

STATEMENT OF FACTS

7. At all times material, Defendant Highmark Residential, LLC, operated maintained and controlled Paces Pointe Apartments, located at 10501 Paces Avenue, Matthews, North Carolina, 28105.
8. On July 6, 2019, Jonathan Swierski, a twenty-year-old man, was an invited guest of a resident of Paces Pointe Apartments.
9. Upon information and belief, upon arrival at Paces Pointe Apartments, Jonathan Swierski was assaulted by several individuals and was shot and killed in the altercation.
10. Upon information and belief, the attack occurred on or near the children's play area at Paces Pointe Apartments.
11. Upon information and belief, prior to this incident, management at Paces Pointe Apartments was aware of criminal activity on the property, including, but not limited to, break-ins, illicit drug use and transactions, motor vehicle larcenies, and assaults.
12. Upon information and belief, Paces Pointe Apartments did not have any mechanism restricting the general public's access to the property and failed to provide sufficient lighting and security on the premises.

FIRST CAUSE OF ACTION **FOR MONETARY DAMAGES RESULTING FROM NEGLIGENT SECURITY**

13. Plaintiff incorporates and re-alleges by reference each and every allegation set forth in the preceding paragraphs of this Complaint.
14. At all times material, Defendant Highmark Residential had a duty of care to the public, including Jonathan Swierski as a social guest and licensee at Paces Pointe Apartments to exercise reasonable and ordinary care to maintain the premises in a condition reasonably safe for the use of the public. In particular, Defendant had as duty to take such precautions as were reasonably necessary to protect its invitees, residents and employees, including Jonathan Swierski from criminal attacks which were reasonably foreseeable.

15. Upon information and belief, Defendant knew, or in the exercise of ordinary care should have known that Paces Pointe Apartments had a high level of criminal activity and attacks of this nature were reasonably likely to occur unless Defendant took steps to provide proper security.
16. Defendant breached this duty of care for the safety and protection of the public and the plaintiff in one or more of the following ways:
 - a. by failing to provide adequate security for residents and licensees of Paces Pointe Apartments, including the decedent, Jonathan Swierski;
 - b. by failing to have security guards to protect residents and licensees of Paces Pointe Apartments;
 - c. by failing to have security guards in visible areas to deter crime and protect residents and licensees;
 - d. by failing to take additional security measures after becoming aware that security measures were necessary;
 - e. by failing to secure the perimeter of Paces Pointe Apartments to prevent access by trespassers; and
 - f. by failing to install adequate lighting in public areas;
17. As a direct and proximate result of Defendants' carelessness and negligence, Jonathan Swierski was attacked, assaulted and killed on the premises of Paces Pointe Apartments.
18. As a further direct and proximate result of Defendants' negligence, Defendant is liable to Plaintiff for damages in excess of the jurisdictional limits of this Court for the following:
 - a. Compensation for the pain and suffering of Decedent Jonathan Swierski;
 - b. The reasonable funeral expenses of Decedent Jonathan Swierski;
 - c. The present monetary value of Decedent Jonathan Swierski to his survivors, including but not limited to compensation for the loss of reasonably expected:
 - i. Net income of Decedent Jonathan Swierski over his lifetime;

- ii. Services, protection, care and assistance of Decedent Jonathan Swierski;
- iii. Society, companionship and comfort of Decedent Jonathan Swierski to his survivors, including his father, mother and young sister.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray this Honorable Court for judgment against Defendant and in favor of Plaintiff as follows:

1. For monetary damages in an amount according to proof in excess of \$25,000;
2. For punitive damages;
3. For reasonable attorneys' fees;
4. For costs of suit including expert witness fees;
5. For interest at the maximum legal rate;
6. All issues of fact be tried by jury;
7. For such other and further relief as this Honorable Court may deem just and proper.

Respectfully submitted, this the _____ day of _____, 2019.

Lindsey Curcio
N.C. State Bar No. 43298
Nicholas Anderson
N.C. State Bar No. 53111
Curcio Law Firm, PLLC
10550 Independence Pointe Pkwy
Suite 200
Matthews, North Carolina 28105
Telephone: (704) 759-6110
Facsimile: (866) 715-1498
ATTORNEYS FOR PLAINTIFF