

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
SECOND JUDICIAL DISTRICT

TORRENCE "LITTLE BOOSIE" HATCH;  
LARRY ANDERSON; TYEON GIVENS; AND  
NATHIA ENICE DANIELS AND PEYTON  
NICOLE DANIELS, MINORS, BY AND  
THROUGH THEIR PARENT AND NEXT  
FRIEND, TYEON GIVENS

FILED  
OCT 17 2017  
CONNIE LADNER  
CIRCUIT CLERK  
BY: *Am* D.C.

PLAINTIFFS

VS.

CAUSE NO. A2402-2017-120

DILLARD'S, INC.; JIM WILSON & ASSOCIATES,  
LLC; WEISER SECURITY SERVICES, INC.;  
BILOXI POLICE DEPARTMENT; AND JOHN  
DOES 1 – 10

DEFENDANTS

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COMPLAINT

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**COME NOW** the Plaintiffs, Torrence "Little Boosie" Hatch, Larry Anderson, and Tyeon Given, by and through counsel, and file this, their Complaint, and in support of such Complaint would show unto the Court the following:

**I. PARTIES**

**A. PLAINTIFFS**

1. Plaintiff, Torrence "Little Boosie" Hatch, is an adult resident citizen of Atlanta, Georgia.
2. Plaintiff, Larry Anderson, is an adult resident citizen of Baton Rouge,

Louisiana.

3. Plaintiff, Tyeon Givens, is an adult resident citizen of Baton Rouge,

Louisiana.

4. Plaintiffs, Nathia Enice Daniels and Peyton Nicole Daniels, are minor children with their domicile being located in Baton Rouge, Louisiana.

#### **B. DEFENDANTS**

5. Defendant, Dillard's, Inc., is a Delaware corporation qualified to do and doing a regular and continuous business within the State of Mississippi, and may be served with process through its registered agent, CT Corporation System, 645 Lakeland East Drive, Flowood, Mississippi.

6. Defendant, Jim Wilson & Associates, LLC, is an Alabama limited liability company doing business within the State of Mississippi, and may be served with process through its registered agent, CT Corporation System, 645 Lakeland East Drive, Flowood, Mississippi.

7. Defendant, Weiser Security Services, Inc. is a Louisiana corporation doing business within the State of Mississippi, and may be served with process through its registered agent, Cogency Global, Inc., 248 East Capitol Street, Suite 840, Jackson, Mississippi.

8. Defendant, Biloxi Police Department, is a governmental entity operating within Harrison County, Mississippi, and which may be served with process by and through Chief John Miller, 170 Porter Avenue, Biloxi, Mississippi.

9. Doe Defendants 1-10 are any and all persons, firms, corporations or entities who are or may be liable for the wrongful conduct alleged in the Complaint at hand.

## II. JURISDICTION AND VENUE

10. The wrongful conduct alleged in the subject Complaint, giving rise to the claims and causes of action pleaded, occurred or accrued in Harrison County, Mississippi.

11. Defendant, Dillard's, Inc., was doing business within the State of Mississippi and Harrison County prior to and at the time the causes of action pleaded herein occurred or accrued in Harrison County, Mississippi.

12. Defendant, Jim Wilson & Associates, LLC, was doing business within the State of Mississippi and Harrison County prior to and at the time the causes of action pleaded herein occurred or accrued in Harrison County, Mississippi, by and through its management, operation, and/or ownership of Edgewater Mall.

13. Defendant, Weiser Security Services, Inc., was doing business within the State of Mississippi and Harrison County prior to and at the time the causes of action pleaded herein occurred or accrued in Harrison County, Mississippi.

14. Defendant, Biloxi Police Department, by and through one or more agents or law enforcement employees, while under the color of state law, was doing business and/or providing security services prior to and at the time the causes of action pleaded herein occurred or accrued in Harrison County, Mississippi.

15. The claims and causes of action pleaded herein occurred or accrued within Harrison County, Mississippi so that this Court has jurisdiction over the persons of the Defendants with respect thereto.

16. This Court has jurisdiction over the subject matter of all of the claims and causes of action pleaded herein as against the Defendants, *seriatim*.

17. This Court has venue or territorial jurisdiction over the claims and causes of action pleaded herein and over the Defendants with respect thereto.

### **III. JOINT LIABILITY**

18. Defendant, Dillard's, Inc., at all relevant times operated a business enterprise at Edgewater Mall, Biloxi, Mississippi.

19. Defendant, Jim Wilson & Associates, LLC, at all relevant times operated, managed, and/or owned Edgewater Mall, located in Biloxi, Mississippi.

20. Defendant, Weiser Security Services, Inc., at all relevant times provided security services to the Defendants, Dillard's Inc., and Jim Wilson & Associates, LLC.

21. Defendant, Biloxi Police Department, by and through its agent or employees, and while under the color of state law, at all relevant times provided security services to the Defendants, Dillard's, Inc., and Jim Wilson & Associates, LLC.

22. The Defendants *seriatim* were joint tortfeasors or co-conspiratorial with respect to the occurrence of the claims and causes of action pleaded herein, and Defendants have joint, several, and alternative liability with respect thereto.

23. All of the claims and causes of action pleaded herein are pleaded against the Defendants jointly, severally and alternatively and as joint tortfeasors.

### **IV. PREMISES GIVING RISE TO CLAIMS**

24. On April 9, 2017, the Plaintiff, Torrence "Little Boosie" Hatch ("Hatch"),

appeared at the Edgewater Mall, in Biloxi, Mississippi. Having performed a concert the previous day, the Plaintiff wanted to engage his local fans and supporters, and purchase goods in support of the local community.

25. Upon entering the Dillard's department store, Hatch walked to the men's section of the store with the intention of purchasing several Polo clothing items. After reaching the desired section of the store, Hatch was confronted by a plain clothes Biloxi Police Department officer working as an employee of the Defendants; the identity of this individual is unknown at this time. Soon thereafter, the unknown officer demanded Hatch leave the store premises and sprayed Hatch's face and upper body with Mace. The unknown officer also referred to Hatch in derogatory terms, including using the term "nigger".

26. The Plaintiff, Larry Anderson ("Anderson"), accompanied Hatch to the Dillard's department store on the date in question. Upon entering the Dillard's premises, the previously mentioned plain clothes police officer approached Anderson and demanded that he leave the premises. Soon thereafter, the unknown officer assaulted Anderson and sprayed Mace on his face and upper body areas. The unknown officer also referred to Anderson in derogatory terms, including using the term "nigger".

27. The Plaintiff, Tyeon Givens ("Givens"), a cousin of Hatch, was also present at Dillard's during the incident in question. While at the perfume counter, an unknown Biloxi Police Department officer and employee of the Defendants, approached Givens, tapping her on the shoulder. When Givens turned, the unknown officer sprayed her in the eyes and mouth causing her to fall to the ground. Givens was helped up off the ground by another family member and forced to leave the Dillard's premises, all the while being subjected to derogatory comments, including the use of the term "nigger".

28. At the time of the assault complained of, Givens was pregnant with twins, namely the Plaintiffs, Nathia Enice Daniels and Peyton Nicole Daniels. After the assault, Givens began having contractions and gave birth prematurely to both children, at some twenty-seven (27) weeks of gestation. As a result of the premature births, both minor children suffer from cardiac, respiratory, and other issues proximately related to the assault on Givens.

## **V. CLAIMS AND COUNTS**

29. Plaintiffs incorporate by reference, insofar as relevant, the allegations of the above and forgoing paragraphs of this Complaint by way of stating the following claims, counts and causes of action, *seriatim*.

### **Count One: Common Law Negligence**

30. In the premises alleged, the Defendants were negligent or failed to exercise due and reasonable care which proximately caused or contributed to the cause of the damages of the Plaintiffs *seriatim*.

### **Count Two: Gross Negligence**

31. In the premises alleged, the negligence of the Defendants was gross and willful negligence which was the substantial equivalent of intentional torts, and was illegal *per se* or the substantial equivalent of illegal and criminal conduct which caused or contributed to the cause of the damages of the Plaintiffs, *seriatim*.

**Count Three: Negligence Per Se**

32. In the premises alleged, Defendants were negligent *per se* because of the negligent, grossly negligent, intentional and illegal violations of the statutes and laws of Mississippi, and other applicable statutes and regulations.

**Count Four: Premises Liability**

33. It was the duty of the Defendants on all relevant occasions, and specifically at the time of the assault in question, to exercise due and reasonable care to make certain that the Dillard's premises was reasonably fit and suitable for invitees, such as the Plaintiffs.

34. Defendants negligently, intentionally or illegally failed to fulfill their duty to provide the Plaintiffs, as invitees, with a reasonably fit and suitable premises, and to make certain that the subject premises was reasonably safe.

**Count Five: Negligent Infliction of Emotional Distress**

35. In the premises alleged, the negligence of the Defendants proximately caused the negligent infliction of emotional distress upon the Plaintiffs

36. As a result of the negligence of the Defendants, the Plaintiffs suffered actual physical injuries and damages, and Plaintiffs' emotional distress directly resulted from personal injuries and damages proximately caused by such physical injuries and damages which directly resulted from Defendants' negligence.

37. In the premises, Defendants are liable to the Plaintiffs for the negligent infliction of emotional distress.

**Count Six: Intentional Infliction of Emotional Distress**

38. In the premises alleged, the gross negligence, intentional torts and illegal and criminal acts of the Defendants proximately caused the intentional infliction of emotional distress upon the Plaintiffs.

39. As a result of the gross negligence and intentional acts of the Defendants, the Plaintiffs, suffered actual physical, mental, emotional, and other damages which directly caused Plaintiffs to suffer emotional distress.

40. Plaintiffs' emotional distress directly resulted from the intentional, grossly negligent, willful and illegal acts of the Defendants.

41. In the premises, Defendants are liable to the Plaintiffs for the intentional infliction of emotional distress.

**Count Seven: Failure to Properly Train and Supervise**

42. Defendants failed to properly train and supervise the unknown security officers or security staff working at or on the Dillard's premises. The failure to properly train and supervise said individuals in question by the Defendants proximately caused the injuries and damages of the Plaintiffs.

**Count Eight: Illegality and Intentional Tort**

43. The acts and omissions of the Defendants, as pleaded herein, were overtly illegal, and otherwise repulsive to the average man or woman. Defendants committed a willful, intentional, and malicious violation of the statutes and regulations of Mississippi

44. As a direct and proximate result of these intentional and illegal acts of the Defendants, the Plaintiffs suffered personal injuries and damages, as alleged.

**Count Nine: 42 U.S.C. § 1983**

45. This is an action on behalf of the Plaintiffs arising out of the unlawful conduct and/or actions of the Biloxi Police Department, by and through its agents or employees, while acting under the color of state law. This lawsuit seeks damages for violation of 42 U.S.C. § 1983, U.S. Const. amends. VIII and XIV, and 18 U.S.C. § 242, as well as negligence and failure to train on the part of the Biloxi Police Department.

46. As a result of such conduct and/or actions on the part of the agents or employees of the Biloxi Police Department, the Plaintiffs were deprived of certain rights, privileges, or immunities secured by the Constitution of the United States, the Constitution of the State of Mississippi, as well as certain Federal and State statutes. In particular, though not limited to such, the conduct and/or actions mentioned herein resulted in a violation of U.S. Const. amends. VIII and XIV, 42 U.S.C. § 1983, and 18 U.S.C. § 242.

**VI. CAUSATION AND DAMAGES**

47. As a proximate result of the negligence, illegality and other claims, counts and causes of action as alleged, the Plaintiffs have suffered damages.

48. The actions of the Defendants are such that the Plaintiffs are entitled to actual, consequential damages.

49. Plaintiffs are entitled to prejudgment and post judgment interest on all sums recovered of and from the Defendants.

50. Plaintiffs are entitled to an award of punitive or exemplary damages.

51. Plaintiffs are entitled to damages for infliction of emotional distress.

52. Plaintiffs are entitled to such measures of personal injury, exemplary and other damages as allowed by law.

#### **VII. AD DAMNUM**

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs *seriatim* demand judgment of and from the Defendants, jointly, severally and in the alternative, in a reasonable amount of actual, consequential damages to be shown by proof at trial. Plaintiffs demand prejudgment interest, post judgment interest, attorneys' fees and expenses of litigation and all other relief to which they may be entitled at law or in equity.

#### **VIII. PUNITIVE OR EXEMPLARY DAMAGES**

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs *seriatim* demand judgment of and from the Defendants, jointly, severally, and in the alternative, in the highest amount of punitive or exemplary damages allowed by law. Plaintiffs demand prejudgment interest, post judgment interest, attorneys' fees and expenses of litigation and all other relief to which they may be entitled at law or in equity.

Respectfully submitted this 17<sup>th</sup> day of October, 2017.

TORRENCE HATCH, LARRY ANDERSON,  
AND TYEON GIVENS, INDIVIDUALLY AND  
ON BEHALF OF NATHIA ENICE DANIELS  
AND PEYTON NICOLE DANIELS

BY:   
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ED A. FLECHAS

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