

COPY

**COMMONWEALTH OF KENTUCKY
IN THE CIRCUIT COURT
KENTON COUNTY, KENTUCKY
22-CI- 1491**

FILED
KENTON CIRCUIT/DISTRICT COURT
OCT 04 2022
BY JOHN C. MIDDLETON
JCM

MARGARET PEROULAS, as the
Administrator *ad litem* for a limited purpose of
the ESTATE OF ALEX CHRONIS,
8410 S. Northshore Drive
Knoxville, TN 37919

Plaintiff,

**COMPLAINT WITH JURY
DEMAND ENDORSED HEREON**

v.

ASPYN, L.L.C., d/b/a ECONO LODGE
OF ERLANGER, KENTUCKY
633 Donaldson Hwy.
Erlanger, KY 41018

and

SANJAY PATEL, MEMBER/MANAGER
633 Donaldson Hwy.
Erlanger, KY 41018

Defendants.

COMPLAINT

Now comes Plaintiff Margaret Peroulas, as Administrator *ad litem* for a limited purpose of the Estate of Alex Chronis, by and through her undersigned counsel, and sues Defendants Aspyn, L.L.C., d/b/a Econo Lodge of Erlanger, Kentucky and Sanjay Patel, for damages for the wrongful death of Decedent Alex Chronis (“Decedent”), and for her cause of action, states the following:

I. OVERVIEW

1. This is a personal injury and wrongful death negligence/premises liability case which arises out of an incident where Decedent was scalded and severely burned by water dispensed from the shower in his motel room. The incident occurred on November 19, 2021, at the Econo Lodge located at 633 Donaldson Road, Erlanger, Kentucky 41018 (the "Motel") as a result of the negligence and fault of the Defendants. As a result of the incident, Decedent sustained third-degree burns on and about his body, injuries from which he never recovered and, which ultimately resulted in his untimely and wrongful death.

II. PARTIES

2. Plaintiff Margaret Peroulas ("Ms. Peroulas"), is a citizen and resident of Knox County, Tennessee, and, by Order entered by the Probate Court for Knox County, Tennessee on September 20, 2022, was appointed Administrator *ad litem* for the limited purpose of pursuing this wrongful death action on behalf of the Estate of Alex Chronis, deceased. A copy of said Order is attached hereto as *Exhibit 1*. Ms. Peroulas is a natural niece of Decedent and brings this case pursuant to *K.R.S. § 411.130*, et al.

3. Defendant Aspyn, L.L.C., d/b/a Econo Lodge of Erlanger, Kentucky ("Aspyn") is believed to be an active, for-profit Kentucky limited liability company, which may be served with process through its organizer and registered agent, Sanjay Patel, at its principal office at 633 Donaldson Road, Erlanger, Kentucky 41018. At all times material, Aspyn owned, managed, controlled, and operated the Motel, and, in doing so, licensed/rented motel rooms to the public. As such, Aspyn, at all times material, was responsible for the design, maintenance, suitability, and safe condition of the Motel and its premises, including the Motel's rooms and showers.

4. Defendant Sanjay Patel (“Patel”) is the member/manager of Aspyn and as such is under a duty to manage the operation of the Econo Lodge of Erlanger, Kentucky. It is also believed that he is the property manager for Aspyn.

III. JURISDICTION AND VENUE

5. The previous allegations are re-alleged and incorporated herein by reference.

6. Defendants’ malfeasance, negligence, wrongful conduct, and deviations from the standards of care occurred in Kenton County, Kentucky and Decedent’s initial injuries occurred in Kenton County, Kentucky. Thus, venue and jurisdiction are proper in Kenton County, Kentucky.

IV. BACKGROUND

7. The previous allegations are re-alleged and incorporated herein by reference.

8. On or about November 18, 2021, Decedent, along with two of his associates, arrived as guests at the Motel operated by Defendants.

9. Decedent, and his associates, were assigned a room on the backside of the Motel.

10. On the morning of November 19, 2021, Decedent awoke and attempted to take a shower.

11. When he entered the shower and turned on the shower water, he was almost immediately bombarded with scalding hot water which knocked him to the floor of the shower tub where the water continued to scald him.

12. Decedent’s two associates heard him fall and his screams. They then rushed into the bathroom and were able to extricate Decedent from the shower tub.

13. Unfortunately, Decedent suffered third-degree burns about his body as a result of the scalding water.

14. Following the scalding incident at the Motel, Decedent spent months in hospitals, underwent numerous medical procedures, and endured substantial conscious pain and suffering before succumbing to his injuries and died on June 19, 2022.

V. PREMISES LIABILITY/NEGLIGENCE

15. The previous allegations are re-alleged and incorporated herein by reference.

16. Defendants owed the Motel's guests, including the Decedent as a licensee, the duty to exercise reasonable care for their safety and warn of or protect them from unreasonable and dangerous conditions, and to provide a reasonably safe place for the business contemplated by a motel.

17. Defendant breached this duty in the following ways:

- a. failing to warn of scalding water coming from the shower head;
- b. delivering water at an extremely excessive temperature to the shower head;
- c. failing to comply with industry standards and Kentucky regulations regarding the temperature of the water delivered through the shower head;
- d. failure to provide properly functioning faucets/fixtures (no control/monitor) and valves; and
- e. failure to take precautions to discover and correct the dangerous conditions described herein.

18. As a direct and proximate result of Defendants' aforesaid breaches of duty, Decedent suffered horrific injuries, including third-degree burns about his body, which, ultimately, resulted in his untimely and wrongful death on June 19, 2022.

19. Decedent's injuries and resultant death on June 19, 2022, were a foreseeable result of Defendants' aforesaid breaches of duty.

VI. DAMAGES

20. The prior allegations are re-alleged and incorporated herein by reference.

21. As a direct and proximate result of Defendants' aforesaid breaches of duty, Plaintiff is entitled to and claims all damages allowable in wrongful death actions in the Commonwealth of Kentucky, as well as compensatory damages directly resulting from the injuries suffered by Decedent before he succumbed to those injuries. These damages include loss of earnings, past pain and suffering, and medical and funeral expenses.

22. Accordingly, Plaintiff is entitled to damages for Decedent's loss of earning power, Decedent's funeral bills, Decedent's pain and suffering from November 19, 2021 to his death on June 19, 2022, Decedent's medical bills from November 19, 2021 to his death on June 19, 2022, and all other damages to which Plaintiff is entitled.

23. The Defendants' conduct was of such an egregiously and grossly negligent nature that the Plaintiff is entitled to punitive damages therefore in that Defendants acted with reckless disregard for the safety of the patrons of the subject motel.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against Defendants as follows:

- a. For compensatory damages, including medical bills, pain and suffering, and lost wages, both past and future, in the amount of Seven Million Dollars (\$7,000,000.00) for the wrongful death of Alex Chronis;
- b. For punitive damages in an amount to be determined by a jury herein;
- c. For interest and costs herein expended, as well as attorney fees; and
- d. For any and all other relief to which Plaintiff may be entitled.

JURY DEMAND

Plaintiff Margaret Peroulas, as the Administrator *ad litem* for a limited purpose of the Estate of Alex Chronis, hereby demands a trial by jury on all issues so triable.

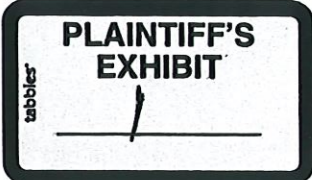
Respectfully submitted,

/s/N. Jeffrey Blankenship

N. Jeffrey Blankenship, Esq. (05795)
Ziegler & Schneider, P.S.C.
541 Buttermilk Pike, Suite 500
P.O. Box 175710
Covington, KY 41017-5710
Telephone: (859) 292-4289
Facsimile: (859) 283-5155
Email: njblankenship@zslaw.com

/s/Christopher T. Cain (019997)

Christopher T. Cain (*pro hac forthcoming*)
Chad B. Tindell (*pro hac forthcoming*)
W. Allen McDonald (*pro hac forthcoming*)
LACY, PRICE & WAGNER, P.C.
249 N. Peters Road, Suite 101
Knoxville, TN 37923-4917
Telephone: (865) 246-0800
Emails: chris@lpwpc.com
ctindell@lpwpc.com
amcdonald@lpwpc.com



IN THE CHANCERY COURT FOR KNOX COUNTY, TENNESSEE
(PROBATE DIVISION)

In Re: ESTATE OF ALEX N. CHRONIS)
Deceased)
MARGARET PEROULAS,)
Petitioner.)

Docket No. 86730-2

ORDER APPOINTING MARGARET PEROULAS ADMINISTRATOR AD LITEM FOR
A LIMITED PURPOSE

This matter came to be heard before the Court on the 20th day of September, 2022.

Upon the Petition of Margaret Peroulas to be appointed administrator *ad litem* for a limited purpose, the Affidavit of Christopher T. Cain, Esq., the Oath of Margaret Peroulas, and for good cause shown, it is hereby **ORDERED, ADJUDGED** and **DECREED** as follows:

1. The Court finds, based upon the facts before the Court, it is appropriate to appoint an Administrator *ad litem* for the Estate of Alex N. Chronis ("Decedent") for the limited purpose of pursuing and resolving a personal injury and wrongful death claim against third parties, including obtaining Decedent's medical records, giving authorization to others to obtain Decedent's medical records, and otherwise taking all actions necessary to pursue such claims.
2. That, pursuant to *T.C.A. § 30-1-109*, Margaret Peroulas is hereby appointed to serve in said capacity as Administrator *ad litem* of the Estate of Alex N. Chronis for the limited purpose of pursuing and resolving a personal injury and wrongful death claim against third parties, including obtaining Decedent's medical records, giving authorization to others to obtain Decedent's medical records, and otherwise taking all actions necessary to pursue such claims.
3. That no bond or accounting shall be required of the Administrator *ad litem* at this time because it is not anticipated that the Administrator *ad litem* will have to take control or

custody of property or assets of this estate. If assets of this estate become available, the Administrator *ad litem* shall make application to the Court to authorize collection and disbursement of same.

4. As agreed by the Administrator *ad litem*, the Administrator *ad litem* shall serve at no charge.

5. Court costs are taxed to the Petitioner, Margaret Peroulas, c/o her attorneys, LACY, PRICE & WAGNER, P.C., 249 North Peters Road, Suite 101, Knoxville, Tennessee, 37923.

ENTERED this 20th day of September, 2022.

Nunc pro tunc this 20th day of Sept, 2022.

Richard B. Garnstrom Jr.
CHANCELLOR

APPROVED FOR ENTRY:

W. Allen McDonald

Christopher T. Cain, Esq. BPR #019997

Chadwick B. Tindell, BPR #015052

W. Allen McDonald, BPR #016210

LACY, PRICE & WAGNER, P.C.

249 North Peters Road, Suite 101

Knoxville, TN 37923

(865) 246-0800

Attorney for Petitioner

ah