

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

MARIETTA GOODMAN AND	}	
SHARRON MANGUM on behalf of	}	
themselves and all others similarly	}	JURY TRIAL DEMANDED
situated,	}	\$1,500,000,000.00
	}	
Plaintiffs	}	
	}	COMPLAINT - CLASS ACTION
Vs.	}	
	}	FILE NO. <u>1:03-CV-3387 (RWS)</u>
WILLIE E. GARY,	}	
TRICIA P. HOFFLER,	}	
F. SHIELDS MCMANUS,	}	
MARY ANN DIAZ, JEROME STONE,	}	
GARY, WILLIAMS, PARENTI,	}	
FINNEY, LEWIS, MCMANUS,	}	
WATSON, AND SPERANDO, P.C.,	}	
MAJOR BROADCAST CABLE	}	
	}	
Defendants	}	

**COMPLAINT - CLASS ACTION**

**I. INTRODUCTION**

COME NOW Plaintiffs, Marietta Goodman and Sharron Mangum, In Propria Persona (collectively hereinafter as “PLAINTIFFS”), hereby file their original complaint against Defendants, Willie E. Gary, Tricia P. Hoffler, F. Shields McManus, Mary Ann Diaz, Jerome Stone, Williams, Parenti, Finney, Lewis, McManus, Watson & Sperando, P.C., and Major Broadcast Cable, jointly

and severally, (collectively hereinafter “DEFENDANTS/ATTORNEYS”), state as follows:

1. This is an action arising from an illegal scheme that is created, owned, operated, managed and controlled by the DEFENDANTS/ATTORNEYS. The scheme is implemented through a Florida corporation known as Gary, Williams, Parenti, Finney, Lewis, McManus, Watson and Sperando, P.C. The Plaintiffs are victims of this scheme. The Plaintiffs bring this action on behalf of themselves and the class of all others similarly situated, pursuant to Rule 23 of the Federal Rules of Civil Procedure. The claims for relief asserted in this action are based on violations of the Racketeering Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. § 1961, et seq.

## **II. PARTIES**

### **A. The Plaintiffs**

2. Plaintiff Marietta Goodman is an adult citizen of the United States, residing in Atlanta, Fulton County, Georgia.

3. At all times relevant to this lawsuit, Plaintiff Marietta Goodman was represented by DEFENDANTS/ATTORNEYS in a lawsuit filed in the United States District Court for the Northern District of Georgia, Atlanta Division, Case No. 00-CV-73161, which was before the Honorable Richard Story prior to being dismissed.

4. Plaintiff Sharron Mangum is an adult citizen of the United States, residing in Powder Springs, Paulding County, Georgia.

5. At all times relevant to this lawsuit, Plaintiff Sharron Mangum was represented by DEFENDANTS/ATTORNEYS in a lawsuit filed in the United States District Court for the Northern District of Georgia, Atlanta Division, Case No. 1:01-CV-2866, which is pending before the Honorable Richard Story.

### **B. The DEFENDANTS/ATTORNEYS**

6. Upon information and belief, Defendant, Willie E. Gary, is a citizen of the state of Florida and is an attorney who at all times relevant herein was practicing his profession through the law firm of Defendant, Gary, Williams, Parenti, Finney, Lewis, McManus, Watson & Sperando, P.C., with a principal place of business in Stuart, Florida.

7. Upon information and belief, Defendant, Tricia P. Hoffler, is a citizen of the State of Florida and is an attorney who at all times relevant herein was practicing her profession through the law firm of Defendant, Gary, Williams, Parenti, Finney, Lewis, McManus, Watson & Sperando, P.C., with a principal place of business in Stuart, Florida.

8. Upon information and belief, Defendant, F. Shields McManus, is a citizen of the State of Florida and is an attorney who at all times relevant herein was practicing his profession through the law firm of Defendant, Gary, Williams,

Parenti, Finney, Lewis, McManus, Watson & Sperando, P.C., with a principal place of business in Stuart, Florida.

9. Upon information and belief, Defendant, Mary Ann Diaz, is a citizen of the State of Florida and is an attorney who at all times relevant herein was practicing his profession through the law firm of Defendant, Gary, Williams, Parenti, Finney, Lewis, McManus, Watson & Sperando, P.C., with a principal place of business in Stuart, Florida.

10. Upon information and belief, Defendant, Jerome Stone, is a citizen of the State of Florida and is an attorney who at all times relevant herein was practicing his profession through the law firm of Defendant, Gary, Williams, Parenti, Finney, Lewis, McManus, Watson & Sperando, P.C., with a principal place of business in Stuart, Florida.

11. Upon information and belief, Defendant, Gary, Williams, Parenti, Finney, Lewis, McManus, Watson & Sperando, P.C., is a professional corporation incorporated under the laws of the State of Florida, with a principal place of business in the City of Stuart and at all times material herein, was responsible for the actions of its employees and/or agents.

12. Upon information and belief, Defendant, Major Broadcast Cable is a professional corporation incorporated under the laws of the State of Georgia, with a principal place of business in the City of Atlanta. At all times material

herein, Willie E. Gary is a principal owner of Major Broadcast Cable and, as a practical matter, is controlled by Defendant Willie E. Gary.

13. All DEFENDANTS/ATTORNEYS are the direct or indirect recipients of the revenues generated by the illegal scheme described herein.

### **III. JURISDICTION AND VENUE**

#### **A. Jurisdiction**

14. The illegal scheme created, owned, operated, managed and controlled by the DEFENDANTS/ATTORNEYS involves and affects interstate commerce. The Court has federal question jurisdiction over this action pursuant to RICO 18 U.S.C. § 1961, *et seq.*; and 28 U.S.C. § 1331. The Court has jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367.

15. This Court has personal jurisdiction over the parties pursuant to OCGA § 9-10-91.

#### **B. Venue**

16. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) in that a substantial part of the events or omissions giving rise to the claims occurred in this judicial district. Venue is also proper under 18 U.S.C. § 1965(a) and (b) in that the DEFENDANTS/ATTORNEYS reside in, are found, have an agent or transact their affairs in this district or the ends of justice require that DEFENDANTS/ATTORNEYS be brought before this Court.

### **IV. FACTS**

**A. The Roles of the DEFENDANTS/ATTORNEYS**

17. The DEFENDANTS/ATTORNEYS Willie E. Gary, Tricia P. Hoffler, F. Shields McManus, Mary Ann Diaz, Jerome Stone, Williams, Parenti, Finney, Lewis, McManus, Watson & Sperando, P.C., and Major Broadcast Cable own, operate, manage and/or control directly or indirectly Williams, Parenti, Finney, Lewis, McManus, Watson & Sperando, P.C., and Major Broadcast Cable.

18. The DEFENDANTS/ATTORNEYS Willie E. Gary, Tricia P. Hoffler, F. Shields McManus, Mary Ann Diaz, Jerome Stone, Williams, Parenti, Finney, Lewis, McManus, Watson & Sperando, P.C., and Major Broadcast Cable have a history of creating, owning, operating, managing and/or controlling illegal schemes as evident by Case No. 03-CV-73350 pending in the U.S. District Court for the Eastern District of Michigan (Detroit) before the Honorable Paul D. Borman.

19. The DEFENDANTS/ATTORNEYS Willie E. Gary, Tricia P. Hoffler, F. Shields McManus, Mary Ann Diaz, Jerome Stone, Williams, Parenti, Finney, Lewis, McManus, Watson & Sperando, P.C., and Major Broadcast Cable designed the illegal scheme described herein. All of the DEFENDANTS/ATTORNEYS participated with the other DEFENDANTS/ATTORNEYS and with other persons to make illegal actions to

commit fraud as described herein.

**B. The Transactions**

20. From on or about 1998 to the present, in the Northern District of Georgia and elsewhere:

- a) DEFENDANTS/ATTORNEYS Willie E. Gary, Tricia P. Hoffler, F. Shields McManus, Mary Ann Diaz, Jerome Stone, Williams, Parenti, Finney, Lewis, McManus, Watson & Sperando, P.C., and Major Broadcast Cable conspired with each other and with other employees and non-employees, known and unknown, to form and did form an association-in-fact the affairs of which the DEFENDANTS/ATTORNEYS and their co-conspirators conducted as an illegal racketeering enterprise through a pattern of racketeering activity, as summarized below in paragraphs 21-35.
- b) DEFENDANTS/ATTORNEYS Willie E. Gary, Tricia P. Hoffler, F. Shields McManus, Mary Ann Diaz, and Jerome Stone conspired with each other and with other employees and non-employees, known and unknown, to form and conduct the affairs of Williams, Parenti, Finney, Lewis, McManus, Watson & Sperando, P.C., as an illegal

racketeering enterprise through a pattern of racketeering activity, as summarized below in paragraphs 21-35.

- c) DEFENDANTS/ATTORNEYS Willie E. Gary, Tricia P. Hoffler, F. Shields McManus, Mary Ann Diaz, and Jerome Stone conspired with each other and with other employees and non-employees, known and unknown, to form and conduct the affairs of Major Broadcast Cable as an illegal racketeering enterprise through a pattern of racketeering activity, as summarized below in paragraphs 21-35.
- d) DEFENDANTS/ATTORNEYS Willie E. Gary, Tricia P. Hoffler, F. Shields McManus, Mary Ann Diaz, and Jerome Stone conspired with various senior Coca-Cola managers and others, known and unknown, to conduct and did conduct the affairs of DEFENDANTS/ATTORNEYS Williams, Parenti, Finney, Lewis, McManus, Watson & Sperando, P.C. and Major Broadcast Cable as an illegal racketeering enterprise through a pattern of racketeering activity as summarized below in paragraphs 21-35.

### **C. The Plaintiffs Allegations**

- 21. April 2000 Plaintiffs Marietta Goodman and Sharron Mangum were



part of a class that had a pending lawsuit in the United States District Court for the Northern District of Georgia, Atlanta Division, Case No. 98-CV-3679, against The Coca-Cola Company. Discovery and case evaluation had been completed. The Honorable Richard W. Story had ordered both parties into mediation. The case was poised for settlement.

22. Upon information and belief, on or about May 2000, the DEFENDANTS/ATTORNEYS implemented a scheme designed to compel The Coca-Cola Company to resolve the pending lawsuits on terms extremely advantageous to DEFENDANTS/ATTORNEYS, including instructing Gregory Allen Clark, a former lead plaintiff in the class action lawsuit, to secure other plaintiffs who were similarly situated to him with respect to claims against The Coca-Cola Company as to enhance DEFENDANTS/ATTORNEYS pool of claimants.

23. Upon information and belief, at DEFENDANTS/ATTORNEYS urging, Gregory Allen Clark, thereafter assisted DEFENDANTS/ATTORNEYS in securing attorney/client representation agreements with 16 additional individuals (which included Plaintiffs Marietta Goodman and Sharron Mangum) to pursue their individual claims against The Coca-Cola Company.

24. Months later and without the knowledge and consent of PLAINTIFFS, upon information and belief, The Coca-Cola Company and

DEFENDANTS/ATTORNEYS secretly entered into an agreement through Major Broadcast Cable whereby DEFENDANTS/ATTORNEYS would receive \$40 million dollars as part of a settlement package in exchange for PLAINTIFFS permanently dropping their claims against The Coca-Cola Company, and DEFENDANTS/ATTORNEYS agreeing never to pursue litigation against The Coca-Cola Company again in the future. PLAINTIFFS were not to ever know about this scam, and in fact did not, receive any of these monies.

25. PLAINTIFFS were never told of this secret agreement, nor were they told of the \$40 million dollars DEFENDANTS/ATTORNEYS were to, and upon information and belief did, receive.

26. In September 2002, in furtherance of this fraudulent scheme, DEFENDANTS/ATTORNEYS informed PLAINTIFFS that they did not have causes of action against The Coca-Cola Company, that they could never prevail against The Coca-Cola Company and that The Coca-Cola Company “would only offer what they would have gotten had they opted into the class-action discrimination settlement [Case No. 98-CV-3679], with PLAINTIFFS’ potential claims. DEFENDANTS/ATTORNEYS insisted that PLAINTIFFS permanently dismiss their claims against The Coca-Cola Company without receiving any compensation.

27. Based strictly upon this intentionally false and erroneous advice,

and the non-disclosure of the sums DEFENDANTS/ATTORNEYS were to receive, thirteen of the seventeen DEFENDANTS/ATTORNEYS clients signed various documents that purported to permanently dismiss and release their claims against The Coca-Cola Company.

28. The thirteen clients of the DEFENDANTS/ATTORNEYS did not know about the \$40 million dollars at the time they signed documents to permanently dismiss and release their claims against The Coca-Cola Company.

29. Neither PLAINTIFFS Marietta Goodman and Sharron Mangum nor the other DEFENDANTS/ATTORNEYS clients ever receive any of the \$40 million dollars.

30. Even if DEFENDANTS/ATTORNEYS' explanation were in fact true, which PLAINTIFFS believes it is not, DEFENDANTS/ATTORNEYS violated the Georgia Rules of Professional Conduct by entering into a blatant conflict of interest arrangement with The Coca-Cola Company for their own pecuniary advantage.

31. The DEFENDANTS/ATTORNEYS' and their co-conspirators, The Coca-Cola Company, conspired to commit and did commit mail and wire fraud, and money laundering in furtherance of their scheme to cheat and defraud PLAINTIFFS.

32. The DEFENDANTS/ATTORNEYS' and their co-conspirators, The

Coca-Cola Company, conspired to, did use, and continue to use extortion, including threats, intimidation, and fear, against PLAINTIFFS in furtherance of their illegal racketeering activities.

33. The DEFENDANTS/ATTORNEYS' and their co-conspirators The Coca-Cola Company conspired to obstruct, did obstruct, and continue to obstruct justice to conceal and cover-up the illegal racketeering activities to corruptly influence and threaten potential witnesses, to conceal the availability of information about such illegal activities from official proceedings, and to hinder and prevent the communication to law enforcement of information relating to the commission of these offenses.

34. Upon information and belief, the \$40 million dollars were monies The Coca-Cola Company were willing to pay to resolve PLAINTIFFS', and others', claims.

35. PLAINTIFFS have been harmed by DEFENDANTS/ATTORNEYS wrongful retention of the \$40 million dollars.

**CAUSES OF ACTION**  
**Count I**  
**RICO Conspiracy**

36. PLAINTIFFS' Marietta Good and Sharron Mangum re-alleges and incorporates by reference paragraphs 1 - 35 with the same force and effect as if fully set out in specific detail herein.

37. The DEFENDANTS/ATTORNEYS have conspired and endeavored to violate the Georgia RICO statute, OCGA § 16-14-4(a), by conspiring and endeavoring, through a pattern of racketeering activity or proceeds derived there from, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise, real property, and personal property of any nature, including money, all in violation of OCGA § 16-14-4(c).

38. The DEFENDANTS/ATTORNEYS have conspired and endeavored to violate the Georgia RICO statute, OCGA § 16-14-4(b), as persons employed by or associated with any enterprise, that is, an association-in-fact of the DEFENDANTS/ATTORNEYS, to conduct or participate in, directly or indirectly, such enterprise through a pattern of racketeering activity, all in violation of OCGA § 16-14-4(c).

39. Specifically, the DEFENDANTS/ATTORNEYS have conspired to and endeavored to engage in, and have repeatedly committed, the following criminal activities under Georgia and federal law, which constitute a pattern of racketeering activity under OCGA § 16-14-3(8 & 9): theft in violation of OCGA § 16-8-1 *et seq.*; securities fraud in violation of OCGA § 10-5-24; mail fraud in violation of 18 U.S.C. § 1341; obstruction of justice in violation of 18 U.S.C. § 1512; influencing witnesses in violation of OCGA § 16-10-93; tampering with evidence in violation of 16-10-94; and extortion in violation of 18 U.S.C. § 1951.

40. In furtherance of such conspiracy to violate the Georgia RICO statute, in violation of OCGA § 16-14-4(c), the DEFENDANTS/ATTORNEYS knowingly and willfully committed extortion against PLAINTIFFS' Marietta Goodman and Sharron Mangum by taking away their rights to a fair legal offense in order to continue to conduct the DEFENDANTS/ATTORNEYS racketeering enterprise.

41. And in furtherance of such conspiracy to violate the Georgia RICO statute, in violation of OCGA § 16-14-4(c), the DEFENDANTS/ATTORNEYS knowingly and willfully committed obstruction of justice under federal law and influencing witnesses and tampering with evidence in violation of Georgia law against PLAINTIFFS' Marietta Goodman and Sharron Mangum by illegally influencing and attempting to influence witnesses and to alter evidence to continue to conduct the DEFENDANTS/ATTORNEYS' racketeering enterprise and to deprive PLAINTIFFS' Marietta Goodman and Sharron Mangum their rights to a fair and just hearing on their individual complaints.

42. PLAINTIFFS' Marietta Goodman and Sharron Mangum have suffered extreme emotional distress as the result of the extortionate, willful, malicious, and intentional acts of the DEFENDANTS/ATTORNEYS.

43. As a result of the DEFENDANTS'/ATTORNEYS' actions, PLAINTIFFS Marietta Goodman and Sharron Mangum have suffered and is

continuing to suffer injury including, but not limited to, substantial loss of income, and loss of benefits.

44. As a result of the DEFENDANTS'/ATTORNEYS' actions, PLAINTIFFS' Marietta Goodman and Sharron Mangum have suffered and is continuing to suffer injury including emotional pain, suffering, humiliation, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses.

45. PLAINTIFFS' Marietta Goodman and Sharron Mangum seek to redress the wrongs alleged herein, and this suit for equitable, compensatory, and punitive damages, are plaintiffs only means of securing adequate relief.

46. PLAINTIFFS' Marietta Goodman and Sharron Mangum have been injured by reason of such violations of OCGA § 16-14-4 and therefore is entitled to three times their actual damages sustained, punitive damages, and all attorneys' fees in the trial and appellate courts and costs of investigation and litigation reasonably incurred, pursuant to OCGA § 16-14-6(b).

**LEGAL MALPRACTICE**  
**Count II**

47. PLAINTIFFS' Marietta Goodman and Sharron Mangum repeat and re-allege paragraphs 1 through 46 as though each allegation was stated verbatim.

48. At all times material herein, there was a lawyer/client relationship between DEFENDANTS/ATTORNEYS who represented, advised and

counseled PLAINTIFFS.

49. DEFENDANTS/ATTORNEYS accepted responsibility in their professional capacity as attorneys, agreeing to advise, consult and represent PLAINTIFFS, and pursue and protect PLAINTIFFS' interests against The Coca-Cola Company, all within the applicable standard of care.

50. At all times pertinent hereto, DEFENDANTS/ATTORNEYS owed PLAINTIFFS a duty to render and provide legal services in conformance with the acceptable standard of care required of lawyers in the community, in light of the facts of the case, and to refrain from acts of negligence and/or professional negligence and to further refrain from negligent omissions and to provide competent and accurate advice, service and legal representation to PLAINTIFFS and other duties which include, but are not limited to:

- A. To use reasonable knowledge, skill, ability and care ordinarily possessed and exercised by attorneys in the State of Georgia, in representation of PLAINTIFFS;
- B. To act in a spirit of loyalty to PLAINTIFFS, assuming a position of the highest trust and confidence;
- C. To exert their best efforts while wholeheartedly advancing PLAINTIFFS' interests with complete fidelity and diligence;
- D. To familiarize themselves with the facts, the rules of the particular courts in which they practice and in the interpretation and construction said court's place upon the law in the State of Georgia and in the United States, including but not limited to common law, statutory law, and court rules;



- E. To comply with all duties imposed upon DEFENDANTS/ATTORNEYS by the Georgia Rules of Professional Conduct, including but not limited to:
- (i) Competence and Diligence;
  - (ii) Explaining matters to the extent reasonably necessary to permit PLAINTIFFS to make informed decisions regarding the representation;
  - (iii) Notifying PLAINTIFFS promptly of all settlement offers;
  - (iv) Keeping PLAINTIFFS reasonably informed about the status of their matter and complying promptly with reasonable requests for information;
  - (v) Upon conclusion of the contingent-fee matter, providing PLAINTIFFS with a written statement of the full outcome of the matter and the method used to determine PLAINTIFFS' portion of the monies they received.
  - (vi) Seeking of the lawful objectives of PLAINTIFFS against The Coca-Cola Company through all reasonably available means permitted by law;
  - (vii) Not entering into impermissible conflict of interest relationships;
  - (viii) Not participating in making an aggregate settlement of PLAINTIFFS' claims with The Coca-Cola Company unless each Plaintiff consents after full consultation, including disclosure of the existence and nature of all the claims involved and of the details of each person's participation in the settlement;
  - (ix) Not acquiring a proprietary interest in the cause of action or subject matter of the litigation DEFENDANTS/ATTORNEYS were conducting for

PLAINTIFFS, other than the contingency fee;

- (x) Not practicing law in the State of Georgia without a license to do so;
  - (xi) Not participate in offering or making an agreement in which a restriction on DEFENDANTS/ATTORNEYS' right to practice is part of the settlement of a controversy involving PLAINTIFFS; and
  - (xii) Not soliciting employment from The Coca-Cola Company when DEFENDANTS/ATTORNEYS had no family or prior professional relationship with them and when a significant motive for DEFENDANTS/ATTORNEYS' doing so was DEFENDANTS/ATTORNEYS' pecuniary gain; and
- F. Such other duties as are imposed by the Georgia Rules of Professional Conduct, Georgia Court Rules, Georgia Statutes, the common law of the State of Georgia and by the legal community in Georgia where the matter was pending.

51. DEFENDANTS/ATTORNEYS conducted themselves in a professionally negligent manner and breached their duties in rendering services to PLAINTIFFS within the conditions of the attorney-client relationship, and that this professional negligence consisted of, but is not limited to, the following:

- A. Failing to inform PLAINTIFFS of the \$40 million dollars;
- B. Failing to take the necessary steps and use due diligence to pursue PLAINTIFFS' objectives against The Coca-Cola Company;
- C. Failing to use reasonable knowledge, skill, ability and care ordinarily possessed and exercised by attorneys in the State of Georgia regarding settlement of disputes;

- D. Failing to act in a spirit of loyalty, with the highest trust and confidence, towards PLAINTIFFS;
- E. Failing to explain all matters to the extent reasonably necessary to permit PLAINTIFFS to make informed decisions regarding their claims against The Coca-Cola Company;
- F. Failing to notifying PLAINTIFFS promptly of all settlement offers and the terms of all settlement offers;
- G. Failing to properly forward PLAINTIFFS their respective portion of their monies;
- H. Entering into impermissible conflict of interest relationships;
- I. Accepting compensation for representing PLAINTIFFS from The Coca-Cola Company;
- J. Making an aggregate settlement of PLAINTIFFS' claims without informing each PLAINTIFF of all information needed to be known for them to make an informed decision;
- K. Making false statements and using egregious tactics to get PLAINTIFFS to make decisions about their case;
- L. Intentionally acquiring a proprietary interest in the PLAINTIFFS' claims against The Coca-Cola Company for their own pecuniary advantage;
- M. Entering into an agreement in which a restriction on DEFENDANTS/ATTORNEYS' right to practice is part of the settlement;
- N. Failing in other ways to comply with the standard of practice and care, the Canons of Ethics, the Rules of Professional Responsibility, and ethical considerations applicable to attorneys in the State of Georgia; and
- O. Committing the acts set forth elsewhere in this Complaint.

52. As a direct and proximate result of DEFENDANTS/ATTORNEYS' breaches of duty to PLAINTIFFS, PLAINTIFFS have sustained substantial damages.

53. WHEREFORE, Plaintiffs, Marietta Goodman and Sharron Mangum, respectfully request that this Honorable Court enter a Judgment for \$1.5 billion dollars in their favor on behalf of themselves and all others similarly situated in their favor, and against Willie E. Gary, Tricia P. Hoffler, F. Shields McManus, Mary Ann Diaz, Jerome Stone and Gary, Williams, Parenti, Finney, Lewis, McManus, Watson & Sperando, P.C., jointly and severally for all damages they have incurred, and provide such further relief as this Court deems just.

**COUNT III**  
**CONVERSION**

54. PLAINTIFFS repeat and re-allege paragraphs 1 through 53 as though each allegation was stated verbatim.

55. DEFENDANTS/ATTORNEYS retention of the \$40 million dollars is a distinct act of dominion wrongfully exerted over PLAINTIFFS' personal property in denial of or inconsistent with their rights.

56. As a direct and proximate result of DEFENDANTS/ATTORNEYS' actions, PLAINTIFFS have been severely harmed.

57. DEFENDANTS/ATTORNEYS' scheme to take PLAINTIFFS'

monies, and the methods they employed to accomplish this objective, were malicious and/or so willful and wanton as to demonstrate a reckless disregard of PLAINTIFFS' rights.

58. In addition to all other relief, PLAINTIFFS are entitled to exemplary damages as DEFENDANTS/ATTORNEYS' actions inspired feelings of humiliation, outrage and indignity.

59. WHEREFORE, Plaintiffs, Marietta Goodman and Sharron Mangum, respectfully request that this Honorable Court enter a Judgment for \$1.5 billion dollars in their favor on behalf of themselves and all others similarly situated in their favor, and against Willie E. Gary, Tricia P. Hoffler, F. Shields McManus, Mary Ann Diaz, Jerome Stone and Gary, Williams, Parenti, Finney, Lewis, McManus, Watson & Sperando, P.C., jointly and severally for all damages they have incurred, and provide such further relief as this Court deems just.

**COUNT IV**  
**BREACH OF FIDUCIARY DUTY**

60. PLAINTIFFS repeat and re-allege paragraphs 1 through 59 as though each allegation was stated verbatim.

61. At all material times herein, DEFENDANTS/ATTORNEYS were in a position of highest trust and confidence toward PLAINTIFFS.

62. At all material times herein, PLAINTIFFS reposed their faith,

confidence and trust in DEFENDANTS/ATTORNEYS' judgment and advice.

63. At all material times herein, DEFENDANTS/ATTORNEYS owed PLAINTIFFS a fiduciary duty that included, among other things, to act in their best interest and with unswerving loyalty.

64. DEFENDANTS/ATTORNEYS breached their fiduciary obligations to PLAINTIFFS by, among other things:

- (i) entering into an attorney/client relationship with The Coca-Cola Company while representing PLAINTIFFS against The Coca-Cola Company;
- (ii) duping thirteen of their clients into permanently releasing all claims they may possess against The Coca-Cola Company so DEFENDANTS/ATTORNEYS could receive \$40 million;
- (iii) misappropriating PLAINTIFFS' funds.

65. As a direct and proximate result of DEFENDANTS/ATTORNEYS' actions, PLAINTIFFS' have been severely harmed.

66. DEFENDANTS/ATTORNEYS scheme to take PLAINTIFFS' monies, and the methods they employed to accomplish this objective, were malicious and/or so willful and wanton as to demonstrate a reckless disregard of PLAINTIFFS' rights.

67. In addition to all other relief, PLAINTIFFS are entitled to exemplary damages as DEFENDANTS/ATTORNEYS' actions inspired feelings of humiliation, outrage and indignity.

68. WHEREFORE, Plaintiffs, Marietta Goodman and Sharron Mangum, respectfully request that this Honorable Court enter a Judgment for \$1.5 billion dollars in their favor on behalf of themselves and all others similarly situated in their favor, and against Willie E. Gary, Tricia P. Hoffler, F. Shields McManus, Mary Ann Diaz, Jerome Stone and Gary, Williams, Parenti, Finney, Lewis, McManus, Watson & Sperando, P.C., jointly and severally for all damages they have incurred, and provide such further relief as this Court deems just.

**COUNT V**  
**CONTRACT IN CONTRAVENTION OF PUBLIC POLICY**

69. PLAINTIFFS repeat and re-allege paragraphs 1 through 68 as though each allegation was stated verbatim.

70. DEFENDANTS/ATTORNEYS entered into 1/3 contingency fee attorney/client representation agreements with PLAINTIFFS.

71. DEFENDANTS/ATTORNEYS withheld monies from PLAINTIFFS in accordance with their attorney/client representation agreement, as legal fees.

72. Each attorney/client representation agreement DEFENDANTS/ATTORNEYS signed with PLAINTIFFS violates the Georgia Rules of Professional Conduct in the following particulars:

- (i) Entering into an agreement for, charging, or collecting an

illegal or clearly excessive fee;

- (ii) Authorizing DEFENDANTS/ATTORNEYS to enter into an impermissible conflict of interest;
- (iii) Failing to explain the implications of common representation, and the advantages and risks involved, when seeking permission to enter in to a conflict of interest situation involving the representation of multiple clients;
- (iv) Acquiring a proprietary interest in the cause of action or subject matter of litigation the lawyer is conducting for a client, other than the contingency fee;
- (v) Accepting compensation for representing a client from one other than the client without (1) the client consenting after full consultation; (2) there is no interference with the lawyer's independence of professional judgment or with the client-lawyer relationship; and (3) information relating to representation of a client is protected as required by MRPC 1.6.

73. Attorney fee agreements that violate the Georgia Rules of Professional Conduct are unethical and unenforceable as a matter of law.

74. As a direct and proximate result of DEFENDANTS/ATTORNEYS entering into arrangements with PLAINTIFFS which contravene the Georgia Rules of Professional Conduct, PLAINTIFFS have been harmed.

75. WHEREFORE, Plaintiffs, Marietta Goodman and Sharron Mangum, respectfully request that this Honorable Court enter a Judgment for \$1.5 billion dollars in their favor on behalf of themselves and all others similarly situated in their favor, and against Willie E. Gary, Tricia P. Hoffler, F. Shields



McManus, Mary Ann Diaz, Jerome Stone and Gary, Williams, Parenti, Finney, Lewis, McManus, Watson & Sperando, P.C., jointly and severally for all damages they have incurred, and provide such further relief as this Court deems just.

**COUNT VI**  
**FRAUD**

76. PLAINTIFFS repeat and re-allege paragraphs 1 through 75 as though each allegation was stated verbatim

77. From September 2002 through December 2002, DEFENDANTS/ATTORNEYS Willie E. Gary, Tricia P. Hoffler, F. Shields McManus, Mary Ann Diaz and Jerome A. Stone told PLAINTIFFS that they did not have causes of action against The Coca-Cola Company, that they could never prevail against The Coca-Cola Company and that the Coca-Cola Company “had nothing to do” with PLAINTIFFS’ potential claims.

78. During these discussions, DEFENDANTS/ATTORNEYS Willie E. Gary, Tricia P. Hoffler, F. Shields McManus, Mary Ann Diaz and Jerome A. Stone never informed PLAINTIFFS that The Coca-Cola Company would be paying \$40 million dollars in exchange for PLAINTIFFS’ permanently releasing their claims against The Coca-Cola Company.

79. During these discussions, DEFENDANTS/ATTORNEYS Willie E. Gary, Tricia P. Hoffler, F. Shields McManus, Mary Ann Diaz and Jerome A.

Stone never informed PLAINTIFFS that DEFENDANTS/ATTORNEYS would be receiving compensation in excess of the 33 $\frac{1}{3}$ % contingency fee of each PLAINTIFFS' claims.

80. During these discussions, DEFENDANTS/ATTORNEYS Willie E. Gary, Tricia P. Hoffler, F. Shields McManus, Mary Ann Diaz and Jerome A. Stone specifically did not inform PLAINTIFFS about the existence of the \$40 million dollars DEFENDANTS/ATTORNEYS were receiving as part of the resolution of the dispute.

81. PLAINTIFFS made the ultimate decision regarding their claims against The Coca-Cola Company in accordance therewith, without knowledge of the \$40 million dollars.

82. DEFENDANTS/ATTORNEYS Willie E. Gary, Tricia P. Hoffler, F. Shields McManus, Mary Ann Diaz and Jerome A. Stone representations and omissions were intentional, false and material.

83. Defendant Willie E. Gary, Tricia P. Hoffler, F. Shields McManus, Mary Ann Diaz and Jerome A. Stone's representations and omissions were made with the intention that PLAINTIFFS' relied upon it.

84. PLAINTIFFS acted in reliance upon Defendant Willie E. Gary, Tricia P. Hoffler, F. Shields McManus, Mary Ann Diaz and Jerome Stone's representations and omissions.

85. As a direct and proximate result of DEFENDANTS/ATTORNEYS' actions, PLAINTIFFS' have been severely harmed.

86. DEFENDANTS/ATTORNEYS fraudulent representations and omissions were part of a scheme to take PLAINTIFFS' monies and, as such, were malicious and/or so willful and wanton as to demonstrate a reckless disregard of PLAINTIFFS' rights.

87. In addition to all other relief, PLAINTIFFS are entitled to exemplary damages as DEFENDANTS/ATTORNEYS' actions inspired feelings of humiliation, outrage and indignity.

88. WHEREFORE, Plaintiffs, Marietta Goodman and Sharron Mangum, respectfully request that this Honorable Court enter a Judgment for \$1.5 billion dollars in their favor on behalf of themselves and all others similarly situated, and against Willie E. Gary, Tricia P. Hoffler, F. Shields McManus, Mary Ann Diaz, Jerome Stone and Gary, Williams, Parenti, Finney, Lewis, McManus, Watson & Sperando, P.C., jointly and severally for all damages they have incurred, and provide such further relief as this Court deems just.

**Count VII**  
**Attorneys' Fees and Costs**

89. Plaintiffs re-alleges and incorporate by reference paragraphs 1-88 with the same force and effect as if fully set out in specific detail herein below.

90. All DEFENDANTS/ATTORNEYS have acted in bad faith and have

caused plaintiffs unnecessary trouble and expense.

91. As a result of the DEFENDANTS/ATTORNEYS' conduct, plaintiffs are entitled to attorney's fees and costs related to this litigation pursuant to OCGA § 13-6-11.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs respectfully prays that this Court assume jurisdiction of this action and after trial:

- a. Issue a declaratory judgment holding that the actions of the DEFENDANTS/ATTORNEYS violated the rights of plaintiffs under Georgia law.
- b. Enter an order requiring the DEFENDANTS/ATTORNEYS to make plaintiffs whole by awarding plaintiffs equitable (including back pay and front pay) damages, compensatory damages, treble damages, and punitive damages, costs to include costs of investigation, attorney's fees, expenses, and pre-judgment and post-judgment interest.
- c. Plaintiffs further prays for such other relief and benefits as the cause of justice may require.

### **JURY DEMAND**

**PLAINTIFFS DEMAND A TRIAL BY A STRUCK JURY.**

Respectfully submitted this the 7<sup>th</sup> day, November 2003.

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**IN PROPRIA PERSONA**