

IN THE STATE COURT OF BULLOCH COUNTY  
STATE OF GEORGIA

MO FLO, LLC d/b/a FLOORS OUTLET,

Plaintiff,

v.

WILHELMINA ALEXANDER and EDWIN  
ALEXANDER,

Defendants.

CIVIL ACTION FILE  
NO. STCV2022000202

**PLAINTIFF MO FLO, LLC D/B/A FLOORS OUTLET'S RESPONSE BRIEF IN  
OPPOSITION TO DEFENDANTS' MOTION  
FOR JOINDER TO ADD BRIAN MCDONALD, RANDY CHILDS, AND PRINCE  
PRESTON, INDIVIDUALLY, AS PARTIES**

COMES NOW Mo Flo, LLC d/b/a/ Floors Outlet (hereinafter referred to as the "Plaintiff") and hereby files its brief in opposition to the Defendant's Motion for Joinder of Person Needed for Just Adjudication and Motion to Correct the Party Names and Clarify Whether Brian McDonald Has Already Appeared or Needs to be Served ("Motion for Joinder").

Plaintiff Mo Flo, LLC d/b/a/ Floors Outlet ("Plaintiff") brought this action on July 12, 2022 against Wilhelmina Alexander and Edwin Alexander ("the Defendants") because the Defendants refused to allow the Plaintiff to finish its tile installation job at the home of the Defendants and has refused to pay Plaintiff for the work performed. (See Statement of Claim attached as Exhibit "A"). The Defendants filed a counterclaim against the Plaintiff requesting damages in excess of \$15,000. Accordingly, this case was transferred to this Court. To the best of Plaintiff's knowledge based on the Defendant's Answer and Counterclaims, the Defendants are alleging claims for breach of contract and negligent construction.

Defendants filed this motion on September 8, 2022. To the best of Plaintiff's knowledge based on the motion presented by the Defendants, this motion appears to be a Motion for Joinder to add the following parties in their individual capacities: Brian McDonald, Randy Childs, and Prince Preston. The Motion for Joinder should be denied.

1. The Defendants have not alleged a basis for adding Brian McDonald, Randy Childs, and Prince Preston as parties to this action.

O.C.G.A. § 9-11-21 provides that a party may be added to a suit “on such terms as are just.” Individuals cannot be held liable solely by reason of their membership in a limited liability company. *See* O.C.G.A. § 14-11-303. Members of a limited liability company are considered separate from the company. As such, members are not proper parties to a proceeding against a limited liability company by reason of being a member. *Yukon Partners, Inc. v. Lodge Keeper Group, Inc.*, 258 Ga. App. 1, 572 S.E.2d 647 (2002).

Here, the Motion for Joinder only alleges that Brian McDonald is “the owner of Floors Outlet either solely or with partners.” The Motion for Joinder fails to allege why Brian's position would result in liability for the claims being asserted. Furthermore, the Motion for Joinder does not allege a reason for the joinder of Randy Childs or Prince Preston or any basis of liability for the two individuals. As above-mentioned, affiliation with a limited liability company does not create personal liability for the members there of. *Id.* Although a member of a limited liability company may be held individually liable for personally participating in a tort committed by an LLC, none of the three individuals named by the Defendants have done so in this case. *See Bo Phillips Co., Inc. v. R.L. King Properties, LLC*, 336 Ga. App. 705 (2016). Therefore, Defendants have not shown why it would be just to add Brian McDonald, Randy Childs, and Prince Preston to this lawsuit.

2. Plaintiff does not Oppose Defendants' Motion to Correct the Party Name from Wilhelmina Alexander to Wilhelmina Randtke.

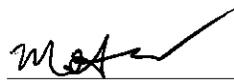
To the best of Plaintiff's knowledge based on Defendants' Motion for Joinder, Defendants have also moved to amend the party name of Wilhelmina Alexander to Wilhelmina Randtke. According to Defendants' motion, Wilhelmina Randtke has never gone by the name of Wilhelmina Alexander. Plaintiff does not oppose changing the party name from Wilhelmina Alexander to Wilhelmina Randtke. Therefore, Plaintiff's Motion to Correct the Party Name may be granted.

3. Conclusion

For the reasons noted above, Defendants' claims against Brian McDonald, Randy Childs, and Prince Preston fail. Defendants have failed to allege any legal basis for adding any of the three named-individuals other than their alleged positions with Mo Flo, LLC. However, Plaintiff does not oppose correcting the party name from Wilhelmina Alexander to Wilhelmina Randtke.

For those reasons, Plaintiff respectfully requests that the Court deny Defendants' Motion for Joinder and grant Defendants' Motion to Correct the Party Names.

Respectfully submitted this 5<sup>th</sup> day of October, 2022.



**R. MATTHEW SHOEMAKER**  
State Bar No. 339367  
*Attorney for Plaintiff Mo Flo, LLC*  
*d/b/a/ Floors Outlet (counterclaim only)*

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IN THE MAGISTRATE COURT OF BULLOCH COUNTY  
STATE OF GEORGIA

MO FLO LLC  
1267 NORTHSIDE DRIVE EAST

STATESBORO, GA 30458  
DBA: FLOORS OUTLET

VS Plaintiff(s)  
WILHELMINA ALEXANDER  
204 HIGHLAND RD

STATESBORO, GA 30458  
Defendant(s)

) Case # : 2022-11739CS  
)  
)  
) Statement Of Claim  
EDWIN ALEXANDER  
204 HIGHLAND RD

STATESBORO, GA 30458

COPY

STATEMENT OF CLAIM

Suit on : a NOTE [ ] ACCOUNT [ ] OTHER [ X ] explain :

Plaintiff says that defendant(s) is/are indebted to the plaintiff as follows:

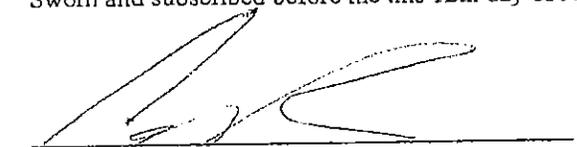
Floors outlet was contracted by above mentioned defendants to install tile at their home. Defendant refuses to allow us to finish job and has stopped communication. Floors outlet has not been paid for work performed

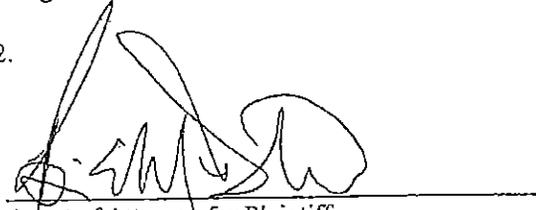
Claim Amount is \$8,159.72 plus \$0.00 interest, \$0.00 attorney's fees, \$0.00 late fees, \$0.00 as miscellaneous fees, \$110.00 costs to date, and all future costs. Total = \$8,269.72

STATE OF GEORGIA, COUNTY OF BULLOCH

, being duly sworn, says that the foregoing is a just and true statement of the plaintiff and claim made by plaintiff against defendant(s), exclusive of all set-offs and just grounds of defense.

Sworn and subscribed before me this 12th day of July 2022.

  
\_\_\_\_\_  
Notary Public or Attesting Official

  
\_\_\_\_\_  
Agent of Attorney for Plaintiff

NOTICE AND SUMMONS

TO : WILHELMINA ALEXANDER and EDWIN ALEXANDER

You are hereby notified that MO FLO LLC has made and filed a claim and is asking for judgment against you in the sum of \$8,159.72 plus \$0.00 interest, \$0.00 attorney's fees, \$0.00 late fees, \$0.00 miscellaneous fees, and \$110.00.

YOU ARE REQUIRED TO FILE OR PRESENT AN ANSWER TO THIS CLAIM WITHIN 30 DAYS AFTER SERVICE OR CLAIM AGAINST YOU. IF YOU DO NOT FILE AN ANSWER, JUDGMENT BY DEFAULT WILL BE ENTERED AGAINST YOU. YOUR ANSWER MAY BE FILED IN WRITING OR MAY BE GIVEN ORALLY TO A CLERK OF THIS COURT DURING REGULAR BUSINESS HOURS.

If you have a claim against the plaintiff, you should notify the court at once. If you admit the claim, but desire additional time to pay, you must come to the hearing in person and state the circumstances to the court. You may come with or without an attorney.

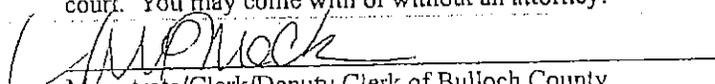
  
\_\_\_\_\_  
Magistrate/Clerk/Deputy Clerk of Bulloch County

EXHIBIT  
A

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day served a copy of the within and foregoing **PLAINTIFF MO FLO, LLC D/B/A FLOORS OUTLET'S RESPONSE BRIEF IN OPPOSITION TO DEFENDANTS' MOTION FOR JOINDER TO ADD BRIAN MCDONALD, RANDY CHILDS, AND PRINCE PRESTON, INDIVIDUALLY, AS PARTIES** upon all parties to this matter by depositing a true copy of same in the U.S. Mail, proper postage prepaid, addressed to all parties and counsel of record as follows:

Wilhelmina Randtke  
Edwin Alexander  
204 Highland Road  
Statesboro, Georgia 30458

This 5<sup>th</sup> day of October, 2022.



**R. MATTHEW SHOEMAKER**  
State Bar No. 339367  
*Attorney for Plaintiff Mo Flo, LLC*  
*d/b/a/ Floors Outlet (counterclaim only)*

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