Ernest Byrd Jr (decedent) Jazzmyn Byrd (next of kin) Marquis Byrd Jastina Carter Bryanna Byrd	Home Telephone No. 917-684-8743 Work Telephone No.
Injured party date of birth: July 1965 July,22, 1965	Social Security No. 237 37 0900

Injury Information

Brief description of the claimant's injury: Gunshot wound to leg.
Fatality: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
What initial treatment was given? Unknown By whom? Unknown

Was hospital treatment needed? Yes Which hospital? Grady Memorial Hospital, Atlanta, Georgia

Witness Information

Were there any witnesses?
YES

If so, their name, address & phone no:

- Joseph Grier (suspect)
- Daniel Pinilla
- Arya Oza
- Salmon Hasham
- Ashley Wynn
- Dan Ngo
- Cheryl Ledbetter
- Paulette Gilbert
- Leen Homs
- Cristie Meadows
- Gerhardt Gerard
- Shivan Sharma
- Ernest Antoine
- Felicia Kinsey
- Dora Ramiez

Property Damage to Others Information

Claimant's property involved: No

Where is the property located now? Not applicable.

Damage to Claimant's property: No

Repair estimate: Not applicable.

Comments: Claims include, without limitation, wrongful death, estate claim, pain and suffering, and loss of consortium

Your Name: Jazzmyn Byrd *Jazzmyn T Byrd* Phone Number: 917-684-8743

EXHIBIT B

ORIGIN ID: NESA (914) 364-2691
MICHELLE WILTSHIRE-CLEMENT
BROOKS & BERNE PLLC
570 TAXTER ROAD
SUITE 550
ELMSFORD, NY 10523
UNITED STATES US

SHIP DATE: 06JUN25
ACTWGT: 0.50 LB
CAD: 251386820/INET4535

BILL SENDER

TO **GWINNETT JUSTICE & LAW DEPT ADMIN**

75 LANGLEY DRIVE

LAWRENCEVILLE GA 30046

(914) 364-2691
INV:
PO:

REF:

DEPT:



58GJ50E7459F2

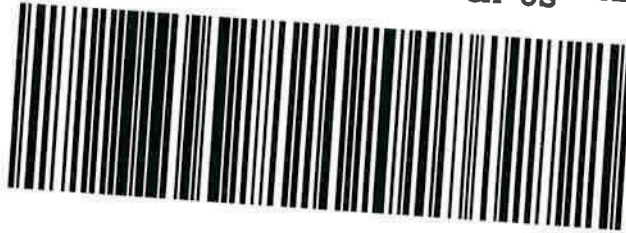
TRK# 8818 4133 1510
0201

MON - 09 JUN 10:30A
PRIORITY OVERNIGHT

XS MGEA

30046

GA-US ATL



FedEx
You can help us get your package safely to its destination by packing your items securely. Need help? Go to fedex.com/packaging for packing tips. Check your FedEx Express shipping document, the current FedEx Service Guide, or the conditions of carriage for complete terms, conditions, and limits of liability.

◀ Insert shipping document here.

BROOKS & BERNE, PLLC

PAULA MCFARLANE, ESQ.
PAULA.MCFARLANE@LAWBBH.COM
(914) 364-2691

February 13, 2025

VIA OVERNIGHT MAIL

Gwinnett Justice and Law Department Admin. Center
75 Langley Drive
Lawrenceville, GA 30046

Re: *Jazzmyn Bird et al. v. Joseph Grier*
DOL : 06/11/2024

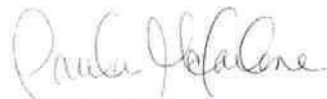
Dear Sir/Madam,

Our office has been retained to represent Jazzmyn Byrd in the above-referenced claim. Enclosed, please find the State of Georgia Incident Report Form regarding the same.

Thank you for your prompt attention to this matter and do not hesitate to contact me should you have any questions or comments.

Very truly yours,

BROOKS & BERNE, PLLC



Paula McFarlane, Esq.

Encl.

- Incident Report

STATE OF GEORGIA
General Liability Incident Report Form

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Accident Information - General Liability

State Agency involved: Gwinnett County Transit Bus, Ride Gwinnett, and Transdev	
Date of the incident: June 11, 2024.	Incident time: Approximately, 4:29 PM to 6:00 PM
Incident location: (1) 45 Ivan Allen Jr Blvd NE Intersections: 1 Ralph McGill Blvd NE/ 300 Alexander St NE (2) 86 W Peachtree Pl NW (3) Hugh Howell Road	City and County: (1) Atlanta, Georgia (Fulton Co.) (2) Atlanta, Georgia (Fulton Co.) (3) Stone Mountain, Georgia (DeKalb Co.)
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Injured party date of birth: July 1965 July,22, 1965	Social Security No. 237 37 0900

Injury Information

Brief description of the claimant's injury: Gunshot wound to leg.
Fatality: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
What initial treatment was given? Unknown By whom? Unknown

Transaction Record



TRACKING NO.:
881841331510

SHIP DATE:
Jun 6, 2025

ESTIMATED SHIPPING CHARGES:
55.13 USD

From address

Michelle Wiltshire-Clement
Brooks & Berne PLLC
570 Taxter Road
Suite 550
10523 NY ELMSFORD
US
Phone: 9143642691
STACYANN.GILL@LAWBBH.COM

To address

Gwinnett Justice & Law Dept Admin
75 Langley Drive
30046 GA LAWRENCEVILLE
US
Phone: 9143642691

Package information

Pieces	Weight	Dimensions (LxWxH)	Carriage value	Package options
1 x	0.50 lb			n/a
Packaging type: FedEx Envelope		Service: FedEx Priority Overnight		Pickup / drop-off type: I'll drop off my shipment at a FedEx location

Billing information

Bill transportation cost to: *****514
Bill duties, taxes and fees to:
Your reference:

P.O. No.:
Invoice No.:
Department No.:

Please note: This transaction record is neither a statement nor an invoice, and does not confirm shipment tendered to FedEx or payment. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits; Consult the applicable FedEx Service Guide for details. The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedEx Service Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.