

IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

MICHAEL SCOTT MORRISON,	*	
	*	
Plaintiff,	*	CIVIL ACTION FILE
	*	
vs.	*	No. _____
	*	
JASON ANTHONY GERVAIS,	*	
	*	JURY TRIAL DEMANDED
Defendant.	*	

**COMPLAINT FOR DAMAGES**

NATURE OF THE CASE

1.

Defendant Jason Gervais provided false testimony to a magistrate court which lead directly to the Plaintiff Michael Morrison's arrest. But for Gervais's false testimony, there would have been no probable cause for the arrest. The criminal case against Morrison was terminated in his favor, but not before causing Morrison to incur substantial legal fees and emotional distress. Morrison seeks to recover damages, attorney's fees, and costs from Gervais.

PARTIES

2.

Plaintiff Michael Scott Morrison ("Morrison") is a resident of Fulton County, Georgia.

3.

Defendant Jason Anthony Gervais ("Gervais") is or was, at all relevant times, a resident of the State of Georgia, and is subject to the jurisdiction of this Court.

VENUE

4.

The acts or omissions alleged by Morrison in this complaint have occurred in Fulton County, Georgia, and therefore venue is proper.

JURISDICTION

5.

The Court has jurisdiction over the defendant and the subject matter of this complaint.

FACTS

6.

Gervais was romantically involved with a woman, K.R., who was a friend of Morrison's.

7.

Gervais and K.R. had a tumultuous relationship which required police intervention on many occasions.

8.

In January 2014, the City of Brookhaven Police Department removed K.R. from Gervais's home and drove her, at her request, to Morrison's home. Morrison, in an effort

to shield a friend from harm, allowed K.R. to stay in his home and arranged for her family to pick her up and take her out of state.

9.

After this incident, Gervais sent numerous threatening communications to both K.R. and Morrison.

10.

Because Morrison would not answer his calls or texts, Gervais started to use blocked numbers, or cell phones with spoofing software so that K.R. and Morrison would not know the origin of the calls and text messages.

11.

Because of these threats, Morrison contacted the police and swore out a warrant for Gervais's arrest.

12.

On February 3, 2014, as he had done on multiple occasions, Gervais called Morrison and threatened him. Morrison informed Gervais that he was at "The Art of Boxing" gym in midtown Atlanta, and he invited Gervais to settle their differences in the boxing ring.

13.

Gervais went to the gym, signed and affixed his thumb print to the gym's standard liability waiver, and proceeded to enter the gym to find Morrison. Morrison and Gervais

fought a brief boxing match in the ring, where Morrison knocked Gervais to the ground, and Gervais conceded the match.

14.

Agreeing that their dispute was resolved, Gervais and Morrison left the gym separately.

15.

Later, though, upset that he did not win the boxing match, Gervais called 911 and conveyed a false story to the police. Unconvinced by Gervais' story, the police did not arrest Morrison but instead arrested Gervais based on the outstanding warrant for terroristic threats.

16.

After his release from jail, Gervais continued his efforts to seek revenge and have Morrison arrested. Gervais applied for a magistrate warrant against Morrison. A probable-cause hearing was held on September 12, 2014, at the Magistrate Court of Fulton County.

17.

At that hearing, Gervais testified falsely that Morrison was the aggressor who lured Gervais to the boxing gym and attacked him outside of the boxing ring.

18.

As a result of Gervais's false testimony, the

Magistrate issued a warrant for Morrison's arrest. Morrison was arrested and the case was referred to the Fulton County District Attorney's Office for prosecution.

19.

Ultimately Gervais' testimony was refuted by several eyewitnesses. Gervais failed to cooperate in the prosecution of the case he initiated by repeatedly failing to appear at hearings and cooperate in discovery. Apart from initiating this criminal action against Morrison, Gervais filed a civil complaint seeking One Million Dollars. The civil complaint was dismissed with a fee award in favor of Morrison.

20.

On March 8, 2021, at the State's request, a nolle prosequere was requested under O.C.G.A. § 17-8-3 and granted.

COUNT 1

O.C.G.A. § 51-7-40: Malicious Prosecution

21.

Morrison realleges each fact set forth in paragraphs 1 through 20 of this Complaint and incorporates them here by reference.

22.

Gervais initiated a criminal prosecution against Morrison for violating O.C.G.A. § 16-5-24 (aggravated

battery), knowing that no probable cause existed to believe that Morrison violated this Georgia statute or committed any crime recognized by law.

23.

Gervais initiated this proceeding against Morrison with malice, hoping to take revenge against Morrison, and he lied in the hearing. But for Gervais' lies, there would not have been probable cause to arrest or prosecute Morrison.

24.

This criminal prosecution terminated favorably for Morrison.

25.

As a result of this arrest proceeding, Morrison has suffered emotional, mental and financial injury, entitling him to recover compensatory and punitive damages against Gervais for the loss of his rights under this claim, in an amount to be determined by the enlightened conscience of the fair and impartial jury.

COUNT 2

O.C.G.A. § 51-12-5.1: Punitive Damages

26.

Morrison reallege each fact set forth in paragraphs 1 through 20 of this Complaint and incorporates them here by reference.

27.

The Gervais' actions described in this complaint were willful and intentional misconduct, malice, wantonness, oppression or, at the very least, displayed a want of care showing a conscious indifference to consequences as contemplated under O.C.G.A. § 51-12-5.1.

28.

Because of Gervais' actions, Morrison is entitled to recover punitive damages in an amount to be determined by the jury.

COUNT 3

O.C.G.A. § 13-6-11: Attorney's Fees

29.

Morrison realleges each fact set forth in paragraphs 1 through 20 of this complaint and incorporates them here by reference.

30.

By the acts and omissions specified above, Gervais has acted in bad faith, intentionally protracted litigation by failing to appear at hearings and participate in discovery, been stubbornly litigious, and caused Morrison unnecessary trouble and expense.

31.

Because of Gervais' actions, Morrison is entitled to

recover his actual expenses of litigation, including attorney's fees, from him.

WHEREFORE, Morrison prays:

- (a) That as to Counts 1 and 2, the Court award Morrison compensatory and punitive damages against Gervais, in an amount to be determined by the enlightened conscience of a fair and impartial jury;
- (b) That as to Count 3, the Court grant Morrison his reasonable costs and attorney's fees in bringing this action in an amount to be determined at trial;
- (c) That Morrison be granted a trial by jury on all issues so triable; and
- (d) That Morrison be granted such other and further relief as this Court deems just and proper.

Respectfully submitted,

WIGGINS LAW GROUP, LLC

BY: /s/ Cary S. Wiggins  
Cary S. Wiggins  
Ga. Bar No. 757657

Suite 401  
260 Peachtree Street, NW  
Atlanta, GA 30303  
Telephone: (404) 659-2880  
cary@wigginslawgroup.com