

**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT**

**YVETTE MASON-SHERMAN, INDIVIDUALLY,  
AND ON BEHALF OF THE HEIRS AND  
WRONGFUL DEATH BENEFICIARIES OF  
CHARLES MCDONALD, JR., DECEASED, and  
THE ESTATE OF CHARLES MCDONALD, JR.,  
DECEASED**

**PLAINTIFFS**

**V.**

**CAUSE NO.:** 17-156

**WAYNE PARISH, JIMMY RATLIFF, AND PERFORMANCE  
OIL EQUIPMENT, INC.**

**DEFENDANTS**

**COMPLAINT**  
(Jury Trial Demanded)

**COME NOW**, the Plaintiffs, Yvette Mason-Sherman, Individually, and as Administrator of the Estate of Charles McDonald, Jr., and On Behalf of the Heirs and Wrongful Death Beneficiaries of Charles McDonald, Jr., Deceased, and The Estate of Charles McDonald, Jr., Deceased (hereinafter "Plaintiffs"), by and through their attorney of record, and file this, their COMPLAINT, and would allege the following:

**PARTIES**

1. Plaintiff Yvette Mason-Sherman is an adult resident citizen of Mississippi, residing in Hinds County, Mississippi. She brings suit on behalf of the wrongful death beneficiaries of Charles McDonald, Jr., ("Decedent"), for the negligent actions that caused his death.
2. Defendant Wayne Parish ("Defendant Parish") is an adult resident citizen of Mississippi, and can be served with process at his place of employment located at 902 E. McDowell Road, Jackson, MS 39204.

3. Defendant Jimmy Ratliff (“Defendant Ratliff”), is an adult resident citizen of Mississippi, and can be served with process at 137 Delvin Springs Drive, Madison, MS 39110.
4. Defendant Performance Oil Equipment, Inc. (“Defendant POE”) is a domestic corporation qualified to do business within the State of Mississippi, and may be served with process upon its registered agent, Jimmy Ratcliff, located at 920 East McDowell Road, Jackson, MS 39204.

### **JURISDICTION AND VENUE**

5. The Circuit Court of the first Judicial District of Hinds County, Mississippi has exclusive jurisdiction of the parties and the subject matter of this action. No other Court has original jurisdiction of this matter. This civil action arises out of the negligent acts and/or omissions of the Defendants committed in the State of Mississippi against a resident of the State of Mississippi. This Court has jurisdiction over this claim because this is an action at law seeking monetary damages within the jurisdiction of the Circuit Court.
6. Venue is proper in this court pursuant to Miss. Code Ann. §11-11-3, since each of the parties can be found there.

### **STATEMENT OF FACTS**

7. At all pertinent times hereto, Defendant Ratliff was the President of POE. Defendant Parish was the Vice-President of POE.
8. At all pertinent times hereto, the Plaintiff was an invitee at POE.

9. On or about July 21, 2016, Plaintiff was transporting her son, Charles McDonald, Jr., to the Henley-Young Juvenile Justice Center, which is next door to Defendant POE.
10. Upon arrival at the juvenile justice center, Decedent fled Plaintiff's vehicle and ran to POE. Defendant Parish exited the store with a gun and aggressively approached Charles McDonald, Jr. in the parking lot. Subsequently, an altercation began between Charles McDonald, Jr. and Wayne Parish. Charles McDonald, Jr. grabbed the gun and a struggle ensued; thereafter, Decedent was shot by Defendant POE. Charles McDonald, Jr. suffered multiple gunshot wounds to the upper torso.
11. Decedent was transported to the University of Mississippi Medical Center – Jackson where he was pronounced death shortly after arrival. Decedent expired on July 21, 2016.
12. At all times pertinent Decedent was an invitee of the Defendants. As an invitee, the Defendants owed a duty to Decedent and other invitees to maintain the premises in a reasonably safe manner and to warn of known dangers.
13. As a direct and proximate cause of the Defendants' failure to maintain the premises in a reasonably safe manner, Decedent was injured. He experienced excruciating pain and expired on July 21, 2016. Plaintiffs experienced and continue to experience excruciating pain and suffering as a result of the death of Decedent.
14. Defendants failed to provide adequate security which would have deterred Defendant Parish from exiting the store, in possession of a firearm, posing and ultimately causing harm and the death of Decedent.

15. Defendants, at all times relevant hereto, failed to provide reasonable and adequate protection for Plaintiff and other invitees on the premises despite their knowledge, actual or otherwise about the danger existing there.
16. Defendants owed a duty to Plaintiff to warn of known dangers and to hire adequately trained employees and agents.
17. Defendants were the owners, agents, or principals of each other or in a joint venture and were in control of the premises in some form.
18. Defendants, Jimmy Ratliff and Performance Oil Equipment, Inc., negligently hired, trained, and retained Defendant Parish.
19. Defendants negligently entrusted a gun with Defendant Parish to carry and secure the premises.

#### **CAUSES OF ACTION**

20. The following actions and/or inactions of the Defendant and its agents constituted negligence and/or breach of duties owing from the Defendants to the Decedent:
  - a. Failure to provide reasonable safety for invitees;
  - b. Failure to inspect and/or warn invitees of known dangers;
  - c. Failure to hire adequately trained employees and agents;
  - d. Intentional and negligently inflicting mental and emotional distress; and
  - e. For other acts, inactions, failures, omissions, negligent, intentional and grossly negligent conduct to be shown at trial.
21. The foregoing actions and/or inactions of the Defendants and their agents constituted gross negligence, to-wit; they intentionally, deliberately, and willfully or

with a callous indifference for the reasonable safety for invitees, failed and refused to provide reasonable safety to customers on the premises.

**DAMAGES**

22. As a direct and proximate result of the concurrent, intentional, willful, unlawful, reckless, wanton, grossly negligent and/or unreasonably dangerous actions of the Defendants, the Decedent expired on July 21, 2016, and on account of the same, the Plaintiff is entitled to recover compensatory and punitive damages. Also, Plaintiff is entitled to recover and hereby request from the Defendants, jointly and severally, all additional damages which she is entitled to recover as a result of the death of Decedent on July 21, 2016.

23. Further, as a direct and proximate result of the concurrent, intentional, willful, unlawful, reckless, wanton, grossly negligent and/or unreasonably dangerous actions of the Defendants, the Plaintiff suffered and experienced excruciating pain, suffering, mental anguish, agony, loss of life, loss of society, and funeral expenses. On account of the same, the Plaintiff is entitled to recover damages.

24. Defendants negligent acts and omissions were grossly negligent and/or in reckless disregard for the Decedent, Plaintiff, and the public's rights and safety. Therefore, Plaintiff is entitled to an award of punitive damages against the Defendants.

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff sues and demands a judgment of and from the Defendants for actual and punitive damages together with all costs of this action, inclusive of pre-judgment and post-judgment interest.

Respectfully submitted, this the 10<sup>th</sup> day of March, 2017.

**YVETTE MASON-SHERMAN, ET AL., PLAINTIFFS**

BY: Carlos E. Moore  
Carlos E. Moore, MSB# 100685

OF COUNSEL:

**MOORE LAW GROUP, P.C.**  
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COVER SHEET

Civil Case Filing Form
(To be completed by Attorney/Party
Prior to Filing of Pleading)

Court Identification Docket #
25 1 01

Case Year
20 17

Docket Number
156
Local Docket ID

County # Judicial District Court ID
03 15 17
Month Date Year

This area to be completed by clerk

Mississippi Supreme Court
Administrative Office of Courts
Form AOC/01
(Rev 2016)

Case Number if filed prior to 1/1/94

In the CIRCUIT

Court of HINDS

County - FIRST

Judicial District

Origin of Suit (Place an "X" in one box only)

- Initial Filing, Remanded, Reinstated, Reopened, Foreign Judgment Enrolled, Joining Suit/Action, Transfer from Other court, Appeal, Other

Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form

Form Individual SHERMAN YVETTE MASON
Last Name First Name Maiden Name, if applicable M.I. Jr/Sr/III/IV

Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
Estate of CHARLES MCDONALD, JR., DECEASED

Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity
D/B/A or Agency

Business
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below:
D/B/A

Address of Plaintiff 540 Woodward Avenue, Jackson, MS 39206

Attorney (Name & Address) Carlos E. Moore, Esq., P. O. Box 1487, Grenada, MS 38902-1487

MS Bar No. 100685

Check (x) if Individual Filing Initial Pleading is NOT an attorney

Signature of Individual Filing: Carlos E. Moore

Defendant - Name of Defendant - Enter Additional Defendants on Separate Form

Individual PARISH WAYNE
Last Name First Name Maiden Name, if applicable M.I. Jr/Sr/III/IV

Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
Estate of

Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity:
D/B/A or Agency

Business
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below:
D/B/A

Attorney (Name & Address) - If Known

MS Bar No.

Check (x) if child support is contemplated as an issue in this suit.\*
\*If checked, please submit completed Child Support Information Sheet with this Cover Sheet

Nature of Suit (Place an "X" in one box only)

- Domestic Relations: Child Custody/Visitation, Child Support, Contempt, Divorce: Fault, Divorce: Irreconcilable Diff., Domestic Abuse, Emancipation, Modification, Paternity, Property Division, Separate Maintenance, Term. of Parental Rights-Chancery, UIFSA, Other
Appeals: Administrative Agency, County Court, Hardship Petition, Justice Court, MS Dept Employment Security, Municipal Court, Other

- Business/Commercial: Accounting, Business Dissolution, Debt Collection, Employment, Foreign Judgment, Garnishment, Replevin, Other
Probate: Accounting, Birth Certificate Correction, Mental Health Commitment, Conservatorship, Guardianship, Heirship, Intestate Estate, Minor's Settlement, Muniment of Title, Name Change, Testate Estate, Will Contest, Alcohol/Drug Commitment (Involuntary)

- Alcohol/Drug Commitment (Voluntary), Other
Children/Minors - Non-Domestic: Adoption - Contested, Adoption - Uncontested, Consent to Abortion, Minor Removal of Minority, Other
Civil Rights: Elections, Expungement, Habeas Corpus, Post Conviction Relief/Prisoner, Other
Contract: Breach of Contract, Installment Contract, Insurance, Specific Performance, Other
Statutes/Rules: Bond Validation, Civil Forfeiture, Declaratory Judgment, Injunction or Restraining Order, Other

- Real Property: Adverse Possession, Ejectment, Eminent Domain, Eviction, Judicial Foreclosure, Lien Assertion, Partition, Tax Sale: Confirm/Cancel, Title Boundary or Easement, Other
Torts: Bad Faith, Fraud, Intentional Tort, Loss of Consortium, Malpractice - Legal, Malpractice - Medical, Mass Tort, Negligence - General, Negligence - Motor Vehicle, Premises Liability, Product Liability, Subrogation, Wrongful Death, Other

FIRST JUDICIAL DISTRICT, CITY OF \_\_\_\_\_

Docket No. \_\_\_\_\_ - \_\_\_\_\_  
File Yr Chronological No. Clerk's Local ID

Docket No. If Filed  
Prior to 1/1/94 \_\_\_\_\_

**DEFENDANTS IN REFERENCED CAUSE - Page 1 of \_\_\_ Defendants Pages  
IN ADDITION TO DEFENDANT SHOWN ON CIVIL CASE FILING FORM COVER SHEET**

**Defendant #2:**

**Individual:** RATLIFF JIMMY ( \_\_\_\_\_ ) \_\_\_\_\_  
Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

\_\_\_ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:  
Estate of \_\_\_\_\_

\_\_\_ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:  
D/B/A \_\_\_\_\_

**Business** \_\_\_\_\_  
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

\_\_\_ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:  
D/B/A \_\_\_\_\_

ATTORNEY FOR THIS DEFENDANT: \_\_\_\_\_ Bar # or Name: \_\_\_\_\_ Pro Hac Vice (✓) \_\_\_ Not an Attorney(✓) \_\_\_

**Defendant #3:**

**Individual:** \_\_\_\_\_ ( \_\_\_\_\_ ) \_\_\_\_\_  
Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

\_\_\_ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:  
Estate of \_\_\_\_\_

\_\_\_ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:  
D/B/A \_\_\_\_\_

**Business** PERFORMANCE OIL EQUIPMENT, INC.  
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

\_\_\_ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:  
D/B/A \_\_\_\_\_

ATTORNEY FOR THIS DEFENDANT: \_\_\_\_\_ Bar # or Name: \_\_\_\_\_ Pro Hac Vice (✓) \_\_\_ Not an Attorney(✓) \_\_\_

**Defendant #4:**

**Individual:** \_\_\_\_\_ ( \_\_\_\_\_ ) \_\_\_\_\_  
Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

\_\_\_ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:  
Estate of \_\_\_\_\_

\_\_\_ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:  
D/B/A \_\_\_\_\_

**Business** \_\_\_\_\_  
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

\_\_\_ Check (✓) if Business Defendant is being sued in the name of an entity other than the above, and enter below:  
D/B/A \_\_\_\_\_

ATTORNEY FOR THIS DEFENDANT: \_\_\_\_\_ Bar # or Name: \_\_\_\_\_ Pro Hac Vice (✓) \_\_\_ Not an Attorney(✓) \_\_\_