

**STATE COURT OF FULTON COUNTY
STATE OF GEORGIA**

Nathan Alan Knauf,)	
)	
Plaintiff,)	JURY TRIAL DEMANDED
)	
v.)	Civil Action No.:
)	
David Alfred Perdue, Jr.,)	
)	
Defendant)	
)	
)	
)	

VERIFIED COMPLAINT FOR BATTERY

Plaintiff Nathan Alan Knauf (“Mr. Knauf”) files this suit for battery against Defendant United State Senator David Alfred Perdue, Jr. (“Senator Perdue”) and requests a trial by jury.

INTRODUCTION

October 13, 2018, was homecoming day at Georgia Tech. Mr. Knauf, who is a junior computer-science major with a 3.95 GPA at Georgia Tech, was on campus for homecoming events and other activities.

Senator Perdue was also on campus on October 13, 2018, campaigning for Brian Kemp and Geoff Duncan (“Kemp/Duncan Campaign Event”).¹ The Kemp/Duncan Campaign Event was promoted to the Georgia Tech student body and was open to all students.

Mr. Knauf heard about the Kemp/Duncan Campaign Event, so he arrived on campus at approximately 9:30 a.m. to see if, as a Georgia voter, he could ask Kemp or Duncan questions

¹ Geoff Duncan was present at the Kemp/Duncan Campaign Event, and upon information and belief that Duncan’s staff also recorded the incident that is the basis of this lawsuit.

regarding their positions on various public-policy issues. Mr. Knauf intended to exercise his First Amendment right to record the event using his phone.

Mr. Knauf did not see Brian Kemp at the Kemp/Duncan Campaign Event, but he did see Senator Perdue. While maintaining a respectful distance, Mr. Knauf approached Senator Perdue, and he attempted to ask Senator Perdue about voter-suppression allegations against Brian Kemp, who Senator Perdue endorsed. Mr. Knauf tried to record the exchange on his phone to capture Senator Perdue's response to his question so that other voters could consider his position.

Suddenly and without warning, Senator Perdue committed unlawful battery when he seized Mr. Knauf's phone, touching Mr. Knauf in the process of seizing the phone, while angrily declaring: "No, I'm not doing that—I'm not doing that."

Senator Perdue then stopped the recording on Mr. Knauf's phone without Mr. Knauf's permission. After Mr. Knauf asked Senator Perdue several times to return his stolen phone, Senator Perdue returned his phone and left the scene.

Georgia law is clear: "*[c]ontact proceeding from rudeness is as offensive and harmful as that which proceeds from anger or lust, and in law constitutes an assault and battery.*" *Hendricks v. S. Bell Tel. & Tel. Co.*, 193 Ga. App. 264, 264–65 (1989) (citing *Brown v. State*, 57 Ga. App. 864, 867–868(2), (1938)) (emphasis original).

Senator Perdue had previously asked for Mr. Knauf's phone, and Mr. Knauf refused to consent to Senator Perdue taking his phone. When Plaintiff Knauf began asking about voter-suppression allegations against Kemp, Senator Perdue did not want to answer the question and did not want the interchange recorded, despite Senator Perdue being in a public place and simply being asked about a public-policy matter by a constituent. Instead of answering his constituent's question, civilly interacting with Mr. Knauf, or simply leaving, Senator Perdue forcefully took

Mr. Knauf's phone without his permission in a rude and offensive manner, which constitutes unlawful battery under Georgia law.

Subsequent to the battery, Senator Perdue, through a spokesperson, issued a statement mischaracterizing the battery to justify his conduct, stating that Senator Perdue believed he was being asked to take a selfie. However, it is clear from the evidence that Senator Perdue wanted to avoid being asked a serious question about Brian Kemp committing voter suppression, and the interchange was being recorded.

PARTIES

1. Nathan Alan Knauf is a resident of Fulton County, Georgia.

2. Mr. Knauf is a junior at Georgia Tech, where he is majoring in computer science.

Mr. Knauf has a 3.95 GPA, and he is a member of the Georgia Tech Student Government Association.

3. Senator Perdue is a resident of Georgia, and Senator Perdue maintains an office at 3280 Peachtree Road, Suite 2640, Atlanta, Georgia 30305. Senator Perdue was not conducting official business as a United State Senator, but he was instead exercising his First Amendment right to support a gubernatorial candidate of his choice.

4. Senator Perdue is the junior United States Senator from the State of Georgia.

JURISDICTION AND VENUE

5. Senator Perdue is subject to the jurisdiction of this Court.

6. This Court has jurisdiction and venue over this action, including among other reasons, because the battery occurred in Fulton County, Georgia.

ALLEGATIONS OF FACTS

7. On October 13, 2018, Senator Perdue was on the Georgia Tech campus for a campaign event for Brian Kemp and Geoff Duncan.
8. The Kemp/Duncan Campaign Event was advertised and was open to all Georgia Tech students.
9. Geoff Duncan was present at the Kemp/Duncan Campaign Event.
10. Mr. Knauf arrived on campus at approximately 9:30 a.m. on October 13, 2018, to see if he could ask Kemp or Duncan questions that were important to him as a Georgia voter before Mr. Knauf enjoyed homecoming activities at Georgia Tech.
11. Mr. Knauf saw Senator Perdue at the Kemp/Duncan Campaign Event.
12. Mr. Knauf approached Defendant Perdue while maintaining a respectful distance, and he attempted to ask Senator Perdue a question.
13. Mr. Knauf intended to record the conversation on his phone and potentially disseminate Senator Perdue's response, which is his First Amendment right, so other Georgia voters could consider Senator Perdue's response.
14. Senator Perdue initially asked Mr. Knauf for his phone to take a picture, well before Senator Perdue seized Mr. Knauf's phone.
15. Mr. Knauf declined to consent to Senator Perdue taking his phone.
16. Senator Perdue then angrily seized Mr. Knauf's property from his hands.
17. In response to seeing that he was being recorded, Senator Perdue stated: "No, I'm not doing that—I'm not doing that."
18. Senator Perdue then stopped the recording on Mr. Knauf's phone.

19. Senator Perdue did not have permission to seize Mr. Knauf's property or to stop the recording on Mr. Knauf's phone.

20. Mr. Knauf asked Senator Perdue several times to return his phone.

21. Senator Perdue eventually returned Mr. Knauf's phone.

22. Because Mr. Knauf had previously told Senator Perdue that Senator Perdue could not have his phone, Senator Perdue could not have thought that Mr. Knauf had somehow changed his mind and now wanted a selfie taken. Senator Perdue's motivation is even more obvious because at the same time he snatched Mr. Knauf's property, he stated: "No, I'm not doing that—I'm not doing that."

23. After he committed battery against Mr. Knauf on Georgia Tech's campus, Senator Perdue authorized his spokesperson to defend his actions via media outlets as follows: "The senator spoke with many students and answered questions on a variety of topics. In this instance, the senator clearly thought he was being asked to take a picture, and he went to take a selfie as he often does. When he realized they didn't actually want to take a picture, he gave the phone back."

24. The press release authorized by Senator Perdue is untrue. Senator Perdue could not have "clearly thought he was asked to take a picture." Under the circumstances, he could not have even reasonably guessed that Mr. Knauf wanted a selfie taken. Further, Senator Perdue would not have stated, "No, I am not doing that – I am not doing that" if he truly thought Mr. Knauf wanted a "selfie" taken with him.

COUNT I BATTERY

25. Mr. Knauf repeats and realleges each and every allegation contained in the Paragraphs 1 through 24 of the Complaint.

26. Senator Perdue made contact with Mr. Knauf, offensively touching both his hand and phone, which is considered part of his person.

27. Senator Perdue intended to make contact with Mr. Knauf's hand and phone.

28. Mr. Knauf did not consent to Senator Perdue touching him.

29. Mr. Knauf was objectively insulted, provoked, and offended when Senator Perdue seized Mr. Knauf's property from his person and came into contact with his hand and phone.

30. Senator Perdue's unlawful touching of Mr. Knauf's hand and phone constitutes an injury.

31. Senator Perdue's unlawful touching of Mr. Knauf's hand and phone constitutes unlawful battery.

32. Senator Perdue's actions showed willful misconduct, malice, wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to consequences. Senator Perdue acted with a specific intent to cause harm to Mr. Knauf.

DAMAGES

33. Mr. Knauf repeats and realleges each and every allegation contained in the Paragraphs 1 through 32 of the Complaint

34. "It is generally recognized, as stated in Prosser & Keeton Torts 5th ed., § 4 at p. 25, that:

[t]he 'prophylactic' factor of preventing future harm has been quite important in the field of torts. The courts are concerned not only with compensation of the victim, but with admonition of the wrongdoer. When the decisions of the courts become known, and defendants realize that they may be held liable, there is of course a strong incentive to prevent the occurrence of the harm.

Denton v. Con-Way Southern Exp., Inc., 261 Ga. 41 (1991).

35. By this lawsuit, Mr. Knauf seeks to prevent Senator Perdue himself, or another like-minded politician, no matter the party affiliation or political beliefs, from behaving as Senator Perdue behaved.

36. Mr. Knauf requests damages in the amount of \$10 or more, the amount to be determined by the enlightened conscious of a jury.

37. Because Senator Perdue committed an intentional tort, Mr. Knauf further seeks his attorneys' fees and costs.

WHEREFORE, Mr. Knauf respectfully requests that the Court order that:

- (a) Process be issued and properly served upon Senator Perdue;
- (b) Senator Perdue be compelled to answer these allegations;
- (c) The Court order a trial by jury;
- (d) The Court enter judgment in favor of Mr. Knauf and against Senator Perdue on Mr. Knauf's claim for battery;
- (e) Compensatory damages be determined by the enlightened conscience of the jury, that nominal damages be determined by the enlightened conscience of the jury, and that punitive damages be entered against Defendant Perdue in an amount to be determined by a jury;
- (f) The Court award Mr. Knauf his attorneys' fees and costs; and
- (g) Plaintiff have such other relief as this Court deems just and proper.

This the 22nd day of October, 2018.

DREYER STERLING

/s/ David N. Dreyer

David N. Dreyer

Georgia Bar No. 141322

Michael Sterling

Georgia Bar No. 745667

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Atlanta, GA 30312

Attorneys for Plaintiff

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VERIFICATION

I, Nathan Alan Knauf, verify that I have read the forgoing Verified Complaint for Batter, which has been prepared by counsel. The language in the Verified Complaint for Batter is that of counsel, and the information contained therein is true and correct.

Executed the 22nd day of October 2018.

Nathan Alan Knauf

Sworn to before me this 22nd
day of October, 2018.

NOTARY PUBLIC

My commission expires: _____

