

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

**TIANNA M. BIAS,** )  
**MARIA L. LAURATO,** and )  
**DENETHRIS L. BARNES,** )  
Individually and on behalf of others )  
similarly situated, )

Plaintiffs, )

v. )

Civil Action No. \_\_\_\_\_

**SAVANNAH LAW SCHOOL, LLC;** )  
**JOHN MARSHALL LAW SCHOOL;** )  
**JMLS 1422, LLC; JOHN MARSHALL** )  
**LAW SCHOOL, LLC (DE); and** )  
**JOHN MARSHALL UNIVERSITY;** )

Defendants. )

**CLASS ACTION COMPLAINT**

**COME NOW** TIANNA M. BIAS, MARIA L. LAURATO, and DENETHRIS L. BARNES, individually and on behalf of others similarly situated, and file this their Class Action Complaint against Defendants SAVANNAH LAW SCHOOL, LLC; JOHN MARSHALL LAW SCHOOL; JMLS 1422, LLC; JOHN MARSHALL LAW SCHOOL, LLC (DE); and JOHN MARSHALL UNIVERSITY showing the following:

**I. PARTIES, JURISDICTION AND VENUE**

1. Plaintiff Tianna M. Bias, is a citizen and resident of Georgia. Ms. Bias is a third-year law student and the outgoing president of the Student Bar Association at Savannah Law School.

2. Plaintiff Maria L. Laurato is a citizen and resident of Georgia and a rising third-year law student at Savannah Law School.

3. Plaintiff Denethris L. Barnes is a citizen and resident of Georgia and a rising third-year law student at Savannah Law School.

4. Defendant Savannah Law School, LLC (“Savannah Law School”) is a Georgia limited liability company that maintains its principal office in Georgia. Savannah Law School may be served with process through its registered agent, Malcolm Morris, located at 1422 W. Peachtree Street Atlanta, Georgia 30309.

5. Defendant John Marshall Law School is a Georgia limited liability company that maintains its principal office in Georgia. Savannah Law School may be served with process through its registered agent, Malcolm Morris, located at 1422 W. Peachtree Street Atlanta, Georgia 30309.

6. Defendant JMLS 1422, LLC is a Delaware limited liability company that maintains its principal office in Georgia. JMLS 1422, LLC may be served with process through its registered agent, Michael C. Markovitz, located at 1422 West Peachtree Street, 7th Floor, Atlanta, Georgia 30309.

7. Defendant John Marshall Law School, LLC (DE) is a Delaware limited liability company that maintains its principal office in Georgia. John Marshall Law School, LLC (DE) may be served with process through its registered agent, Malcolm Morris, located at 1422 West Peachtree Street, 7th Floor, Atlanta, Georgia 30309.

8. Defendant John Marshall University is a Georgia corporation that maintains its principal office in Georgia. John Marshall University may be served with process through its registered agent, Malcolm Morris, located at 1422 West Peachtree Street, 7th Floor, Atlanta, Georgia 30309.

9. This Honorable Court has personal jurisdiction over Defendants in light of the fact that they are domestic entities or are foreign entities authorized to conduct business in this state.

10. This Honorable Court has original jurisdiction over this case pursuant to 28 U.S. Code § 1332(d) because the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs, and this is a class action in which one or more members of the class of plaintiffs is a citizen of a State different from any defendant.

11. Venue for this action is proper in this Honorable Court in light of the fact that Defendants have an office and transact business in Chatham County, Georgia and the negligent and wrongful acts and/or omissions that form that basis of Plaintiffs' claims substantially, if not wholly, occurred within the confines of Chatham County, Georgia.

## **II. FACTUAL ALLEGATIONS**

12. Upon information and belief, Defendants own and/or operate the property and/or institution known as Savannah Law School located in Savannah, Georgia.

13. Savannah Law School was founded in 2011 and, at all relevant times, has operated out of the historic former Warren A. Candler Hospital building located at 516 Drayton Street (the "Drayton Street property").

14. Savannah Law School enrolled its first class of students in August 2012.

15. At all times relevant to this action, the Savannah Law School enrolled between approximately 115 – 200 students.

16. Full-time Savannah Law School students were charged approximately \$21,100.00 per semester in tuition while part-time students were charged approximately \$12,660.00.

17. In December 2014, the American Bar Association (“ABA”) recognized the Savannah Law School as an approved branch of the fully-accredited Atlanta’s John Marshall Law School.

18. At all times relevant to this Complaint, Defendants represented to current and prospective law students that Savannah Law School was financially sound and able provide to a program of legal studies that would enable its students to graduate and gain employment in the legal profession.

19. Defendants’ representations that Savannah Law School would continue to be accredited by the ABA and be able to provide a full academic curriculum from its downtown location at the Drayton Street property were material to the decision of Plaintiffs and the class to enroll at the school and pay the required tuition or deposit.

20. On October 12, 2017, the ABA informed Atlanta’s John Marshall Law School that its Accreditation Committee had determined that the school was “significantly out of compliance with ABA standards.”

21. Such non-compliance included the school’s failure to “maintain a rigorous program of legal education that prepares its students, upon graduation, for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession” and its failure “to provide academic support designed to afford students a reasonable opportunity to complete the program of legal education, graduate, and become members of the legal profession.”

22. The ABA directed Atlanta’s John Marshall Law School to submit a report demonstrating that the school was in compliance with ABA standards or appear at a hearing before the Accreditation Committee in June 2018.

23. The ABA's determination with respect to Atlanta's John Marshall Law School also jeopardized Savannah Law School's accreditation, which was dependent up the Atlanta school's status.

24. On October 24, 2017, Savannah Law School advised its students of the ABA's determination with respect to Atlanta's John Marshall Law School, but suggested that it should not be of immediate concern to them.

25. Thereafter, Savannah Law School continued to accept applications and deposits from prospective students seeking to enroll for the Fall 2018 semester.

26. On March 22, 2018, Savannah Law School notified its faculty and students that it had sold the Drayton Street property and that it would cease operations at the end of the Spring 2018 semester.

27. As a result of the planned closure of Savannah Law School and uncertainty regarding its accreditation status, the value of law degrees that have been, or will be, issued by the school have been diminished, the expectations of Plaintiffs and the class of receiving their full legal education from the downtown location have been dashed, and current and prospective students who have paid tuition or deposits have lost the benefit from such payments.

28. Plaintiffs and the class have suffered and likely will continue to suffer financial and other non-economic harms as a result of the planned closure of Savannah Law School.

### **III. CLASS DEFINITION AND CLASS ACTION ALLEGATIONS**

29. Plaintiffs bring this action individually and on behalf of others similarly situated pursuant to O.C.G.A. § 9-11-23 (a), (b)(1)(B) and (b)(3). The class of those individuals whom the Plaintiffs seek to represent is defined as follows:

All persons who were enrolled as students at Savannah Law School during the 2017-2018 academic year or had been accepted for admission to Savannah Law School for the Fall 2018 semester.

Excluded from the class are those persons who hold or have held executive or legal positions with any of the Defendants, the spouses or children of any such persons, any spouses or children of Plaintiffs' counsel, and any spouses or children of any judge, magistrate or special master to whom this case may be assigned or referred, in whole or in part.

30. The described class is anticipated to be comprised of over more than one hundred (100) individuals and is so numerous as to make it impractical to bring all such persons before the Court.

31. There are questions of law and fact common to the class, as all of the class members are current or admitted new students at Savannah Law School and suffered loss due to the planned closure of the school.

32. The questions of fact expected to be common to the class include:

- a) the statements and representations made or implied by Defendants regarding Savannah Law School's accreditation status and financial status;
- b) the facts and circumstances surrounding the sale of the Drayton Street property;
- c) the facts and circumstances surrounding the investigation by the ABA into Atlanta's John Marshall Law School's accreditation status;
- d) whether Defendants' actions or inactions, including the closure of Savannah Law School, will diminish the value of law degrees issued by the institution;
- e) whether Defendants made material misrepresentations to current and prospective Savannah Law School students;
- f) whether Defendants should be required to compensate Plaintiffs and the members of the class for the losses and harms, damage and/or delay related to their POVs.

33. Plaintiffs were all enrolled at Savannah Law School for the 2017-2018 academic year.

34. The claims of the representative Plaintiffs are typical of the claims of the putative class.

35. The representative Plaintiffs will fairly and adequately protect the interests of the class. The prosecution of separate actions by individual members of the class would create a risk of inconsistent or varying adjudication with respect to individual members of the class which would establish incompatible standards of conduct for the party opposing the class.

36. The prosecution of separate actions by individual members of the class would create a risk of adjudication with respect to individual members of the class which would, as a practical matter, be dispositive of the interests of other members not parties to the adjudication or substantially impair or would impede their ability to protect their interests.

37. The questions of law or fact alleged in this Complaint predominate over any questions affecting only individual members.

38. A class action is superior to all other methods for the fair and efficient adjudication of this controversy.

39. Maintaining this case as a class action is superior to other available methods for the fair efficient adjudication of this controversy in light of the fact that a) many of the individual claims of the class members will likely be relatively small, b) the relatively small size of many of the individual claims will likely deter the class members from seeking redress separately, c) many of the members of the class will have a relatively minor interest in controlling the prosecution of the case due to the relatively small size of their individual claims, d) concentrating all of the claims of the proposed class members in Chatham County is desirable

since Savannah Law School is located here, and e) due to the uniform and consistent nature of Defendants' conduct and the relative ease by which a class member's damages can be calculated, there should be no particular difficulties with managing this case as a class action.

40. The representatives of the class have no claims contrary or antagonistic to the class.

41. The Plaintiffs, as representatives of the class, have engaged and retained counsel competent and experienced in class actions and complex litigation.

#### **IV. CAUSES OF ACTION**

##### *Count I – Negligence*

42. As the owners and/or operators of the Drayton Street property and/or Savannah Law School, Defendants owed Plaintiffs and the class the duty to reasonably ensure that the school remained ABA-accredited and financially sound.

43. Defendants further owed Plaintiffs and the class a duty to remain in operation thereby allowing them to complete their legal studies and earn their law degrees.

44. Defendants breached these duties when they undertook actions or otherwise failed to act in such a manner that placed the ABA accreditation of Atlanta's John Marshall Law School, and by extension the accreditation of Savannah Law School, in jeopardy.

45. Defendants further breached these duties when they sold the Drayton Street property during the middle of an academic year and without prior notice to its current and prospective students.

46. Defendants further breached these duties when Savannah Law School unexpectedly announced that it intended to cease operations in the middle of a semester.



47. As a proximate result of Defendants' negligence, Plaintiffs and the class have suffered harm.

*Count II – Conversion*

48. In light of Defendants' negligent and improper conduct described herein, Plaintiffs and the putative class are entitled to either a refund of all amounts they have paid related to the 2017-2018 academic year or a refund of all deposits they have paid related to enrolling at Savannah Law School for the fall semester of 2018, which amounts are currently in the possession of Defendants.

49. Defendants have refused to return such monies, despite demands from Plaintiffs and the class.

50. These monies comprise a specific, separate, identifiable, and traceable fund that belongs to Plaintiffs and the class but that currently remains in the possession of Defendants.

51. Defendants are liable to the Plaintiffs and the class as a result of their conversion of such funds.

*Count III – Negligent/Intentional Misrepresentation*

52. Defendants represented to Plaintiffs and the putative class that Savannah Law School operated and would continue to operate as an accredited law school from its location at the Drayton Street property.

53. Defendants negligently or intentionally made such representations for the purpose of inducing Plaintiffs and the class to rely upon them.

54. Plaintiffs and the class did rely upon such representations to their detriment.

55. As a proximate result of Defendants' negligent and/or intentional misrepresentations, Plaintiffs and the class have suffered harm.

*Count IV – Breach of Contract*

56. The relationship between Defendants and Plaintiffs and the class constituted a valid and binding contract between the parties.

57. Defendants breached the terms of this contract when Savannah Law School failed to remain financially viable and its ABA accreditation was placed in danger of revocation.

58. Defendants further breached the terms of this contract when the Drayton Street property was sold in the middle of an academic year and Savannah Law School announced that it was closing its doors mid-semester.

59. As a proximate result of Defendants' breaches of their contractual obligations, Plaintiffs and the class have suffered harm.

*Count V – Punitive Damages*

60. Defendants' conduct towards Plaintiffs and the class evidence willful misconduct, malice, fraud, wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to consequences.

61. Plaintiffs and the class are therefore entitled to punitive damages from Defendants to punish and deter such conduct.

*Count VI – Attorneys' Fees*

62. In their dealings with Plaintiffs and the class, Defendants have acted in bad faith, have been stubbornly litigious, and/or have caused Plaintiff and the class unnecessary trouble and expense.

63. Plaintiffs and the class are therefore entitled to collect attorneys' fees and litigation expenses from Defendants pursuant to O.C.G.A. § 13-6-11.

WHEREFORE, Plaintiffs and the class pray for the following relief:

- (a) That summons and process issue and be served upon Defendants;
- (b) For a trial by a jury;
- (c) That this Court certify the plaintiff class as to Plaintiffs' claims pursuant to Fed. R. Civ. P. 23;
- (d) That counsel for Plaintiffs be approved as counsel for the class.
- (e) That the Plaintiff class be awarded an appropriate sum to compensate them for their damages as allowed by law;
- (f) That the Plaintiff class be awarded punitive damages in an amount sufficient to punish and/or deter similar conduct;
- (g) That the Plaintiff class recover attorney's fees and all costs of litigation; and
- (h) For such other and further relief as the Court deems just and proper.

THIS 17<sup>th</sup> day of April, 2018.

/s/ Jeremy S. McKenzie  
Jeremy S. McKenzie  
Georgia Bar No. 436655

/s/ C. Dorian Britt  
C. Dorian Britt  
Georgia Bar No. 083259

/s/ R. Paul Hart, III  
R. Paul Hart, III  
Georgia Bar No. 333694

KARSMAN, MCKENZIE & HART  
21 West Park Avenue  
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(912) 335-4977 telephone  
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/s/ John D. Hafemann  
John D. Hafemann  
Georgia Bar No. 327982

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

TIANNA M. BIAS, MARIA L. LAURATO, and DENETHRIS L. BARNES, Individually and on behalf of others similarly situated

(b) County of Residence of First Listed Plaintiff Chatham County, GA (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Karsman, McKenzie & Hart 21 West Park Avenue Savannah, GA 31401 (912) 335-4977

DEFENDANTS

SAVANNAH LAW SCHOOL, LLC; JOHN MARSHALL LAW SCHOOL; JMLS 1422, LLC; JOHN MARSHALL LAW SCHOOL, LLC (DE); and JOHN MARSHALL UNIVERSITY County of Residence of First Listed Defendant Fulton County, GA (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) Bouhan Falligant One West Park Avenue Savannah, GA 31401 (912) 232-7000

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business location. Includes categories like Citizen of This State, Citizen of Another State, and Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. 1332
Brief description of cause: Claims arising from closure of Savannah Law School

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 04/17/2018 SIGNATURE OF ATTORNEY OF RECORD /s/ Jeremy S. McKenzie

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE