BOVIS KYLE
BOVIS, KYLE, BURCH & MEDLIN

Kim Jackson and Jared Heald Get Workplace Violence Prevention Consultant Dismissed On 12(b)(6) Motion

By August 13, 2016

for failure to state a claim against their Client, a workplace violence prevention consulting firm, in a serious personal injury claim brought by the victim of a mass shooting in Georgia. The plaintiff was an unarmed security guard at a parcel delivery facility (Facility). An off-duty worker at the Facility arrived at the facility early one morning armed with a 12 gauge shotgun. He shot the Plaintiff and eventually wounded five other persons at the Facility before using the shotgun to commit suicide. The plaintiff sued the Parent Company, the Facility, their related corporate entities, as well as Bovis, Kyle, Burch & Medlin's client.

Client had been involved in providing advice and training to high level corporate decision makers for Parent Company on designing and implementing a workplace violence reduction and prevention program and was involved in consulting with Parent Company and its related companies about how to handle specific incidents and specific employees of concern. The shooter had not previously been identified by the Parent Company or its subsidiaries to the Client as a concern prior to the events in question, and the Client had not been consulted about the shooter in any way.

The trial court granted the motion to dismiss on the grounds that the consultant Client had no duty to the Plaintiff in the case as his only duty was to properly advise Parent Company, not protect unknown contractors of the Facility from criminal acts by Facility employees. All counts against Client were dismissed as part of the Motion to Dismiss on 12(b)(6) grounds.