



Tiki Brown
Clerk of State Court
Clayton County, Georgia
Ashley Bright

IN THE STATE COURT OF CLAYTON COUNTY
STATE OF GEORGIA

Q.C., as parent and natural guardian of
A.C., a minor, and in her own right,

Plaintiffs,

v.

Rainbow House, Inc.; Department of
Human Services Division of Family and
Children Services; Clayton County; Mia
Chanel Kimber, Individually, and as an
Executive Director of Rainbow House;
Tasha Mosley, Individually, and as an
Executive Director of Rainbow House and
Board Chair of Rainbow House; Jeffrey
Turner, Individually, and as former
Chairman of the Clayton County Board of
Commissioners; Caleb Xavier Randolph,
Individually, and in his official capacity;
New Life Church and Community Center;
ABC, Inc. 1-10; John Doe 1; and John Does
2-10,

Defendants.

CIVIL ACTION FILE №:

2025CV05131

PLAINTIFFS' COMPLAINT FOR DAMAGES

COMES NOW, Plaintiffs Q.C., as parent and natural guardian of minor A.C., and in her own right, by and through their undersigned counsel, and file this Complaint for Damages against Defendants Rainbow House, Inc.; Department of Human Services Division of Family and Children Services; Mia Chanel Kimber, Individually, and as the Executive Director of Rainbow House; Tasha Mosley, Individually, and as the Executive Director and Board Chair of Rainbow House, Inc.; Jeffrey Turner, Individually, and as the former Chairman of the Clayton County Board of Commissioners; Clayton County; Caleb Xavier Randolph, Individually, and in his official capacity at Rainbow House; New Life Church and Community Center, ABC, Inc. 1-10, John Doe 1, and John Does 2-10, and shows this Honorable Court the following:

Parties

1.

Plaintiffs, Q.C., as parent and natural guardian of minor A.C., and in her own right, (hereinafter “Plaintiffs”) was at all times relevant to the above-referenced matter a citizen and domiciliary of the State of Georgia. The identity and address of Plaintiffs is not disclosed to maintain confidentiality. Plaintiffs may be contacted through their undersigned counsel whose contact information is provided below.

2.

Defendant Rainbow House, Inc. (hereinafter “Defendant Rainbow House”) was, at all times relevant to the instant litigation, a non-profit organization working with the Department of Human Services, Division of Family and Children Services, located in the State of Georgia. This is an authorized shelter and child advocacy center providing safety and care of youth already placed in the Division of Family and Children Services. Rainbow House is authorized to do business under the Clayton County Chief Operating Officer and the Clayton County Board of Commissioners, State of Georgia. Any reference with Rainbow House will include references to its owners, agents, lessors, lessees, servants, and employees, who, at all times pertinent hereto, were acting within the course and scope of their employment and/or agency with Defendant Rainbow House. Defendant Rainbow House may be served with the Summons and Complaint through its Registered Agent, Monica Grant Scott, at **669 Emporia Loop, McDonough, Georgia 30253** or anywhere the registered agent is located.

3.

Defendant Department of Human Services, Division of Family and Children Services (hereinafter referred to as “DFCS”), at all times relevant to the instant litigation, is a department in the State of Georgia responsible for investigating and reporting child abuse, finding foster families and facilities or adoptive homes for abused, neglected children, among other duties. The department reports to the State of Georgia Governor’s Office. At all times relevant to the instant litigation and at the time of the incident, A.C., minor, was placed in the care of Rainbow House by the DFCS for the safety and care of the minor. Any reference with DFCS will include references to its owners, agents, lessors, lessees, servants, and employees, who, at all times pertinent hereto, were acting within the course and scope of their employment and/or agency with DFCS. Defendant DFCS may be served with the Summons and Complaint at **47 Trinity Avenue, SW, Atlanta, Georgia 30334**.

4.

Defendant Mia Chanel Kimber (hereinafter “Kimber”), Individually, was at all times relevant to the instant litigation, a citizen and domiciliary of the State of Georgia. Defendant Kimber was also, at all times relevant to the instant litigation, the Executive Director of Rainbow House, Inc., a non-profit organization authorized to business in Clayton County, State of Georgia. Defendant Kimber may be served with the Summons

and Complaint at **543 Stone Edge Road, Macon, Georgia 31210** or any other location where she may be found.

5.

Defendant Tasha Mosley (hereinafter “Mosley”), Individually, was at all times relevant to the instant litigation, a citizen and domiciliary of the State of Georgia. Defendant Mosley was also, at all times relevant to the instant litigation, a Board member, including chairman of the board, for Rainbow House, Inc. in Clayton County. Defendant Mosley may be served with the Summons and Complaint at **10840 Spring Creek Dr., Hampton, Georgia 30228**.

6.

Defendant Jeffrey Turner (hereinafter “Turner”), Individually, was at all times relevant to the instant litigation, a citizen and domiciliary of the State of Georgia. Defendant Turner was also, at all times relevant to the instant litigation, the Chairman of the Clayton County Board of Commissioners. Defendant Turner may be served with the Summons and Complaint at **8491 Members Dr., Jonesboro, Georgia 30236**.

7.

Defendant Clayton County, State of Georgia is governed by the Clayton County Board of Commissioners made up of a chairman and four commissioners. The Clayton County Board of Commissioners had oversight over the functions of Rainbow House. Additionally, Clayton County owned the premises where Rainbow House was located and leased the property to Rainbow House during all relevant times herein. Defendant Clayton County may be served through the current **Chairwoman of the Clayton County Board of Commissioners, Dr. Alieka Anderson-Henry, at 112 Smith Street, Annex 1, Jonesboro, GA 30236**.

8.

Defendant Caleb Xavier Randolph (hereinafter “Randolph”), Individually, was at all times relevant to the instant litigation, a citizen and domiciliary of the State of Georgia. Defendant Randolph is currently incarcerated at Central State Prison in Bibb County, State of Georgia. At all times relevant to the instant litigation, Defendant Randolph was employed by Rainbow House working within the course and scope of his employment with direct access to minors and unsupervised by Defendants listed on this Complaint. He was initially fired for “violating a Rainbow House policy”, but then rehired a week and a half later. He continued to have direct access to the children placed at the Rainbow House (unsupervised) until he was arrested on or about March 16, 2023. Defendant Randolph may be served with the Summons and Complaint at **Bibb County Sheriff’s Department at Central State Prison, Service on Caleb Xavier Randolph, GDC ID: 1003603890 located at 4600 Fulton Mill Road, Macon, Georgia 31208**.

9.

Defendant New Life Church and Community Center (hereinafter “New Life Church”) was, at all times relevant to the instant litigation, a non-profit organization facilitating a program called “Hotels to Home” to aid families grappling with homelessness and poverty in Clayton County, State of Georgia. Any reference with New Life Church will include references to its owners, agents, lessors, lessees, servants, and employees, who, at all times pertinent hereto, were acting within the course and scope of their employment and/or agency with Defendant New Life Church. Defendant New Life Church may be served with the Summons and Complaint at **3592 Flat Shoals Road, Decatur, GA 30034** or anywhere the facility is located.

10.

Defendants ABC, Inc. 1-10 are entities who were employed, supervised, controlled, and/or oversaw Defendant Randolph and/or otherwise owed a legal duty to Plaintiffs to prevent incidents of sexual abuse of children/minors at the Rainbow House, including the sexual abuse of A.C. and any others as are more fully alleged herein. Defendants ABC, Inc 1-10 are entities whose identities and addresses are currently unknown to Plaintiffs but who may have responsibility for the actions and damages described herein. Once the identities of ABC, Inc. 1-10 are known, they will be substituted as parties as allowed by Georgia law.

11.

Defendant John Doe 1 is an individual whose identities and addresses are currently unknown to Plaintiffs but who may have responsibility for the actions and damages described herein. Once the identity of Defendant John Doe 1 is known, they will be substituted as parties as allowed by Georgia law. (Be more specific somehow to reference D.A.?)

12.

Defendants John Does 2-10 are fictitious individuals who were employed, supervised, controlled, and/or oversaw Defendant Randolph and/or otherwise owed a legal duty to Plaintiffs to prevent incidents of sexual abuse of children/minors at the Rainbow House, including the sexual abuse of A.C. and any others as are more fully alleged herein. Defendants John Does 2-10 are individuals whose identities and addresses are currently unknown to Plaintiffs but who may have responsibility for the actions and damages described herein. Once the identities of Defendants John Does 2-10 are known, they will be substituted as parties as allowed by Georgia law.

Jurisdiction and Venue

13.

Venue is proper in this Court pursuant to O.C.G.A. § 9-10-93, as a substantial part of the events or omissions giving rise to the claim occurred in Clayton County.

Facts

14.

On or about January 21, 2022, Plaintiff Q.C. relocated to the State of Georgia with her three children. After several weeks of living in the metro Atlanta area with limited resources, Q.C. reached out to local ministries for clothing, personal care items, and housing assistance.

15.

Plaintiff Q.C. became connected with Carolyn Watson, a member/employee of New Life Church and Community Center, who instructed Q.C. to meet her at Lithonia Park where necessities would be provided and paperwork completed to enroll Q.C. in the church's "Motel2Home Program" that provides access to housing and funding for living expenses. This meeting was to occur on April 26, 2022 at 6:00am at the Lithonia Park, located at 2501 Park Dr, Lithonia, GA 30058.

16.

On April 26, 2022, Plaintiff Q.C. arrived at the park just before 6am and waited for Carolyn Watson to arrive. After some time waiting, Q.C. walked minor Plaintiff A.C. across the park to Lithonia Middle School, where A.C. was enrolled, and then returned to the park to meet with Ms. Watson to discuss temporary housing through New Life Church's "Motel2Home" program. Carolyn Watson never showed up at the park.

17.

While at Lithonia Park, Clayton County Police approached and questioned Plaintiff Q.C., urging her to get in the car so they could be taken to a hotel or else they would take the family dogs. Plaintiff Q.C. politely declined interacting with the officers and walked away with her remaining children because she already had housing secured and did not want to be taken by the police.

18.

Several hours later, Plaintiff Q.C. received a call from the Lithonia Middle School principal, who informed Q.C. that minor Plaintiff A.C. was removed from school by the Department of Family and Child Services (DFCS) and two Lithonia police officers.

19.

DFCS Agent Misty Joyner called Plaintiff Q.C. and requested proof of housing, food, and means to take care of her children in order to regain care of A.C., but upon Q.C. sending the necessary documentation she was told filing of deprivation and child endangerment would still take place.

20.

Plaintiff A.C. was taken into the custody of DFCS and "housed" at a DFCS facility/building located at 2300 Parklake drive, Atlanta, GA 30345 for several days.

Plaintiff Q.C. and her other children relocated to Hawthorne Suites hotel where she stayed for 30 days and attempted to locate A.C.

21.

Upon information and belief, minor Plaintiff A.C. endured starvation, food poisoning, neglect and unfit living conditions while in the care and custody of DFCS.

22.

Upon information and belief, minor Plaintiff A.C. was not permitted to shower for several days and was in the same clothes as the day she was removed from school, while in the care and custody of DFCS.

23.

On or about May 1, 2022, A.C. was relocated to the Rainbow House, a shelter and child advocacy center in Jonesboro, Georgia. The facility is located at 879 Battlecreek Road, Jonesboro, Georgia 30236. Rainbow House is an emergency shelter for children and collaborates with the Department of Family and Children Services (DFCS) and various service providers across the State of Georgia. The youth who reside in the shelter are placed there from difficult and dangerous situations who have been removed from their homes and parents/guardians due to abuse and/or neglect, victims of exploitation and trafficking, and home run-aways. Rainbow House provides emergency shelter, clothing, food, educational support, counseling and life skills training to support these children in gaining a safe and independent life from abuse and neglect.

24.

Mr. Caleb Xavier Randolph was employed at Rainbow House and had direct (unsupervised) access to the youth/minors placed at the facility during the time of the incident.

25.

Upon information and belief, A.C. was inappropriately abused, molested and sexually assaulted at the facility by Defendant Randolph.

26.

Defendant Randolph was fired and then re-hired a week and a half later for “violation of policy at Rainbow House” where he subsequently abused and sexually assaulted A.C.

27.

The abuse was known to the others at the facility who did not report the incident to any authorities which is in violation of the State of Georgia and under the Department of Family and Children Services (DFCS). This was a Negligent Violation of a Ministerial Duty under O.C.G.A. § 50-21-26.

28.

Following the incident, Defendant Randolph was arrested in connection with the abuse of minors at the facility.

29.

On or about March 16, 2023, Defendant Randolph was convicted of the charges against him and is currently located at Central State Prison in Macon (Bibb County) Georgia. Plaintiff alleges that Defendant Randolph's actions constitute a pattern of abusive behavior toward minors at the facility.

30.

As a result of the incidents, A.C. suffered physical pain, emotional harm, and emotional trauma inflicted upon her by Defendant Randolph.

31

Plaintiffs assert that Rainbow House staff failed to provide a safe environment by employing Defendant Randolph and not preventing the abuse. Staff members knew of the reports of allegations of abuse, neglect and inappropriate conduct against other minors placed at the facility. The Staff allowed the inappropriate conduct of Defendant Randolph to continue and was ongoing.

32.

Upon information, knowledge and belief, Video footage obtained by investigators confirms the abuse of A.C. by Defendant Randolph while employed with Rainbow House.

33.

Minor Plaintiff A.C. at the time of the incident, was a 13-year-old minor who had been placed at this facility for the safety and security to have treatment from various service providers to keep her safe and healthy. Yet, A.C.'s safety and health were taken away from her when the incidents occurred.

34.

Defendant Kimber was the Executive Director at the time of the incident at Rainbow House. She was also the mother to Defendant Randolph.

35.

Defendant Kimber had a duty to report the alleged sexual abuse at Rainbow House and actually schemed to conceal the abuse and sexual assault.

36.

Defendant Kimber failed to report the sexual abuse when she learned and knew of it at Rainbow House.

37.

Upon information and belief, Defendant Kimber learned of a reported case of sexual abuse at Rainbow House involving another minor at the facility prior to this incident by Defendant Randolph, and she did not report it to law enforcement or any authorities.

38.

Defendant Kimber was arrested and charged with failure to report an alleged sexual abuse case at Rainbow House involving Randolph.

39.

Defendant Tasha Mosley was a former Rainbow House, Inc. Board member, Chair of the Board, and Executive Director of Rainbow House. At all times relevant to this action, Defendant Mosley was also employed by Clayton County, Georgia, as a Solicitor, Prosecutor, and the District Attorney for Clayton County, Georgia.

40.

Defendant Mosley received reports of abuse at Rainbow House and failed to properly investigate those claims.

41.

Defendant Mosley had a duty to report the alleged sexual abuse at Rainbow House in her supervisory role as a Board member. Defendant Mosley also had a duty to report and investigate claims of abuse in her role as the District Attorney for Clayton County. She failed to do so.

42.

Defendant Mosley failed to report the sexual abuse when she learned and knew of it at Rainbow House and schemed to conceal the abuse and sexual assault.

43.

Defendant Mosley learned and knew of a reported case of sexual abuse at Rainbow House involving another minor at the facility prior to this incident by Defendant Randolph, and she did not report it to law enforcement or any authorities.

44.

Defendant Mosley did not report any of the abuse, negligence or claims to any authorities and she knew this was a direct violation to the State of Georgia and under the Department of Family and Children Services to protect the minors placed at this facility for safety and security at the Rainbow House.

45.

Defendant Mosley continued to allow the employment of Defendant Randolph who had direct access (unsupervised) to the minors placed at the facility.

46.

Defendant Mosley was involved in the investigation and indictments of two former Rainbow House employees for failing to report allegations of abuse. The employees were Monica Jones and Felicia Campbell. These warrants and indictments were subsequently dismissed upon further investigation by the Georgia Attorney General's Office when it was discovered that the two employees had, in fact, reported the allegations of abuse.

47.

Defendant Jeffrey Turner was formerly the Clayton County Chief of Police, a Clayton County Commissioner, and the Chairman of the Clayton County Commissioners.

48.

Upon information and belief, in February of 2022, Defendant Turner's executive assistant, Dr. Katrina Holloway, received and compiled a detailed, anonymous complaint from a Rainbow House employee regarding ongoing abuse at Rainbow House. Dr. Holloway placed that report on Defendant Turner's desk. The following morning Dr. Holloway observed the report she created in Defendant Turner's trashcan. Defendant Turner had a duty to report the alleged sexual abuse at Rainbow House.

49.

Defendant Turner failed to report the abuse when he learned and knew of the abuse at Rainbow House and actually schemed to conceal the abuse and sexual assault.

50.

Defendant Turner learned and knew of a reported case of sexual abuse at Rainbow House involving other minors at the facility prior to this incident by Randolph, and he did not report it to law enforcement or any authorities.

51.

Defendant Turner did not report any of the abuse, negligence or claims to any authorities and he knew this was a direct violation of Georgia law and under the Department of Family and Children Services rules and regulations to protect the minors placed at this facility for safety and security at the Rainbow House.

52.

Defendant Turner continued to allow the employment of Defendant Randolph who had direct access (unsupervised) to the minors placed at the facility by not speaking up or reporting the incidents.

53.

Defendant Turner, as Chair of the Clayton Board of Commissioners, was primarily responsible for approving funding from Government (Federal, State, and local) grants to fund operations at Rainbow House.

54.

Defendant Turner approved applications for grants that were sought by Tasha Mosley on behalf of Rainbow House, Inc. in her capacity as a board member for Rainbow House, Inc.

55.

As a direct and proximate result of Defendants' negligence and failures, as further described herein, minor Plaintiff A.C. was harmed and has sustained physical injuries and emotional injuries, including, but not limited to, assault, sexual abuse, embarrassment, humiliation, stress, anxiety, mental anguish, pain and suffering, and loss of enjoyment of life and life's pleasures.

56.

At all times relevant to this action, pursuant to O.C.G.A. § 49-5-1 et seq. Defendants Rainbow House and Department of Family and Children Services (DFCS) were subject to the rules and regulations issued by the Georgia Department of Human Services under the State of Georgia for the purpose of providing for the inspection, licensing, and commission of child-caring institutions within Georgia. (See O.C.G.A. §20-1A-2).

57.

Pursuant to O.C.G.A. § 20-1A-1., et seq., Defendants Rainbow House and DFCS were required to adhere to the rules and regulations established by the State of Georgia Department of Human Services ("DHS"), which regulates child-caring institutions. The regulations define "child-caring institution" as: "a child welfare agency that is any institution, society, agency, or facility, whether incorporated or not, which either primarily or incidentally provides full-time care for children through 18 years of age outside of their own homes, subject to such exceptions as may be provided in rules and regulations of the Board of Human Services. This full-time care is referred to as room, board and watchful oversight. For purposes of these rules, a child-caring institution means any institution, society, agency, or facility that provides such care to six or more children. The term "child-caring institution" includes a qualified residential treatment program and a commercial sexual exploitation recovery center. The term "facility" or "institution" may be used interchangeably with the term "child-caring institution" in these rules." See Ga. Comp. R. & Regs. R. 290-2-5.03(f)

58.

At all times relevant to this action, Defendants Rainbow House and DFCS leased the building from Clayton County and operated the Rainbow House facility as contemplated by the State of Georgia under the Division of Human Services, Department of Family and Children Services (DFCS) Rules and Regulations.

59.

At all times relevant to this action, Defendants Rainbow House and DFCS were “license holders”, as contemplated by the State of Georgia under the Division of Human Services, Department of Family and Children Services (DFCS) Rules and Regulations.

60.

At all times relevant to this action, Defendants Rainbow House, Clayton County Board of Commissioners, and DFCS were responsible for the operation and maintenance of their respective center as contemplated by the State of Georgia under the Division of Human Services, Department of Family and Children Services (DFCS) Rules and Regulations.

61.

At all times relevant to this action, Defendants Rainbow House and DFCS were responsible for the supervision of minors entrusted to them pursuant to the rules of the State of Georgia under the Division of Human Services, Department of Family and Children Services (DFCS) Rules and Regulations.

62.

At all times relevant to this action, Defendants were required to prevent and prohibit staff members from implementing disciplinary actions that could be detrimental to the physical or emotional health any child in their care pursuant to the State of Georgia under the Division of Human Services, Department of Family and Children Services (DFCS) Rules and Regulations.

63.

At all times relevant to this action, pursuant to the rules of the State of Georgia under the Division of Human Services, Department of Family and Children Services (DFCS) Rules and Regulations, Defendants Rainbow House and DFCS and their respective employees, officers, and agents, were required to prevent and refrain from physically, sexually, or mentally abusing any minors in their care.

64.

At all times relevant to this action, Defendants Rainbow House and DFCS, and their respective employees, officers, and agents, were required to report any and all suspected incidents of child abuse, sexual assault or negligence occurring at their respective facility to the local/county Division of Family and Children Services and to the State of Georgia under the Division of Human Services, Department of Family and Children Services (DFCS) Rules and Regulations.

65.

According to the U.S. Senate Committee on the Judiciary report titled “Abuse & Neglect of Children in Georgia’s Foster Care System,” an investigation by Georgia’s Office of the Child Advocate (“OCA”) into Rainbow House found that “there had been multiple

complaints of sexual abuse that were not adequately investigated.”¹ Further according to the report, DFCS suspended Rainbow House from receiving new placements of children on March 15, 2023 – years after reports of abuse at Rainbow House were initially made.²

66.

Upon information, knowledge and belief, the Defendants in the instant action entered a joint venture, agreeing to combine their resources and efforts with the mutual understanding that they would share control of and proceed from the activity. Each defendant exerted some control over the venture, and their coordinated actions were essential to the achievement of the joint objective. This joint venture included all Defendants and other entities such as the United Way of Greater Atlanta, Children’s Advocacy Centers of Georgia, and the National Children’s Alliance.

67.

Upon information, knowledge and belief, the Defendants in the instant action, specifically Rainbow House, Kimber, Mosley, Turner, and New Life Church shared a common design, and agreed to combine efforts to commit actionable tortious acts in furtherance of a conspiracy and for the purpose of monetary profit. As joint wrongdoers, as further promulgated by O.C.G.A. § 51-12-30, Defendants Rainbow House, Kimber, Mosley, Turner, and New Life Church are subject to this action both separately and jointly for causing damages to A.C.

Causes of Action

Count I – Negligence of Defendant Rainbow House

68.

Plaintiffs re-allege and incorporate by reference paragraphs 1 through 67 as if fully set forth herein.

69.

At all times relevant, Defendant Rainbow House, a Child-Caring Institution as defined by Ga. Comp. R. & Regs. R. 290-2-5.03, provided authority under O.C.G.A. §§ 49-5-3, 49-5-8, 49-5-12, 15-11-2 (also referred to as “Rules and Regulations for Child-Caring Institutions) managed, controlled, operated, and/or otherwise supervised a licensed institution and engaged in the business, inter alia, of providing housing and child advocacy services.

¹ Staff of S. Subcomm. on Human Rights & the Law, S. Comm. on the Judiciary, 118th Cong., Abuse & Neglect of Children in Georgia’s Foster Care System: A Case Study (Majority Staff Report, Apr. 9, 2024).

² Id.

70.

At all times relevant, Defendant Rainbow House stood in loco parentis for the minors entrusted to their care, including but not limited to A.C., and provided full-time care for children under the age of 18, outside of the care of their natural parents.

71.

At all times relevant, Defendant Rainbow House was responsible for certifying the employees at Rainbow House to perform their functions as employees/agents of Defendants, including but not limited to Defendant Randolph.

72.

Without the explicit authorization and sanction of the Defendant Rainbow House, the individual involved in the abuse and neglect described more fully above, Defendant Randolph, would not have been involved in the care of A.C.

73.

At all times relevant, Defendant Rainbow House was responsible for management, operation, supervision, and/or control of their employees/agents involved in the abuse and neglect of A.C.

74.

At all times relevant, Defendant Rainbow House was responsible for the creation, implementation, and enforcement of policies to prevent sexual abuse of minors at Rainbow House.

75.

At all times relevant, Defendant Rainbow House was responsible for screening, supervising, training, and/or hiring of employees and agents at Rainbow House.

76.

Defendant Rainbow House negligently hired, supervised, and trained Defendant Randolph and negligently entrusted him with caring for minors, including A.C.

77.

At all times relevant, Defendant Rainbow House and its owners, officers, employees, and agents, including but not limited to, Defendant Kimber, Defendant Mosley, and Defendant Randolph, owed a duty to the minors at Rainbow House, to exercise ordinary care by not causing unnecessary risk to their health and safety, which Plaintiffs assert was negligently breached, leading to A.C.'s injuries, as are more fully described herein.

78.

The negligence of Defendant Rainbow House includes, but is not limited to:

- A. Failing to adopt, enforce, and/or follow adequate policies and procedures for the protection and reasonable supervision of minors placed at Rainbow House, including but not limited to A.C.;
- B. Failing, alternatively, to comply with policies and procedures that had been adopted for the protection and reasonable supervision of minors placed at Rainbow House, including but not limited to A.C.;
- C. Failing to train and/or negligently training its employees, agents, director, and/or managers to provide reasonable supervision of minors placed at Rainbow House, including but not limited to A.C.;
- D. Negligently hiring, supervising, retaining, and/or training Defendant Randolph who was fired and then re-hired knowingly about the inappropriate conduct and actions alleged prior to this incident;
- E. Failing to train officers and/or employees and/or agents of Rainbow House on the need to develop adequate policies for the safety of minors, including the implementation of clear and strict guidelines for interactions and supervision with minors;
- F. Failing to exercise due care under all circumstances;
- G. Violating assumed duties under its own procedures, policies, and protocols for abuse, sexual abuse, negligence, misconduct, and reporting of same;
- H. Failing to provide adequate supervision of minor Plaintiff while in the Rainbow House Defendants' sole and exclusive custody, management, and control at Rainbow House;
- I. Failing to provide for the protection of health, safety, well-being and development of minor Plaintiff while she was in the sole and exclusive care, custody, management, and control at Rainbow House;
- J. Failing to ensure that Defendants' agents or employees who were directly acting and/or providing care to minor Plaintiff were qualified, competent, and/or adequately trained to effectively carry out their responsibilities;
- K. Failing to ensure that minor Plaintiff would be reasonably safe and her physical and mental health would not be jeopardized when left alone with Defendants' agents or employees, and unsupervised, including but not limited to Randolph;

L. Failing to provide a safe environment for minor Plaintiff, who was instead subject to humiliation, fear, anxiety, mental abuse, trauma and/or physical abuse by Defendants' staff and was knowingly unsupervised;

M. Failing to protect minor Plaintiff from physical and/or sexual abuse while under Defendants' sole and exclusive custody, management, and control at its facility, who knowingly was unsupervised; and

N. Failing to conduct and/or negligently conducting background checks or screenings of its employees/agents working at Rainbow House. And, knowingly, that Defendant Randolph had a prior history of inappropriate conduct with other minors at the facility.

79.

At all times relevant to this action, Defendant Rainbow House had a duty to adhere to the rules and regulations promulgated by the Georgia Department of Human Services and the Georgia Division of Family and Children Services (DFCS). Defendant Rainbow House breached said duties.

80.

At all times relevant to this action, Defendant Rainbow House had a duty to adhere to the rules and regulations promulgated by Ga. Comp. R. & Regs. R. 290-2-5.03. Defendant Rainbow House breached said duties.

81.

Defendant Rainbow House also had an obligation to report any suspected child abuse. See O.C.G.A. § 19-7-5.

82.

Upon information and belief, Defendant Rainbow House had actual knowledge and/or constructive knowledge that Defendant Randolph was a danger to minor children and failed to report a previous alleged sexual abuse of a minor by Randolph at the facility/institution.

83.

At all times relevant to this action, Defendant Rainbow House had a duty develop and implement policies and procedures that prohibited child abuse and sexual exploitation of children in their care. Pursuant to Ga. Comp. R. & Regs. R. 290-2-5.16, such rules had to incorporate reporting of child abuse and sexual exploitation according to state law.

84.

Defendant Rainbow House's misconduct allowed Defendant Randolph to continue forward with employment at the facility housing minor children, Rainbow House, and repeating the sexual abuse on other minors, including but not limited to A.C.

85.

Upon information and belief, Defendant Rainbow House was aware of previous abuse at the facility and did nothing to stop the abuse from happening again by their employee Defendant Randolph at Rainbow House, which resulted in physical and mental injury to A.C.

86.

Defendant Rainbow House failed and neglected to properly investigate and report the prior allegations of abuse by Defendant Randolph while he was working for Defendant Rainbow House. Defendant Rainbow House's actions and omissions did not conform to the standards of care and reporting requirements observed and maintained by centers generally under the same or similar conditions and like surrounding circumstances.

87.

By failing to report Defendant Randolph to the local/county Division of Family and Children Services and the Georgia Department of Human Services for the alleged prior incidents of child abuse at Rainbow House's facility, Defendant Rainbow House is liable for the subsequent abuse, physical assault and sexual assault of A.C. by Defendant Randolph.

88.

Defendant Rainbow House's failure to report prior assault allegations against Defendant Randolph while employed at Rainbow House and Defendant's failure to provide proper care to ensure the safety and well-being of minor children, including A.C., at any facility Defendant Randolph worked following his initial release of employment (fired) and then rehired within a week and a half after the incident at Rainbow House violated the following Rules of the Department of Human Services, among others:

- A. Title and Purpose; Chapter 290-2-2-.02;
- B. Inspections and Investigations; Chapter 290-2-2-.07;
- C. Administrative and Staff Requirements, Chapter 290-2-2-.09;
- D. Record Keeping and Reporting, Chapter 290-2-2-.10; and
- E. Operations, Health, Safety and Activities, Chapter 290-2-2-.11.

89.

Defendant Rainbow House's failure to report prior sexual assault and physical assault allegations against Defendant Randolph while employed at Rainbow House and Defendant's failure to provide proper care to ensure the safety and well-being of minor children, including A.C., at any facility Defendant Randolph worked following his initial

release of employment (fired) and then rehired within a week and a half after the incident at Rainbow House violated the following Rules of the Department of Georgia Department of Early Care and Learning, among others:

- A. Title and Applicability, Chapter 591-1-1-.01;
- B. Children's Health, Chapter 591-1-1.07;
- C. Discipline, Physical or Sexual Abuse, Overt Conduct, Chapter 591-1-1-.11;
- D. Operational Policies and Procedures, Chapter 591-1-1-.21;
- E. Required Reporting, Chapter 591-1-1-.29;
- F. Staff, Chapter 591-1-1-.31;
- G. Staff Child Rations and Supervision; Chapter 591-1-1-.32;
- H. Staff Training, Chapter 591-1-1-.33; and
- I. Inspections and Investigation, Chapter 591-1-1-.37.

90.

The aforementioned acts and omissions and violations of the Rules of the Department of Human Services, and the Georgia Department of Family and Children Services and Learning code sections and regulations cited above constitute negligence per se.

91.

Defendant Rainbow House is liable for the abuse and negligence committed by their personnel and employees, including but not limited to Defendant Randolph, Defendant Kimber, and the Rainbow House Defendant's directors, teachers, caregivers, agents, board, and employees pursuant to agency principles and the doctrine of respondeat superior.

92.

As a direct and proximate result of the negligence of Defendant Rainbow House, minor Plaintiff A.C. was harmed and has sustained physical injuries, emotional injuries, mental anguish, trauma, embarrassment, humiliation, pain, diminished childhood, and loss of life and life's pleasures, many of which are permanent and continuing in nature.

93.

As a direct and proximate result of the negligence of Defendant Rainbow House, minor Plaintiff A.C. has been and will into the future be caused to incur medical expenses, including counseling.

94.

As a direct and proximate result of the negligence of Defendant Rainbow House, minor Plaintiff A.C. will likely incur a loss of earning capacity in the future.

95.

The injuries outlined herein were caused by the negligence of Defendant Rainbow House, with the negligence and other tortious conduct of other Defendants further alleged

throughout this Complaint, and were in no manner whatsoever due to any act or failure to act of Plaintiffs.

96.

In the alternative, Defendants ABC, Inc. 1-10 (fictitious entities) and/or John Does 2-10 (fictitious persons), through their servants, agents, or employees, were negligent for the reasons outlined above, and such violations directly and proximately caused minor Plaintiff A.C.'s injuries and damages, also outlined above.

Count II - Negligence of Defendant Department of Family and Children Services (DFCS)

97.

Plaintiffs re-allege and incorporate by reference paragraphs 1 through 96 as if fully set forth herein.

98.

At all times relevant, Defendant DFCS managed, controlled, operated, and/or otherwise supervised a licensed institution and engaged in the business, inter alia, of providing housing and child advocacy services.

99.

At all times relevant, DFCS Office Provider Management (OPM) was responsible for not only establishing but also maintaining standards for Child Caring Institutions and Child Placing Agencies.

100.

At all times relevant, DFCS was under obligation to establish standards that are reasonable.

101.

At all times relevant, DFCS was under the obligation to verify that all licensing files for Child Caring Institutions contained documentation verifying all safety considerations for the staff of said Child Caring Institution.

102.

As such, at all times relevant, DFCS was under the obligation to verify that Rainbow House, Inc. maintained documentation that safety considerations regarding staff are being addressed.

103.

At all times relevant, DFCS was to verify full licensure and approval of Rainbow House, Inc. standards, in order for Rainbow House Inc. to receive funding eligibility.

104.

At all relevant times, DFCS was under the obligation to monitor safety, quality of care, and general administrative matters of Rainbow House, Inc.

105.

DFCS violated their obligations and failed to enforce and verify that proper standards are being maintained and enforced at Rainbow House, Inc. located at 879 Battlecreek Road, Jonesboro, Georgia 30236.

106.

At all times relevant, DFCS failures resulted in injury to children in the care of Rainbow House, Inc. located at 879 Battlecreek Road, Jonesboro, Georgia 30236.

107.

At all times relevant, Defendant DFCS stood in loco parentis for the minors entrusted to their care, including but not limited to A.C.

108.

At all times relevant, Defendant DFCS and its owners, officers, employees, and agents, owed a duty to the minors entrusted to their care, to exercise ordinary care by not causing unnecessary risk to their health and safety, which Plaintiffs assert was negligently breached, leading to A.C.'s injuries, as are more fully described herein.

109.

In addition to the above noted standards of care, Defendant DFCS failures include, but are not limited to:

- A. Failing to exercise due care under all circumstances;
- B. Violating assumed duties under its own procedures, policies, and protocols for abuse, sexual abuse, negligence, misconduct, and reporting of same;
- C. Failing to provide adequate supervision of minor Plaintiff while in Defendant's sole and exclusive custody, management, and control of DFCS;
- D. Failing to provide for the protection of health, safety, well-being and development of minor Plaintiff while she was in the sole and exclusive care, custody, management, and control of DFCS;
- E. Failing to ensure that Defendants' agents or employees who were directly acting and/or providing care to minor Plaintiff were qualified, competent, and/or adequately trained to effectively carry out their responsibilities;

F. Failing to ensure that minor Plaintiff would be reasonably safe and her physical and mental health would not be jeopardized when left alone with Defendants' agents or employees, and unsupervised;

G. Failing to provide a safe environment for minor Plaintiff, who was instead subject to humiliation, fear, anxiety, mental abuse, trauma and/or physical abuse by Defendants' staff and was knowingly unsupervised;

H. Failing to protect minor Plaintiff from physical and/or sexual abuse while under Defendants' sole and exclusive custody, management, and control at its facility, who knowingly was unsupervised.

110.

Defendant DFCS's failure to provide proper care to ensure the safety and well-being of A.C. violated the following Rules of the Department of Human Services, among others:

- A. Title and Purpose; Chapter 290-2-2-.02;
- B. Inspections and Investigations; Chapter 290-2-2-.07;
- C. Administrative and Staff Requirements, Chapter 290-2-2-.09;
- D. Record Keeping and Reporting, Chapter 290-2-2-.10; and
- E. Operations, Health, Safety and Activities, Chapter 290-2-2-.11.

111.

The Defendant DFCS's failure to act in their supervisory capacity and failure to provide proper care to ensure the safety and well-being of A.C. violated the following Rules of the Department of Georgia Department of Early Care and Learning, among others:

- A. Title and Applicability, Chapter 591-1-1-.01;
- B. Children's Health, Chapter 591-1-1.07;
- C. Discipline, Physical or Sexual Abuse, Overt Conduct, Chapter 591-1-1-.11;
- D. Operational Policies and Procedures, Chapter 591-1-1-.21;
- E. Required Reporting, Chapter 591-1-1-.29;
- F. Staff, Chapter 591-1-1-.31;

- G. Staff Child Rations and Supervision; Chapter 591-1-1-.32;
- H. Staff Training, Chapter 591-1-1-.33; and
- I. Inspections and Investigation, Chapter 591-1-1-.37.

112.

The aforementioned acts and omissions and violations of the Rules of the Department of Human Services, and the Georgia Department of Family and Children Services and Learning code sections and regulations cited above constitute negligence per se.

113.

As a direct and proximate result of the negligence of Defendant DFCS, minor Plaintiff A.C. was harmed and has sustained physical injuries, emotional injuries, mental anguish, trauma, embarrassment, humiliation, pain, diminished childhood, and loss of life and life's pleasures, many of which are permanent and continuing in nature.

114.

As a direct and proximate result of the negligence of the Defendant DFCS, minor Plaintiff A.C. has been and will into the future be caused to incur medical expenses, including counseling.

115.

As a direct and proximate result of the negligence of the negligence of Defendant DFCS, minor Plaintiff A.C. will likely incur a loss of earning capacity in the future.

116.

The injuries outlined herein were caused by the negligence of Defendant DFCS, with the negligence and other tortious conduct of other Defendants further alleged throughout this Complaint, and were in no manner whatsoever due to any act or failure to act of Plaintiffs.

Count III – Negligence of Defendant Mia Chanel Kimber

117.

Plaintiffs re-allege and incorporate by reference paragraphs 1 through 116 as if fully set forth herein.

118.

At all times relevant, Defendant Kimber was the Executive Director of Rainbow House. Director is further defined by Ga. Comp. R. & Regs. R. 290-2-5.03 (n) as the “chief administrative officer or executive officer of the Institution. See Ga. Comp. R. & Regs. R. 290-2-5.03 (n).

119.

At all times relevant, Defendant Kimber managed, controlled, operated, and/or otherwise supervised a licensed institution and engaged in the business, inter alia, of providing housing and child advocacy services.

120.

At all times relevant, Defendant Kimber was responsible for certifying the employees at Rainbow House to perform their functions as employees/agents of Defendants, including but not limited to Defendant Randolph.

121.

Without the explicit authorization and sanction of Defendant Kimber, the individual involved in the abuse and neglect described more fully above, Defendant Randolph, would not have been involved in the care and supervision of A.C.

122.

At all times relevant, Defendant Kimber was responsible for management, operation, supervision, and/or control of their employees/agents involved in the abuse and neglect of A.C.

123.

At all times relevant, Defendant Kimber was responsible for the creation, implementation, and enforcement of policies to prevent sexual abuse of minors at Rainbow House.

124.

At all times relevant, Defendant Kimber was responsible for screening, supervising, training, and/or hiring of employees and agents at Rainbow House.

125.

Defendant Kimber negligently hired, supervised, and trained Defendant Randolph and negligently entrusted him with caring for minors, including A.C.

126.

At all times relevant, Defendant Kimber owed a duty to the minors at Rainbow House, to exercise ordinary care by not causing unnecessary risk to their health and safety, which Plaintiffs assert was negligently breached, leading to A.C.'s injuries, as are more fully described herein.

127.

At all times relevant, Defendant Kimber, as the Director of Rainbow House, had a duty to enforce "emergency safety interventions" and to develop an "emergency safety

intervention plan” as defined by Ga. Comp. R. & Regs. R. 290-2-5.03 (o) and (p). See Ga. Comp. R. & Regs. R. 290-2-5.03 (o) and (p).

128.

At all times relevant to this action, Defendant Rainbow House had a duty develop and implement policies and procedures that prohibited child abuse and sexual exploitation of children in their care. Pursuant to Ga. Comp. R. & Regs. R. 290-2-5.16, such rules had to incorporate reporting of child abuse and sexual exploitation according to state law.

129.

The negligence of Defendant Kimber includes, but is not limited to:

A. Failing to enforce “emergency safety interventions” and to develop an “emergency safety intervention plan” as defined by Ga. Comp. R. & Regs. R. 290-2-5.03 (o) and (p).

B. Failing to employ and train a “human services professional” to monitor the children under the care of Rainbow House and provide and arrange for their needs as defined by Ga. Comp. R. & Regs. R. 290-2-5.03 (u).

C. Failing to ensure that Rainbow House employ “qualified individuals” as defined by Ga. Comp. R. & Regs. R. 290-2-5.03 (cc).

D. Failing to adopt, enforce, and/or follow adequate policies and procedures for the protection and reasonable supervision of minors placed at Rainbow House, including but not limited to A.C.;

E. Failing, alternatively, to comply with policies and procedures that had been adopted for the protection and reasonable supervision of minors placed at Rainbow House, including but not limited to A.C.;

F. Failing to train and/or negligently training its employees, agents, director, and/or managers to provide reasonable supervision of minors placed at Rainbow House, including but not limited to A.C.;

G. Negligently hiring, supervising, retaining, and/or training Defendant Randolph who was fired and then re-hired knowingly about the inappropriate conduct and actions alleged prior to this incident;

H. Failing to train officers and/or employees and/or agents of Rainbow House on the need to develop adequate policies for the safety of minors, including the implementation of clear and strict guidelines for interactions and supervision with minors;

I. Failing to exercise due care under all circumstances;

J. Violating assumed duties under its own procedures, policies, and protocols for abuse, sexual abuse, negligence, misconduct, and reporting of same;

K. Failing to provide adequate supervision of minor Plaintiff while in the Defendants' sole and exclusive custody, management, and control at Rainbow House;

L. Failing to provide for the protection of health, safety, well-being and development of minor Plaintiff while she was in the sole and exclusive care, custody, management, and control at Rainbow House;

M. Failing to ensure that Defendants' agents or employees who were directly acting and/or providing care to minor Plaintiff were qualified, competent, and/or adequately trained to effectively carry out their responsibilities;

N. Failing to ensure that minor Plaintiff would be reasonably safe and her physical and mental health would not be jeopardized when left alone with Defendants' agents or employees, and unsupervised, including but not limited to Randolph;

O. Failing to provide a safe environment for minor Plaintiff, who was instead subject to humiliation, fear, anxiety, mental abuse, trauma and/or physical abuse by Defendants' staff and was knowingly unsupervised;

P. Failing to protect minor Plaintiff from physical and/or sexual abuse while under Defendants' sole and exclusive custody, management, and control at its facility, who knowingly was unsupervised; and

Q. Failing to conduct and/or negligently conducting background checks or screenings of its employees/agents working at Rainbow House. And, knowingly, that Defendant Randolph had a prior history of inappropriate conduct with other minors at the facility.

130.

At all times relevant to this action, Defendant Kimber had a duty to adhere to the rules and regulations promulgated by the Georgia Department of Human Services and the Georgia Division of Family and Children Services (DFCS). Defendant Rainbow House breached said duties.

131.

Defendant Kimber also had an obligation to report any suspected child abuse. See O.C.G.A. § 19-7-5.

132.

Upon information and belief, Defendant Kimber had actual knowledge and/or constructive knowledge that Defendant Randolph was a danger to minor children and failed to report a previous alleged sexual abuse of a minor by Randolph at the facility/institution.

133.

Defendant Kimber's misconduct allowed Defendant Randolph to continue forward with employment at the facility housing minor children, Rainbow House, and repeating the sexual abuse on other minors, including but not limited to A.C.

134.

Upon information and belief, Defendant Kimber was aware of previous abuse at the facility and did nothing to stop the abuse from happening again by their employee Defendant Randolph at Rainbow House, which resulted in physical and mental injury to A.C.

135.

Upon information and belief, when receiving mandatory reporting from other Rainbow House employees about Defendant Randolph's sexual abuse of minors, Defendant Kimber failed to take any action and failed to conduct a mandatory investigation into the allegations.

136.

Defendant Kimber failed and neglected to properly investigate and report the prior allegations of abuse by Defendant Randolph while he was working for Defendant Rainbow House. Defendant Rainbow House's actions and omissions did not conform to the standards of care and reporting requirements observed and maintained by centers generally under the same or similar conditions and like surrounding circumstances.

137.

By failing to report Defendant Randolph to the local/county Division of Family and Children Services and the Georgia Department of Human Services for the alleged prior incidents of child abuse at Rainbow House's facility, Defendant Kimber is liable for the subsequent abuse, physical assault and sexual assault of A.C. by Defendant Randolph.

138.

Defendant Kimber's failure to report prior assault allegations against Defendant Randolph while employed at Rainbow House and Defendant's failure to provide proper care to ensure the safety and well-being of minor children, including A.C., at any facility Defendant Randolph worked following his initial release of employment (fired) and then rehired within a week and a half after the incident at Rainbow House violated the following Rules of the Department of Human Services, among others:

- A. Inspections and Investigations; Chapter 290-2-2-.07;
- B. Administrative and Staff Requirements, Chapter 290-2-2-.09;
- C. Record Keeping and Reporting, Chapter 290-2-2-.10; and
- D. Operations, Health, Safety and Activities, Chapter 290-2-2-.11.

139.

Defendant Kimber's failure to report prior assault allegations against Defendant Randolph while employed at Rainbow House and Defendant's failure to provide proper care to ensure the safety and well-being of minor children, including A.C., at any facility Defendant Randolph worked following his initial release of employment (fired) and then rehired within a week and a half after the incident at Rainbow House violated the following Rules of the Department of Georgia Department of Early Care and Learning, among others:

- A. Title and Applicability, Chapter 591-1-1-.01;
- B. Children's Health, Chapter 591-1-1.07;
- C. Discipline, Physical or Sexual Abuse, Overt Conduct, Chapter 591-1-1-.11;
- D. Operational Policies and Procedures, Chapter 591-1-1-.21;
- E. Required Reporting, Chapter 591-1-1-.29;
- F. Staff, Chapter 591-1-1-.31;
- G. Staff Child Rations and Supervision; Chapter 591-1-1-.32;
- H. Staff Training, Chapter 591-1-1-.33; and
- I. Inspections and Investigation, Chapter 591-1-1-.37.

140.

The aforementioned acts and omissions and violations of the Rules of the Department of Human Services, and the Georgia Department of Family and Children Services and Learning code sections and regulations cited above constitute negligence per se.

141.

As a direct and proximate result of the negligence of Defendant Kimber, minor Plaintiff A.C. was harmed and has sustained physical injuries, emotional injuries, mental anguish,

trauma, embarrassment, humiliation, pain, diminished childhood, and loss of life and life's pleasures, many of which are permanent and continuing in nature.

142.

As a direct and proximate result of the negligence of Defendant Kimber, minor Plaintiff A.C. has been and will into the future be caused to incur medical expenses, including counseling.

143.

As a direct and proximate result of the negligence of Defendant Kimber, minor Plaintiff A.C. will likely incur a loss of earning capacity in the future.

144.

The injuries outlined herein were caused by the negligence of Defendant Kimber with the negligence and other tortious conduct of other Defendants further alleged throughout this Complaint, and were in no manner whatsoever due to any act or failure to act of Plaintiffs.

Count IV - Negligence of Defendant Tasha Mosley

145.

Plaintiffs re-allege and incorporate by reference paragraphs 1 through 144 as if fully set forth herein.

146.

At all times relevant, Defendant Mosley was a Rainbow House, Inc. Board member, Chair of the Board, and Executive Director of Rainbow House and a Clayton County employee, in various roles. In her role as Executive Director and Board Chair of Rainbow House, Inc., Defendant Mosley populated the remaining board seats with her acquaintances and colleagues.

147.

At all times relevant, Defendant Mosley owed a duty to the minors at Rainbow House, to exercise ordinary care by not causing unnecessary risk to their health and safety, which Plaintiffs assert was negligently breached, leading to A.C.'s injuries, as are more fully described herein.

148.

The negligence of Defendant Mosley includes, but is not limited to:

A. Failing to exercise due care under all circumstances;

B. Violating assumed duties under its own procedures, policies, and protocols for abuse, sexual abuse, negligence, misconduct, and reporting of same;

C. Failing to provide adequate supervision and/or verify that adequate supervision was maintained by Rainbow House, Inc. and Mia Kimber, of minor Plaintiff while in the Defendants' sole and exclusive custody, management, and control at Rainbow House;

D. Failing to provide and/or verify that Rainbow House, Inc. and Mia Kimber, provided for the protection of health, safety, well-being and development of minor Plaintiff while she was in the sole and exclusive care, custody, management, and control at Rainbow House;

E. Failing to ensure and/or verify that Rainbow House, Inc. and Mia Kimber ensured that Rainbow House, Inc.'s agents or employees who were directly acting and/or providing care to minor Plaintiff were qualified, competent, and/or adequately trained to effectively carry out their responsibilities;

F. Failing to ensure, and/or verify that Rainbow House, Inc. ensured that minor Plaintiff would be reasonably safe and her physical and mental health would not be jeopardized when left alone with Defendants' agents or employees, and unsupervised, including but not limited to Randolph;

G. Failing to provide and failing to verify that Rainbow House, Inc. provided a safe environment for minor Plaintiff, who was instead subject to humiliation, fear, anxiety, mental abuse, trauma and/or physical abuse by Defendants' staff and was knowingly unsupervised;

H. Failing to protect and failing to verify that Rainbow House, Inc. protected minor Plaintiff from physical and/or sexual abuse while under Defendants' sole and exclusive custody, management, and control at its facility, who knowingly was unsupervised.

149.

At all times relevant to this action, Defendant Mosley had a duty to adhere to the rules and regulations promulgated by the Georgia Department of Human Services and the Georgia Division of Family and Children Services (DFCS). Defendant Rainbow House breached said duties.

150.

Defendant Mosley also had an obligation to report any suspected child abuse. See O.C.G.A. § 19-7-5.

151.

Upon information and belief, Defendant Mosley had actual knowledge and/or constructive knowledge that Defendant Randolph was a danger to minor children and

failed to report a previous alleged sexual abuse of a minor by Randolph at the facility/institution.

152.

Defendant Mosley's misconduct allowed Defendant Randolph to continue forward with employment at the facility housing minor children, Rainbow House, and repeating the sexual abuse on other minors, including but not limited to A.C.

153.

Upon information and belief, Defendant Mosley was aware of previous abuse at the facility and did nothing to stop the abuse from happening again by their employee Defendant Randolph at Rainbow House, which resulted in physical and mental injury to A.C.

154.

Defendant Mosley failed and neglected to properly investigate and report the prior allegations of abuse by Defendant Randolph while he was working for Defendant Rainbow House. Defendant Mosley's actions and omissions did not conform to the standards of care and reporting requirements observed and maintained by centers generally under the same or similar conditions and like surrounding circumstances.

155.

By failing to report Defendant Randolph to the local/county Division of Family and Children Services and the Georgia Department of Human Services for the alleged prior incidents of child abuse at Rainbow House's facility, Defendant Mosley is liable for the subsequent abuse, physical assault and sexual assault of A.C. by Defendant Randolph.

156.

Defendant Mosley's failure to report prior assault allegations against Defendant Randolph while employed at Rainbow House and Defendant's failure to provide proper care to ensure the safety and well-being of minor children, including A.C., violated the following Rules of the Department of Human Services, among others:

- A. Title and Purpose; Chapter 290-2-2-.02;
- B. Inspections and Investigations; Chapter 290-2-2-.07;
- C. Administrative and Staff Requirements, Chapter 290-2-2-.09;
- D. Record Keeping and Reporting, Chapter 290-2-2-.10; and
- E. Operations, Health, Safety and Activities, Chapter 290-2-2-.11.

157.

Defendant Mosley's failure to report prior assault allegations against Defendant Randolph while employed at Rainbow House and Defendant's failure to provide proper care to ensure the safety and well-being of minor children, including A.C., violated the following Rules of the Department of Georgia Department of Early Care and Learning, among others:

- A. Title and Applicability, Chapter 591-1-1-.01;
- B. Children's Health, Chapter 591-1-1.07;
- C. Discipline, Physical or Sexual Abuse, Overt Conduct, Chapter 591-1-1-.11;
- D. Operational Policies and Procedures, Chapter 591-1-1-.21;
- E. Required Reporting, Chapter 591-1-1-.29;
- F. Staff, Chapter 591-1-1-.31;
- G. Staff Child Rations and Supervision; Chapter 591-1-1-.32;
- H. Staff Training, Chapter 591-1-1-.33; and
- I. Inspections and Investigation, Chapter 591-1-1-.37.

158.

The aforementioned acts and omissions and violations of the Rules of the Department of Human Services, and the Georgia Department of Family and Children Services and Learning code sections and regulations cited above constitute negligence per se.

159.

As a direct and proximate result of the negligence of Defendant Mosley, minor Plaintiff A.C. was harmed and has sustained physical injuries, emotional injuries, mental anguish, trauma, embarrassment, humiliation, pain, diminished childhood, and loss of life and life's pleasures, many of which are permanent and continuing in nature.

160.

As a direct and proximate result of the negligence of Defendant Mosley, minor Plaintiff A.C. has been and will into the future be caused to incur medical expenses, including counseling.

161.

As a direct and proximate result of the negligence of Defendant Mosley, minor Plaintiff A.C. will likely incur a loss of earning capacity in the future.

162.

The injuries outlined herein were caused by the negligence of Defendant Mosley with the negligence and other tortious conduct of other Defendants further alleged throughout this Complaint, and were in no manner whatsoever due to any act or failure to act of Plaintiffs.

Count V - Negligence of Jeffrey Turner

163.

Plaintiffs re-allege and incorporate by reference paragraphs 1 through 162 as if fully set forth herein.

164.

Defendant Turner owed a duty of reasonable care to A.C. and other children placed in facilities funded and overseen by Clayton County, including Rainbow House.

165.

Defendant Turner, in his capacity as Chairman of the Clayton County Board of Commissioners, had actual knowledge of reports of abuse occurring at Rainbow House through his executive assistant, Katrina Holloway, who provided him with a written report detailing allegations of abuse at the facility.

166.

O.C.G.A. § 19-7-5 requires that any person having reasonable cause to believe that suspected child abuse has occurred shall report such abuse to the appropriate authorities within 24 hours.

167.

Jeffrey Turner, through his executive assistant Katrina Holloway, received a detailed report of suspected child abuse occurring at Rainbow House, giving him reasonable cause to believe that child abuse was occurring at the facility.

168.

Jeffrey Turner had a statutory duty under O.C.G.A. § 19-7-5 to report the suspected child abuse to the appropriate authorities, including the Georgia Department of Family and Children Services and/or law enforcement.

169.

Jeffrey Turner knowingly and willfully failed to report the suspected child abuse, instead disposing of the report and failing to take any action to protect the children at Rainbow House.

170.

Jeffrey Turner's failure to report constitutes a violation of O.C.G.A. § 19-7-5, which provides for civil liability for such failures.

171.

Defendant Turner breached his duty of care by: a. Failing to investigate credible reports of abuse at Rainbow House; b. Failing to take appropriate action to protect children in the facility; c. Failing to report known or suspected abuse to proper authorities; d. Failing to implement adequate oversight and monitoring of Rainbow House operations; e. Continuing to provide funding to Rainbow House despite knowledge of abuse allegations; and f. Turner's deliberate act of throwing the abuse report in the trash and failing to convey the allegations to proper authorities.

172.

As a direct and proximate result of Defendant Turner's negligence, A.C. suffered severe physical, emotional, and psychological injuries, including but not limited to sexual assault, trauma, and ongoing psychological damage.

Count VI – Negligence of Defendant Clayton County

173.

Plaintiffs re-allege and incorporate by reference paragraphs 1 through 172 as if fully set forth herein.

174.

Clayton County had a duty to exercise reasonable care in overseeing facilities to which it provided funding and for which it maintained oversight responsibilities, including ensuring the safety and welfare of children placed in such facilities.

175.

Rainbow House was a child-caring institution as defined under O.C.G.A. § 49-5-12 and was subject to the Georgia Rules and Regulations for Child-Caring Institutions, Subject 290-2-5.

176.

Clayton County, as the entity providing funding and maintaining oversight of Rainbow House operations, had a duty to ensure compliance with applicable state regulations governing child-caring institutions.

177

The Georgia Rules and Regulations for Child-Caring Institutions require, inter alia:

- A. Adequate supervision and protection of children in care;
- B. Proper background checks and screening of staff;
- C. Appropriate training of personnel;
- D. Immediate reporting of incidents of abuse or neglect;
- E. Maintenance of safe environments for children; and
- F. Compliance with all applicable child protection laws.

178.

Clayton County violated these regulations by:

- A. Failing to ensure Rainbow House maintained adequate safeguards to protect children;
- B. Failing to investigate known violations of safety regulations;
- C. Continuing to fund operations despite knowledge of regulatory violations;
- D. Failing to take corrective action when notified of abuse allegations; and
- E. Failing to ensure proper reporting of abuse incidents.

179.

These violations of state regulations constitute a breach of Clayton County's statutory duties and created an unreasonable risk of harm to children, including A.C.

180.

As a direct and proximate result of Clayton County's violations, A.C. suffered abuse that could have been prevented through proper regulatory compliance and oversight.

Count VII – Negligence of Defendant Caleb Randolph

181.

Plaintiffs re-allege and incorporate by reference paragraphs 1 through 180 as if fully set forth herein.

182.

At all times relevant, Defendant Randolph was an employee of Rainbow House working within the course and scope of his employment with direct access to minors.

183.

At all times relevant, Defendant Randolph owed a duty to the minors at Rainbow House, to exercise ordinary care by not causing unnecessary risk to their health and safety, which Plaintiffs assert was negligently breached, leading to A.C.'s injuries, as are more fully described herein.

184.

The negligence of Defendant Randolph includes, but is not limited to:

- A. Failing to exercise due care under all circumstances;
- B. Violating assumed duties under its own procedures, policies, and protocols for abuse, sexual abuse, negligence, misconduct, and reporting of same;
- C. Failing to provide adequate supervision of minor Plaintiff while in the Defendants' sole and exclusive custody, management, and control at Rainbow House;
- D. Failing to provide for the protection of health, safety, well-being and development of minor Plaintiff while she was in the sole and exclusive care, custody, management, and control at Rainbow House;
- E. Failing to ensure that Defendants' agents or employees who were directly acting and/or providing care to minor Plaintiff were qualified, competent, and/or adequately trained to effectively carry out their responsibilities;
- F. Failing to ensure that minor Plaintiff would be reasonably safe and her physical and mental health would not be jeopardized when left alone with Defendants' agents or employees, and unsupervised;
- G. Failing to provide a safe environment for minor Plaintiff, who was instead subject to humiliation, fear, anxiety, mental abuse, trauma and/or physical abuse by Defendants' staff and was knowingly unsupervised;
- H. Failing to protect minor Plaintiff from physical and/or sexual abuse while under Defendants' sole and exclusive custody, management, and control at its facility, who knowingly was unsupervised.

185.

As a direct and proximate result of the negligence of Defendant Randolph, minor Plaintiff A.C. was harmed and has sustained physical injuries, emotional injuries, mental anguish, trauma, embarrassment, humiliation, pain, diminished childhood, and loss of life and life's pleasures, many of which are permanent and continuing in nature.

186.

As a direct and proximate result of the negligence of Defendant Randolph, minor Plaintiff A.C. has been and will into the future be caused to incur medical expenses, including counseling.

187.

As a direct and proximate result of the negligence of Defendant Randolph, minor Plaintiff A.C. will likely incur a loss of earning capacity in the future.

188.

The injuries outlined herein were caused by the negligence of Defendant Randolph with the negligence and other tortious conduct of other Defendants further alleged throughout this Complaint and were in no manner whatsoever due to any act or failure to act of Plaintiffs.

Count VIII – Battery and Assault by Defendant Randolph

189.

Plaintiffs re-allege and incorporate by reference paragraphs 1 through 188 as if fully set forth herein.

190.

Defendant Randolph physically assaulted minor Plaintiff, A.C., causing trauma, anxiety and emotional distress.

191.

Defendant Randolph sexually assaulted and molested A.C. and touched her inappropriately, causing her physical pain and mental anguish, trauma, anxiety, and emotional distress.

192.

Defendant Randolph is liable to Plaintiffs for assault and battery pursuant to O.C.G.A. §§ 51-1-13 and 51-1-14, among others.

193.

Upon information and belief, Defendant Randolph has been criminally charged, convicted, and sentenced for the abuse of another minor housed at Rainbow House.

Count IX – Negligence of New Life Church

194.

Plaintiffs re-allege and incorporate by reference paragraphs 1 through 193 as if fully set forth herein.

195.

At all times relevant, Defendant New Life Church was a non-profit organization facilitating a program called “Motel2Home” to aid families grappling with homelessness and poverty in Dekalb County, State of Georgia and other metro Atlanta counties, including Clayton County, State of Georgia.

196.

At all times relevant, Defendant New Life Church owed a duty to the minors entrusted to them, to exercise ordinary care by not causing unnecessary risk to their health and safety, which Plaintiffs assert was negligently breached, leading to A.C.’s injuries, as are more fully described herein.

197.

The negligence of Defendant New Life Church includes, but is not limited to:

- A. Failing to exercise due care under all circumstances;
- B. Violating assumed duties under its own procedures, policies, and protocols for abuse, sexual abuse, negligence, misconduct, and reporting of same;
- C. Failing to provide adequate supervision of minor Plaintiff while in the Defendants’ sole and exclusive custody, management, and control of Defendant’s Motel2Home program;
- D. Failing to provide for the protection of health, safety, well-being and development of minor Plaintiff while she was in the sole and exclusive care, custody, management, and control of Defendant’s Hotel-to-Homes program;
- E. Failing to ensure that Defendants’ agents or employees who were directly acting and/or providing care to minor Plaintiff were qualified, competent, and/or adequately trained to effectively carry out their responsibilities;
- F. Failing to ensure that minor Plaintiff would be reasonably safe and her physical and mental health would not be jeopardized when left alone with Defendants’ agents or employees, and unsupervised;
- G. Failing to provide a safe environment for minor Plaintiff, who was instead subject to humiliation, fear, anxiety, mental abuse, trauma and/or physical abuse by Defendants’ staff and was knowingly unsupervised;

H. Failing to protect minor Plaintiff from physical and/or sexual abuse while under Defendants' sole and exclusive custody, management, and control at its facility, who knowingly was unsupervised.

198.

Upon information and belief, Defendant New Life Church knew or should have known Rainbow House was an unsafe environment for minor children, and had an obligation to conduct due diligence before aiding the placement of children into Rainbow House facility.

199.

As a direct and proximate result of the negligence of Defendant New Life Church, minor Plaintiff A.C. was harmed and has sustained physical injuries, emotional injuries, mental anguish, trauma, embarrassment, humiliation, pain, diminished childhood, and loss of life and life's pleasures, many of which are permanent and continuing in nature.

200.

As a direct and proximate result of the negligence of Defendant New Life Church, minor Plaintiff A.C. has been and will into the future be caused to incur medical expenses, including counseling.

201.

As a direct and proximate result of the negligence of Defendant New Life Church, minor Plaintiff A.C. will likely incur a loss of earning capacity in the future.

202.

The injuries outlined herein were caused by the negligence of Defendant New Life Church, with the negligence and other tortious conduct of other Defendants further alleged throughout this Complaint, and were in no manner whatsoever due to any act or failure to act of Plaintiffs.

203.

In the alternative, Defendants ABC, Inc. 1-10 (fictitious entities) and/or John Does 1-10 (fictitious persons), through their servants, agents, or employees, were negligent for the reasons outlined above, and such violations directly and proximately caused minor Plaintiff A.C.'s injuries and damages, also outlined above.

**Count X - CIVIL RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
ACT (RICO) - O.C.G.A. § 16-14-1 et seq. as to Mia Kimber, Tasha Mosley, Rainbow
House, Inc. and Jeffrey Turner**

204.

Plaintiffs re-allege and incorporate by reference paragraphs 1 through 203 as if fully set forth herein.

205.

At all times relevant to this action, Defendants Jeffrey Turner, Tasha Mosley, Mia Kimber, and Rainbow House, Inc. (collectively "RICO Defendants") were an "enterprise" within the meaning of O.C.G.A. § 16-14-3(3), namely, a group of individuals and entities who were all related in fact for the common purpose of operating and controlling Rainbow House, Inc., a child-caring institution, while systematically took active steps to conceal reports of child sexual abuse occurring at the Rainbow House facility, located at 879 Battlecreek Road, Jonesboro, GA 30236.

206.

Upon information and belief, the RICO Defendants' enterprise was an ongoing organization with an ascertainable structure separate and apart from the pattern of racketeering activity in which they engaged. This enabled the enterprise to function as one continuing unit with set roles, relationships, and a common purpose of maintaining operational control over Rainbow House while concealing abuse to protect their financial interests and reputations.

207.

Upon information and belief, the RICO Defendants conducted and participated in the enterprise's affairs through a pattern of racketeering activity, as defined by O.C.G.A. § 16-14-3(5), consisting of multiple acts of racketeering activity that were related to each other and to the enterprise.

208.

Upon information and belief, The RICO Defendants' pattern of racketeering activity included, but was not limited to, the following predicate acts: a. Violations of O.C.G.A. § 19-7-5(c)(1) (Failure to Report Child Abuse): Each RICO Defendant had knowledge of suspected child abuse and suspected maltreatment at Rainbow House and willfully failed to report such abuse to the appropriate authorities as required by Georgia law, constituting multiple violations of the mandatory reporting statute; b. Violations of O.C.G.A. § 16-10-20 (False Statements and Writings): RICO Defendants made material false statements and omissions in official documents, reports, and communications regarding the safety and operations of Rainbow House, including but not limited to licensing applications, inspection reports, and communications with state agencies; RICO Defendants fraudulently obtained and retained government funding, grants, and public resources for Rainbow House operations by concealing known safety violations and abuse, thereby unlawfully taking public funds under false pretenses.

209.

Upon information and belief, the predicate acts alleged herein were committed by the RICO Defendants at all times relevant herein, were related to each other through common participants, victims, methods, and purposes, and demonstrated continuity of racketeering activity.

210.

Upon information and belief, the RICO Defendants' racketeering activity was part of their regular way of conducting and participating in the enterprise's affairs, specifically the operation of Rainbow House as a child-caring institution while systematically concealing reports of abuse to maintain their positions, funding, and avoid accountability.

211.

Upon information and belief, Defendant Jeffrey Turner, in his capacity as Chairman of the Clayton County Board of Commissioners, received detailed reports of abuse at Rainbow House through his executive assistant Dr. Katrina Holloway in February 2022, which he deliberately discarded and failed to report, while continuing to approve funding applications for Rainbow House operations.

212.

Upon information and belief, Defendant Tasha Mosley, serving in multiple capacities as Rainbow House Board member and Board Chair, received reports of abuse at Rainbow House and failed to properly investigate or report such claims.

213.

Upon information and belief, Defendant Mia Kimber, as Executive Director of Rainbow House and mother of perpetrator Caleb Xavier Randolph, learned of sexual abuse cases at Rainbow House involving her son and other minors, failed to report such abuse to authorities, and actively schemed to conceal the abuse and sexual assault.

214.

Upon information and belief, Defendant Rainbow House, Inc., as a child-caring institution, as defined factually above, and subject to Georgia Department of Human Services regulations, systematically failed to maintain required safety protocols, employed known abusers with unsupervised access to minors, and concealed reports of abuse to maintain its operations and funding.

215.

Upon information and belief, the RICO Defendants' pattern of racketeering activity was undertaken with the specific intent to maintain and increase their control over Rainbow House operations and to protect their financial interests, positions, and reputations by preventing disclosure of the systematic abuse occurring at the facility.

216.

The RICO Defendants' racketeering activity directly and proximately caused injury to Plaintiffs.

217.

As a direct and proximate result of the RICO Defendants' violations of O.C.G.A. § 16-14-4, Plaintiffs have suffered and continue to suffer significant damages, including but not

limited to physical injuries, emotional trauma, mental anguish, pain and suffering, loss of enjoyment of life, and other pecuniary losses.

218.

The RICO Defendants' conduct was willful, wanton, and demonstrated a conscious disregard for the rights and safety of minor children in their care, warranting an award of punitive damages pursuant to O.C.G.A. § 51-12-5.1.

219.

Pursuant to O.C.G.A. § 16-14-6, Plaintiffs are entitled to recover three times their actual damages, plus reasonable attorney's fees and costs.

Count XI - Negligence of ABC, Inc. 1-10

220.

Plaintiffs re-allege and incorporate by reference paragraphs 1 through 219 as if fully set forth herein.

221.

Plaintiffs bring this action against Defendants ABC, Inc. 1-10, whose identities and addresses are currently unknown to Plaintiffs but who may have responsibility for the actions and damages described herein. Once the identities of Defendants ABC, Inc. 1-10 are known, they will be substituted as parties as allowed by Georgia law.

222.

The occurrence causing injury to Plaintiffs was a direct and proximate result of the negligence of all Defendants.

223.

As a direct and proximate result of this negligent, Plaintiffs suffered severe injuries and damages.

Count XII - Negligence of John Does 1-10

224.

Plaintiffs re-allege and incorporate by reference paragraphs 1 through 223 as if fully set forth herein.

225.

Plaintiffs bring this action against Defendants John Does 2-10 whose names and addresses are currently unknown to Plaintiffs but who may have responsibility for the

actions and damages described herein. Once the identities of Defendants John Does 2-10 are known, they will be substituted as parties as allowed by Georgia law.

226.

The occurrence causing injury to Plaintiffs was a direct and proximate result of the negligence of all Defendants.

227.

As a direct and proximate result of this negligence, Plaintiffs suffered severe injuries and damages.

Damages

228.

As a result of Defendants' actions, Plaintiffs have suffered and continues to suffer significant pain and suffering, emotional distress, medical expenses, and other damages.

229.

Defendants are liable for Plaintiffs' injuries and damages sustained, pain and suffering, lost earnings, and all other elements of damages allowed under the laws of the State of Georgia.

230.

Defendants' actions evidence a species of bad faith, were and are stubbornly litigious, and have caused Plaintiffs undue expense. Thus, Plaintiff is entitled to recover his necessary expenses of litigation including an award of reasonable attorney's fees and expenses required by this action, pursuant to O.C.G.A. § 13-6-11, as well as any other statutory or common law basis.

231.

Plaintiffs are entitled to an award of punitive damages under O.C.G.A. § 51-12-5.1. because the actions of the Defendants showed willful misconduct, wantonness, and an entire want of care, which would raise the presumption of conscious indifference to the consequences. Plaintiffs pray for additional exemplary damages in an amount to be determined at trial to deter and punish Defendants from such wrongful conduct in the future.

232.

Plaintiff seeks to and is entitled to recover for:

1. Personal injuries
2. Past, present, and future pain and suffering
3. Disability
4. Mental anguish

5. Loss of capacity for the enjoyment of life
6. Economic losses
7. Incidental expenses
8. Past, present, and future medical expenses
9. Lost earnings
10. Loss of earning capacity
11. Permanent injuries
12. Interest, costs of suit, and attorney's fees
13. Consequential damages to be proven at trial
14. Punitive damages to be proven at trial.

WHEREFORE, Plaintiffs pray for the following relief:

- a. That process issue and Defendants be served as provided by law;
- b. Trial by jury against the Defendants;
- c. That Plaintiff obtain a judgment against the Defendants for general, special, and compensatory damages in excess of \$1,000,000.00;
- d. Treble damages pursuant to O.C.G.A. § 16-14-6.
- e. That Plaintiff be awarded punitive damages;
- f. That Plaintiff be awarded attorneys' fees and costs of this action;
- g. That Plaintiff be awarded such other and further relief as this Court deems just and proper.

Signatures on Following Page

Respectfully submitted this [date].

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