

**IN THE CIRCUIT COURT OF THE THIRTY-FIRST JUDICIAL CIRCUIT
 COLBERT COUNTY, ALABAMA
 CIVIL DIVISION**

**WILLIAM & COURTNEY SNIPES,
 AND JESSE P. YOUNG,
 PLAINTIFFS,**

VS.

CASE NO.: CV – 2019 – _____

**WILLIAM D. CORNELIUS, III,
 CORNELIUS LANDING, LLC,
 LARRY W. BLACK, PE/LS,
 & Fictitious Defendants A-Z;
 DEFENDANTS.**

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VERIFIED COMPLAINT

STATEMENT OF FACTS

1. That the Plaintiffs, William Snipes and Courtney Snipes, a married couple, are residents of Colbert County, Alabama, with their residence being located at 108 Dee Drive, Tuscumbia, Alabama 35674. Further, that the Plaintiffs' residence is located in the Subdivision known as Cornelius Landing, Addition Two, and is located within the Municipality of The City of Muscle Shoals, Alabama.

2. That the Plaintiff, Jesse P. Young, is a resident of Colbert County, Alabama, with his residence being located at 102 Dee Drive, Tuscumbia, Alabama 35674. Further, that the Plaintiff's residence is located in the Subdivision known as Cornelius Landing, Addition Two, and is located within the Municipality of The City of Muscle Shoals, Alabama.

3. That the Defendant, William D. (Sonny) Cornelius, III, is a real estate developer in Colbert County, Alabama and for whom Cornelius Landing is named. Mr. Cornelius resides in Colbert County, Alabama at 33413 Cypress Lane, Muscle Shoals, Alabama 35661.

4. That the Defendant, Cornelius Landing, LLC, is registered with The Secretary of State of Alabama as conducting business in Colbert County, Alabama with a Registered Address of 2285 Margerum Rd., Cherokee, Alabama 35616.

5. That Defendant, Cornelius Landing, LLC, is owned and operated by Defendant, William D. (Sonny) Cornelius, III, and is a limited liability company organized and existing under the laws of The State of Alabama. Further, Defendant, William D. (Sonny) Cornelius, III, is listed as the sole member of Cornelius Landing, LLC.

6. That the Defendant, Larry W. Black, PE/LS, is a Professional Engineer and Licensed Land Surveyor conducting business in Colbert County, Alabama. Mr. Black's License Number is 11294 with his place of business listed at 912 West Lamar Avenue, Tuscumbia, Alabama 35674.

7. That each of the Defendants, William D. (Sonny) Cornelius, III, Cornelius Landing, LLC, and Larry W. Black, PE/LS, regularly conduct business in Colbert County, Alabama. In addition, each of the Defendants, William D. (Sonny) Cornelius, III, Cornelius Landing, LLC, and Larry W. Black, PE/LS, designed, engineered, owned and/or developed Cornelius Landing, Addition Two, where the Plaintiffs' homes are located and were damaged by storm water runoff and flood waters.

8. That on March 6, 2018, Plaintiffs, William Snipes and Courtney Snipes, a married couple, purchased the subject real property of this action from Saint Development, LLC, being described as Lot 18, Cornelius Landing Addition Two, known and designated according to the plat prepared by Larry W. Black, PE/LS, and being recorded in the Office of the Judge of Probate, Colbert County, Alabama, in Map Cabinet C, Slide 192, and in Plat Book 2016 at Page 4.

9. That on November 3, 2017, Defendants, William D. (Sonny) Cornelius, III, and Cornelius Landing, LLC, conveyed to Plaintiff, Jesse P. Young, the subject real property of this action, being described as Lot 17, Cornelius Landing, Addition Two, known and designated according to the plat prepared by Larry W. Black, PE/LS, and being recorded in the Office of the Judge of Probate, Colbert County, Alabama, in Map Cabinet C, Slide 192, and in Plat Book 2016 at Page 4.

10. That on February 23, 2019, storm water runoff and contained waters in Cornelius Landing, Addition Two, overflowed onto Plaintiffs' properties and into the Plaintiffs' residences causing extensive damage to the Plaintiffs' homes and properties.

11. That the Plaintiffs aver the storm water runoff and flooding event of their homes on February 23, 2019, was the result of localized heavy downpours over a period of five (5) consecutive days from February 19, 2019 through February 23, 2019, within Cornelius Landing, Addition Two, and inadequate draw down of the retention/detention area in said subdivision or containment volume therein.

12. That the Plaintiffs aver, prior to the filing of this lawsuit, they hired a private Civil Engineering and Hydrological Firm to study data from the storm water runoff and flooding event from February 19, 2019 through February 23, 2019.

13. That the Plaintiffs aver their expert's opinion, as stated in their rainfall frequency analysis, shows the rainfall amounts in Cornelius Landing, Addition Two between February 19, 2019 and February 23, 2019 were within the rainfall rates and design criteria as stated in The City of Muscle Shoals Code of Ordinances Section 38-166 "Design Criteria".

14. That the Plaintiffs aver their expert's opinion, as stated in their overall analysis of the flooding event on February 23, 2019, is the flooding was the result of insufficient storage in the retention/detention area in Cornelius Landing, Addition Two due to the prior storm events consuming the available storage and inadequate infiltration to adequately drain the storage as stated in The City of Muscle Shoals Code of Ordinances Section 38-168 "Stormwater Detention/Retention and Maintenance".

15. That the Plaintiffs aver during the storm water runoff and flood event of Plaintiffs' homes on February 23, 2019, water came up onto their land/property and then into their homes through the brick exteriors and overflowed into their homes causing extensive damage.

16. That prior to February 23, 2019, Plaintiffs aver that a retention/detention area built to retain/detain storm water runoff for Cornelius Landing, Addition Two, was overflowing, and that Defendants were or should have been aware of the same and should have immediately begun remedial acts to avoid the flooding of their homes in said Subdivision.

17. That the Plaintiffs aver Defendants knew or should have known (prior to the rain events between February 19, 2019 and February 23, 2019) the retention/detention area for Cornelius Landing, Addition Two, was insufficient in its draw down rate and did not percolate/infiltrate at the proper rate.

18. That the Plaintiffs aver between February 19, 2019 and February 23, 2019 Defendants had at least one person on site at the retention/detention area for Cornelius Landing, Addition Two, and knew or should have known the retention/detention area was likely to overflow onto the Plaintiffs' property. Further, Plaintiffs aver this lack of the Defendants to take action caused the damage to their homes and properties and constitutes a reckless or conscious disregard of the rights or safety of Plaintiffs.

19. That the Plaintiffs aver, after consulting with local Realtors/Appraisers, that they have suffered a tremendous diminished value to the appraisal and/or resale of their homes.

20. That Plaintiffs do not have enough information or knowledge concerning the identities or true names of other possible Co-Defendants in this matter, as other

persons or entities may have been involved in the designing, engineering and/or development of Cornelius Landing, Addition Two. Further, Plaintiffs believe this information will be obtained through discovery and other pretrial matters; therefore, the Plaintiffs name fictitious Defendants A-Z as Co-Defendants in this cause of action and reserve the right to Amend the Complaint, if necessary, to designate any additional parties' true names to substitute for the fictitious Defendants of this Complaint, if so discovered.

COUNT I - NEGLIGENCE

21. That paragraphs 1 through 20 of the Complaint are hereby incorporated as if the same were set out herein.

22. That prior to February 23, 2019, the Defendants negligently failed to take reasonable and necessary actions which could have stopped the storm water runoff and flood waters from coming upon Plaintiffs' properties and into their homes.

23. That as a proximate result of the said negligence of the Defendants, the Plaintiffs were caused to suffer or incur the following damages, including, but not limited to: Physical damage to their homes, physical damage to personal property located in their homes, loss of use of their homes during renovations, future loss of use of their homes if Defendants do not remedy the flooding problem in the Cornelius Landing, Addition Two, the devaluation to their homes, respiratory illnesses, medical expenses, pain and suffering, and severe mental anguish and emotional distress from said damages/injuries caused (and which may be caused in the future) by the Defendants.

WHEREFORE, Plaintiffs demand Judgment against the Defendants for such sums of compensatory damages as the Jury may find to be just and proper, plus costs.

COUNT II - TRESPASS TO LAND

24. That Paragraphs 1 through 23 of the Complaint are hereby incorporated as if the same were set out herein.

25. That on or about February 23, 2019, the Defendants, or an employee or servant of the Defendants, while acting in the line and scope of their authority, unlawfully entered upon the lands of the Plaintiffs located in Colbert County, Alabama, by allowing the storm water runoff to flood the Plaintiffs' residences and not taking any action to prevent the same.

26. That as a proximate result of the said trespass, the Plaintiffs' real estate was damaged and defaced due to the large amount of flood water entering their homes

which was a result of the negligent acts or omissions of the Defendants in not taking remedial steps to avert the flooding from Plaintiffs' homes in Cornelius Landing, Addition Two.

WHEREFORE, Plaintiffs demand Judgment against the Defendants for such sums of compensatory damages as the Jury may find to be just and proper, plus costs.

COUNT III - TRESPASS TO CHATTEL

27. That Paragraphs 1 through 26 of the Complaint are hereby incorporated as if the same were set out herein.

28. That on or about February 23, 2019, the Defendants, or an employee or servant of the Defendants, while acting in the line and scope of their authority, touched or damaged the Plaintiffs' chattels located in their residences located in Colbert County, Alabama, by allowing the storm water runoff to flood the Plaintiffs' residences and not taking any action to prevent the same.

29. That as a proximate result of the said trespass, the Plaintiffs' said chattels were damaged and defaced due to the large amount of flood water entering their homes which was a result of the negligent acts or omissions of the Defendants in not taking remedial steps to avert the flooding from Plaintiffs' homes in Cornelius Landing, Addition Two.

WHEREFORE, Plaintiffs demand Judgment against the Defendants for such sums of compensatory damages as the Jury may find to be just and proper, plus costs.

COUNT IV - WANTONNESS

30. That Paragraphs 1 through 29 of the Complaint are hereby incorporated as if the same were set out herein.

31. That the Plaintiffs aver between February 19, 2019 and February 23, 2019 Defendants had at least one person on site at the retention/detention area for Cornelius Landing, Addition Two, and knew or should have known the retention/detention area was about to overflow onto the Plaintiffs' property causing extensive damage.

32. That the Plaintiffs aver this lack of the Defendants to take action, by allowing the storm water runoff to flood the Plaintiffs' residences and not taking any action to prevent the same, constitutes a reckless or conscious disregard of the rights or safety of Plaintiffs.

33. That as a proximate result of the said wanton conduct of the Defendants, the Plaintiffs have suffered severe mental anguish and emotional distress from said damages/injuries caused (and which may be caused in the future) due to the acts or omissions of the Defendants in not taking remedial steps to fix the retention/detention area prior to February 19, 2019 and/or to avert the flooding from Plaintiffs' homes in Cornelius Landing, Addition Two on or before February 23, 2019.

WHEREFORE, Plaintiffs demand Judgment against the Defendants for such sums of punitive damages as the Jury may find to be just and proper, plus costs.

COUNT V - DAMAGES

34. That Paragraphs 1 through 33 of the Complaint are hereby incorporated as if the same were set out herein.

35. That due to the tortious acts of the Defendants, the Snipes family has suffered damages in excess of \$100,000.00 up to the date of filing and hereby demands compensation for the same.

36. That due to the tortious acts of the Defendants, the Young family has suffered damages in excess of \$100,000.00 up to the date of filing and hereby demands compensation for the same.

37. That due to the wanton conduct of the Defendants, the Snipes family has endured severe mental anguish, emotional distress and pain and suffering (and which may be caused in the future) and hereby demands punitive monetary damages in an amount that a Jury may deem appropriate in order to change the behavior and actions of the Defendants in the future.

38. That due to the wanton conduct of the Defendants, the Young family has endured severe mental anguish, emotional distress and pain and suffering (and which may be caused in the future) and hereby demands punitive monetary damages in an amount that a Jury may deem appropriate in order to change the behavior and actions of the Defendants in the future.

WHEREFORE, Plaintiffs demand Judgment against the Defendants for such sums of Compensatory Damages and Punitive Damages as the Jury may find to be just and proper, plus costs; in addition to such other, further and different relief as Plaintiffs may be entitled to in equity and in law.

**STATE OF ALABAMA
COLBERT COUNTY**

Before me, the undersigned authority, personally appeared William Snipes, Courtney Snipes, and Jesse P. Young, who being by me first duly sworn, depose and say as follows:

We have read the foregoing Complaint, and the statements contained therein are true and correct to the best of our knowledge, information and belief.

William Snipes
William Snipes, Plaintiff

Courtney Snipes
Courtney Snipes, Plaintiff

Jesse P. Young
Jesse P. Young, Plaintiff

Subscribed and Sworn to before me this 22 day of July, 2019.

Donna Gossett
Notary Public
My Commission Expires: 9/14/19



RESPECTFULLY SUBMITTED,

/s/ Jonathan K. McGee
Jonathan K. McGee, Esq. (MCG063)
Attorney for Plaintiffs
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Florence, AL 35630
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Fax: 256-767-3090
Email: jon@mcgeelawllc.com

DEMAND FOR TRIAL BY JURY

The Plaintiffs hereby demand a trial by jury on all issues in the Complaint.

/s/ Jonathan K. McGee
Jonathan K. McGee
Attorney for Plaintiffs

SERVICE OF DEFENDANTS AS FOLLOWS:

**WILLIAM D. CORNELIUS, III,
PERSONAL SERVICE BY PROCESS SERVER
33413 Cypress Lane, Muscle Shoals, Alabama 35661**

**CORNELIUS LANDING, LLC,
SERVICE BY CERTIFIED MAIL
2285 Margerum Rd., Cherokee, Alabama 35616**

**LARRY W. BLACK, PE/LS,
PERSONAL SERVICE BY PROCESS SERVER
912 West Lamar Avenue, Tuscumbia, Alabama 35674**