



## PARTIES

2. Plaintiff Carl Carter, Sr. is the husband of Decedent, and is a citizen and resident of Pulaski County, Arkansas. He is also the duly appointed Personal Representative of the Estate of Beverly Carter, with authority to file suit on behalf of the Estate of Beverly Carter.
3. Plaintiff Carl Carter, Jr. is a son of Decedent, and is a citizen and resident of Pulaski County, Arkansas.
4. Plaintiff Chad Carter is also a son of Decedent, and is a citizen and resident of Pulaski County, Arkansas.
5. Defendant Crye-Leike of Arkansas, Inc. is an Arkansas corporation. It may be served with process by serving its registered agent, Quest Research, 300 South Spring Street, Suite 900, Little Rock, AR 72201.
6. Defendant Crye-Leike, Inc. is a Tennessee corporation doing business in Arkansas. It may be served with process by serving its registered agent, Anita P. Bell, 1225 Hwy 77, Marion, AR 72364.
7. The residency of John Does 1-3 remains unknown.
8. Plaintiffs' counsel executed a "John Doe Affidavit" in accordance with *Arkansas Code Annotated* § 16-56-125, and it is attached hereto as **Exhibit A**.

## JURISDICTION AND VENUE

9. The Plaintiffs are residents of Pulaski County, Arkansas, and the factual circumstances and wrongdoing on which the Plaintiffs' claims are based occurred in Pulaski County, Arkansas.

10. This Court has *in personam* and subject matter jurisdiction over the persons and over the controversy involved in this litigation under Article 7 and Amendment 80, § 6, Constitution of the State of Arkansas.
11. Venue is proper in this Court under and among other statutes fixing venue pursuant to Ark. Code Ann., §§ 16-60-101, 102, 104, 109, 112, 115 and 16-60-113 (Rep'l 2005). Jury trial is demanded, and is the right of the Plaintiffs under Article 2, § 7, Constitution of the State of Arkansas.

### **FACTS COMMON TO ALL COUNTS**

12. On September 30, 2014, Beverly Carter was pronounced dead. Arron Lewis and Crystal Lowery (husband and wife) were both charged with Mrs. Carter's murder and kidnapping. At the criminal proceedings, testimony revealed that Lewis and Lowery set up an appointment with Mrs. Carter through Crye-Leike for a fake house showing in a rural area of Pulaski County as part of a plan to kidnap Mrs. Carter for ransom. Lewis and Lowery killed Mrs. Carter when the ransom plot went awry. Her body was later discovered in a shallow grave at a concrete plant where Lewis once worked. An autopsy found that she had been suffocated.
13. Based upon information and belief, Mrs. Carter was never trained by Crye-Leike, a nationwide corporation, on how to handle life-threatening situations such as this. Crye-Leike never provided Mrs. Carter with any information, statistics, research, support, or other means to prevent and/or mitigate the harm resulting from deadly situations such as the one she was forced to endure. Crye-Leike never ran background-checks, nor encouraged its realtors to run background checks, on potential home buyers previously unknown to the company. Crye-Leike never encouraged its realtors to travel in groups

and/or with partners for safety when showing rural homes, or when showing homes to potentially dangerous strangers. Crye-Leike failed to arrange preliminary meetings between realtors and potential buyers at their offices or public places in order to lessen the risk of criminal acts or deception. Crye-Leike did not encourage its realtors to use, or provide its realtors with, readily available technology (such as cell phone applications, emergency buttons, GPS tracking, etc.) that would alert authorities in case dangerous situations arise while on-the-job.

14. Defendants John Does 1-3 are individuals and entities unknown at this time but are believed to have been involved, or to otherwise have legal liability as a result of the incident involving Mrs. Carter.

### COUNT I

#### NEGLIGENCE

15. Plaintiffs re-allege Paragraphs 1 – 14, and incorporate them herein by reference.
16. Crye-Leike had a duty to keep its independent contractors safe while on the job. This duty includes the duties to provide them with the necessary information, awareness, consulting, training, support, guidance, and technology to keep them safe, especially for use while meeting with prospective buyers for home visits.
17. Crye-Leike breached these duties when it failed to provide Mrs. Carter with the necessary information, awareness, consulting, training, support, guidance, and technology to keep her safe.
18. As a direct and proximate result of said acts and omissions, Mrs. Carter suffered fatal injuries, conscious pain and suffering, mental anguish, fear of impending death, and ultimately death. Plaintiffs suffered loss of companionship, loss of services of the

deceased, mental anguish in the past and in the future as a result of the death, and the value of life lost.

## **COUNT II**

### **WRONGFUL DEATH AND SURVIVAL**

19. Plaintiffs repeat and incorporate herein the allegations of paragraphs 1 through 18 above.
20. As a result of Defendants' negligent acts and/or omissions, Plaintiffs allege claims for wrongful death, pursuant to ARK. CODE ANN. § 16-62-102. 51. Pursuant to the Act, the wrongful death beneficiaries of Decedent include her husband, Carl Carter, Sr.; Carl Carter, Jr.; and Chad Carter. Such beneficiaries are entitled to compensation for the wrongful death of Decedent resulting from Defendants' negligence.
21. Also as a result of Defendants' negligence, a survival claim exists on behalf of Decedent's estate exist pursuant to ARK. CODE ANN. § 16-62-101. Decedent suffered pain, mental anguish, and an ultimately death. Damages are in excess of the amount necessary to establish subject matter jurisdiction.

### **DAMAGES**

22. Plaintiffs repeat and incorporate herein the allegations of paragraphs 1 through 21 above.
23. As a direct and proximate cause of the negligence suffered by Decedent on behalf of Defendants, she lost her right to enjoyment of life.
24. Decedent and her statutory heirs are entitled to recover for the following damages incurred as a result of Defendants' negligence:

- a. Compensatory damages for burial and other out-of-pocket expenses incurred and arising from Decedent's fatal injuries;
  - b. Damages for pain and suffering incurred prior to Decedent's death;
  - c. Compensatory damages for the value of any earnings lost and the present value of any earnings lost and the present value of any earnings reasonably certain to be lost in the future;
  - d. Compensatory damages for the losses to beneficiaries sustained as a result of the fatal injuries of Decedent; and
  - e. Any and all other damages provided by law to which the estate is entitled to as a result of Decedent's wrongful death.
  - f. The beneficiaries are likewise entitled to damages for "loss of life" provided by law as a result of the wrongful death of Decedent and the close relationships that were lost thereof, as well as any reasonable expectation of support that each would have received and the present value of such expectation.
25. Plaintiffs' total compensatory damages shall be proved in evidence. Plaintiffs reserve the right to amend and/or supplement this Complaint to conform to the evidence, as the case develops.
26. Plaintiffs demand a trial by jury pursuant to their rights under law.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendants be cited to appear and answer, that the Court set this case for jury trial, that judgment be entered against Defendants for the damages set forth herein in an amount within the jurisdictional limits of this Court, as well as pre-judgment and post-judgment interest and costs of suit and that the Court grant Plaintiffs such other and further relief to which they may be justly entitled.

Respectfully submitted,

BY: /s/ Bryce Brewer  
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Admission Pro Hac Vice will be sought for:


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STATE OF ARKANSAS            )  
  )  
COUNTY OF PULASKI         )        ss.

**AFFIDAVIT**

Before the undersigned Notary Public, duly commissioned and acting within the County and State aforesaid, appeared in person, Bryce Brewer, who stated the following under oath:

1. I am an attorney licensed in the State of Arkansas.
2. I represent Carl Carter, Sr., individually and as representative of the estate of Beverly Carter; Carl Carter, Jr.; and Chad Carter, in a claim against Crye-Leike of Arkansas, Inc. and Crye-Leike, Inc. and John Does 1-3.
3. Defendants John Doe Entities 1-3 are unknown.
4. John Doe Entities 1-3 will be identified upon the taking of discovery by Plaintiffs. They are sued individually and in their official capacity.
5. Further affiant sayeth not.

  
\_\_\_\_\_  
Bryce Brewer

SUBSCRIBED AND SWORN to before me this 29<sup>th</sup> day of September 2017.

Sandra Pigue  
\_\_\_\_\_  
Notary Public

