

4.

At times relevant to this Complaint, Plaintiff Keyania Otorbor was a resident living and working at Trilith.

5.

All named Plaintiffs to this action are Black.

6.

Defendant Trilith Development, LLC (“Trilith Development” or “Trilith Defendants”) is a domestic limited liability company with its principal office address at 5200 Buffington Road, Atlanta, Georgia 30349 and may be served through its registered agent, S. Tammy Pearson, at 5200 Buffington Road, Atlanta, Georgia 30349.

7.

Jurisdiction is proper as to Defendant Trilith Development.

8.

Venue is proper as to Defendant Trilith Development.

9.

Defendant Townhomes at Trilith Homeowners Association, Inc. (“Trilith HOA” or “Trilith Defendants”) is a domestic nonprofit corporation with its principal office address at 1465 Northside Dr. NW, Suite 128, Atlanta, Georgia 30318 and may be served through its registered agent, Community Management Associates, Inc. at 1465 Northside Drive, Suite 128, Atlanta, Georgia 30318.

10.

Jurisdiction is proper as to Defendant Trilith HOA.

11.

Venue is proper as to Defendant Trilith HOA.

12.

Defendant Trilith Studios, LLC (“Trilith Studios” or “Trilith Defendants”) is a domestic limited liability company with its principal office address at 461 Sandy Creek Road, Fayetteville, Georgia 30214 and may be served with process through its registered agent, Virginia Hernandez, at 461 Sandy Creek Rd., Suite 1102, Fayetteville, Georgia 30214.

13.

Jurisdiction is proper as to Defendant Trilith Studios.

14.

Venue is proper as to Defendant Trilith Studios.

15.

Defendant Trilith Development maintains its registered office in Fulton County. Thus, venue is proper.

ALLEGATIONS

16.

At times relevant to this Complaint, Trilith Defendants owned, managed, operated, or controlled Trilith.

17.

Trilith represents itself to the public as being a “place where makers live, create and inspire the world.”

18.

Trilith represents its mission as being to build “a community where makers, thinkers, and dreamers feel at home.”

19.

Trilith also represents itself as being designed to attract a wide spectrum of people and intended to serve as a model for future generations.

20.

Trilith’s reputation and mission has contributed its partnership with notable film and media production studios such as Disney and Marvel Studios and others that promote diversity and inclusion in the media production process.

21.

Plaintiffs came Trilith believing it was a place where Plaintiffs could live, create, and inspire the world.

22.

Plaintiffs came to Trilith believing that it would be a community where Plaintiffs could feel at home.

23.

But, while Trilith represented itself as being a community intended for a wide spectrum of people, and espousing values aligned with reputable film production studios such as Disney and Marvel, Plaintiffs’ experiences living and working at Trilith have proven otherwise.

24.

During their time living and working at Trilith, Plaintiffs, and other Black residents, have experienced constant instances of racially motivated discriminatory acts, such as being negatively stereotyped and racially profiled by Trilith Defendants’ employees and agents, which has resulted

in Plaintiffs, and other Black residents, being stalked, harassed, subjected to intimidation, and raised legitimate concerns for the safety of Black residents, including Plaintiffs, at Trilith.

25.

Other instances of racial discrimination include Plaintiffs, and other Black residents, making requests for property improvements or repairs and being denied or ignored by Trilith Defendants while the same requests are approved for white residents.

26.

For example, as residents, Plaintiffs Pamela and Aubrey Williams' townhome developed a water leak in the roof resulting in water intruding into their home. Due to the design of the townhome, Plaintiffs Pamela and Aubrey Williams were not permitted to make the necessary repairs themselves.

27.

Despite numerous attempts, Plaintiffs Pamela and Aubrey Williams' requests for the leak to be repaired went unaddressed and ignored by Trilith Defendants for years.

28.

While Plaintiffs Pamela and Aubrey Williams' water intrusion issues went unaddressed by Trilith Defendants, other white neighbors who reported similar instances of water intrusion into their townhomes were able to get their water intrusion issues promptly without delay.

29.

In another instance, Plaintiffs Pamela and Aubrey Williams requested authorization for the installation of a firepit on their property but were denied by Trilith Defendants.

30.

While Plaintiffs Pamela and Aubrey Williams request was denied, a white neighbor, in a similarly situated townhome was able to have a similar fire pit installed on their property.

31.

Like Plaintiffs Pamela and Aubrey Williams, other Black residents, have experienced instances where they were treated differently on issues such as requests for repairs and in their use of amenities at Trilith.

32.

As a direct and proximate result of Trilith Defendants failing to make repairs or authorized improvements to property, like those done or authorized for white residents, Plaintiffs, and other Black residents, have suffered the hurt and inconvenience of the loss of enjoyment of the use of their home and use of amenities at Trilith.

33.

Plaintiffs, and other Black residents, have also been subjected to racial discrimination arising from their regular use of amenities (i.e. community pool, basketball courts and shared event spaces) at Trilith.

34.

In some instances, Black residents have experienced being followed by law enforcements after Trilith Defendants' employees or agents complained about Black residents authorized use of amenities or activities.

35.

As a result, the environment at Trilith has caused Plaintiffs, and other Black residents, to live in fear and question their safety and the safety of their children.

36.

Plaintiffs, and other Black residents, have also endured embarrassing, degrading and offensive conduct from other residents that has gone unaddressed by Trilith Defendants.

37.

For example, in March 2022, Plaintiffs Carmen Key and Keyania Otorbor were subjected to a racial slur outside Plaintiff Carmen Key's townhome.

38.

More specifically, on March 9, 2022, another resident, Robyn Walensky, referred to Plaintiffs Carmen Key and Keyania Otorbor as "Fucking Niggers."

39.

Prior to the March 9, 2022, incident, there had been previous complaints made to Trilith Defendants about similar conduct that had gone unaddressed.

40.

The March 9, 2022 incident caused Plaintiff Carmen Key emotional distress and caused her economic harm as she was unable to complete project that she was in the process of producing at the time.

41.

Plaintiff Carmen Key was also subjected to retaliation after expressing concerns about the March 9, 2022 incident and other issues pertaining to racial discrimination and the lack of diversity and inclusiveness at Trilith.

42.

On one occasion, Plaintiff Carmen Key expressed concerns about the lack of diversity, and inclusiveness of Black workers at the Trilith Studio and was told by Trilith Studio's Partnership

Alliance Manager, Michelle McConnell, that “we want to have black people here, but we need to have people at a certain level.”

43.

Shortly after expressing her concerns Plaintiff Carmen Key, without warning or explanation, was prevented from being able to access the Trilith Studios and perform her work as a vendor and subjected other harassing behavior as a resident.

44.

As a direct and proximate result of the Trilith Defendants’ failure to take actions to remedy the foregoing issues of racial discrimination, Plaintiffs, and other Black residents, have suffered hurt, inconvenience and damages.

45.

In sum, Plaintiffs’ individual and shared experiences demonstrate that Trilith’s mission to be a “community where makers, thinkers, and dreamers feel at home,” is not a mission of inclusivity.

46.

For Plaintiffs, Trilith has shown itself to be a place where only an exclusive group of individuals (who are not Black) are permitted to freely live, create, and inspire the world.

47.

Plaintiffs’ experience demonstrates that Trilith, despite its representations otherwise, it is not a community where all makers, all thinkers, all dreamers feel at home.

COUNT I – NUISANCE

48.

Plaintiffs herein incorporate by reference the allegations contained in the Paragraphs above as if fully set forth herein.

49.

Trilith Defendants' failure to address the issues of racial discrimination at Trilith represents a nuisance for Plaintiffs, and other Black residents.

50.

Under O.C.G.A. § 41-1-1: Nuisance defined generally – A nuisance is *anything* that causes hurt, inconvenience, or damage to another and the fact that the act done may otherwise be lawful shall not keep it from being a nuisance.

51.

A person being discriminated against based on the color of his or her skin causes hurt.

52.

Plaintiffs, and other Black residents, being discriminated against based on the color of their skin has hurt them deeply.

53.

A person being discriminated against based on the color of his or her skin causes inconvenience.

54.

Plaintiffs, and other black residents at Trilith, being discriminated against based on the color of their skin has caused them significant inconvenience.

55.

A person being discriminated against based on the color of his or her skin causes physical, emotional, and economic damages.

56.

Plaintiffs, and other Black residents at Trilith, being discriminated against based on the color of their skin has caused them to suffer damages.

57.

While Georgia Courts have not given a precise definition of nuisance, a nuisance has been recognized as the type of action that causes damages that no one should be forced to tolerate.

58.

Plaintiffs, and other Black residents at Trilith, should not be forced to tolerate the embarrassment, anxiety caused by the nuisance of racial discrimination.

59.

The discriminatory acts experienced by Plaintiffs were also offensive to Plaintiffs' senses which rendered their enjoyment of life at Trilith uncomfortable.

60.

Plaintiffs being subjected to an environment of racial discrimination resulted in the inevitable injury to Plaintiffs' health and happiness.

61.

Because of the continual instances of racial discrimination occurring at Trilith, and the nuisance created, Plaintiffs have suffered general and special damages.

COUNT II – INJUNCTIVE RELIEF

62.

Plaintiffs herein incorporate by reference the allegations contained in the Paragraphs above as if fully set forth herein.

63.

The pervasiveness of discriminatory acts at Trilith prompted Plaintiffs, and other Black residents, to request the creation of a diversity board, or some community recognized authority that works toward improving inclusiveness and race relations at Trilith.

64.

Plaintiffs, and other Black residents, believe that the creation of a diversity board or community authority designed to address issues of inclusiveness and racial discrimination is necessary because numerous Black residents and business owners at Trilith share Plaintiffs' experiences and concerns about racial discrimination, but suffer in silence, and have not come forward due to fear of retaliation by Trilith Defendants' agents and/or employees.

65.

Due to the nature of the nuisance at Trilith, Plaintiffs seek injunctive relief for themselves and others Black residents at Trilith by having Trilith Defendants directed to:

- a. Create an independent diversity and inclusion board to promulgate rules, covenants and regulations designed to address issues of diversity, inclusion and concerns of race discrimination.
- b. Ensure the prioritization of inclusion and diversity by funding a committee solely dedicated to promoting inclusivity and diversity at Trilith.
- c. Ensure diversity of decision-making in decisions related to the management of Trilith by permitting Black residents and other residents of color to participate in the decision-making process.

- d. Require their employees, including management complete diversity training designed to reduce racial bias, prejudice, and discrimination.
- e. Create a formal process for the submission and resolution of complaints of discrimination by residents, including requiring Trilith reduce to writing its process for resolving complaints of racial discrimination at Trilith.
- f. Require complete transparency with respect to the manner in which Trilith resolves or addresses any formal complaint of racial discrimination.
- g. Commission an independent audit to confirm that Trilith is following its mission statement and aligns with the values of diversity and inclusion, like those held by its studio partners in the film and entertainment industry.

66.

Plaintiffs seek this injunctive relief so that Trilith can truly become a community for a designed for wide spectrum of people.

67.

Plaintiffs seek this injunctive relief so that Trilith can truly become a community that inspires folks to live well, and to honor others.

68.

Plaintiffs seek this injunctive relief so that Trilith can truly become a community that is a model for future generations.

69.

Ultimately, Plaintiffs seek to hold Trilith accountable and ask that it be true what it purports to be to the public, its partners within the entertainment industry and most importantly to the Black residents and workers who chose Trilith as a home and place to work.

WHEREFORE, Plaintiffs pray:

- a) That service of process issue as required by law;
- b) For a trial by jury;

- c) That Plaintiffs be awarded special damages from Defendants in an amount to be proven at trial;
- d) The Plaintiffs be awarded punitive damages in an amount to be proven at trial;
- e) For permanent injunctive relief as necessary to address the nuisance set forth in Plaintiffs' Complaint.
- f) For such other relief as the Court deems just and proper.

PLAINTIFFS HEREBY DEMAND A TRIAL BY JURY

Respectfully submitted, this 30th day of August 2022

SINTON SCOTT MINOCK & KEREW

/s/ Michael J. Smith

Michael J. Smith

Georgia Bar No. 183081

3438 Peachtree Road, Suite 925
Atlanta, Georgia 30326
msmith@ssmklaw.com
470.890.1188