

IN THE STATE COURT OF HALL COUNTY
STATE OF GEORGIA

JOHN SMITH,
PLAINTIFF,

v.

ROBERT SMITH,
DEFENDANT.

CIVIL ACTION
FILE NO.:

COMPLAINT FOR INJURIES

COMES NOW, Plaintiff in the above-styled civil action and brings this Complaint against the above-named Defendant(s), and in support hereof, shows the Court as follows:

PARTIES AND JURISDICTION

1. Plaintiff John Smith resides in the county of Forsyth and is subject to the jurisdiction of this court.
2. Defendant Robert Brown ("Defendant") may be served with process at their residence located at 4970 Kuhl Avenue, Apartment 34J, Gainesville, GA 30501.
3. Defendant is subject to the jurisdiction of this Court because they are a Georgia resident.
4. Venue is proper in this Court because Defendant resides in Hall County.
5. Pursuant to OCGA §9-3-33, actions for injuries to the personal shall be brought within two years after the right of action accrues. This action is brought before the two-year limitation.

BACKGROUND

6. On or about June 5, 2021, Plaintiff and Defendant were involved in an automobile crash in Atlanta, Georgia, Fulton County.
7. Plaintiff was operating a 2015 Kia Optima traveling westbound on 14th Street and approaching the intersection of Peachtree Street NE.
8. Defendant was operating a 2008 Honda Accord CR-V traveling westbound on 14th Street, behind Plaintiff, and approaching the intersection of Peachtree Street NE.

9. The Collision occurred when Defendant crashed into the rear of Plaintiff's vehicle while under the influence of alcohol.

10. Plaintiff suffered bodily injuries because of the Collision.

11. At all relevant times, Plaintiff exercised due care for their own safety.

NEGLIGENCE

12. Defendant owed a duty of care to the motoring public in general, and to Plaintiff in particular, to operate a vehicle in a reasonable and prudent manner and to adhere to the pertinent Rules of the Road for the State of Georgia.

13. The Collision was directly and proximately caused by the negligence of Defendant.

14. The Collision was directly and proximately caused by Defendant's negligence for following too closely to Plaintiff.

15. The Collision was directly and proximately caused by Defendant's negligence for driving too fast for the conditions present on the roadway.

16. The Collision was directly and proximately caused by Defendant's negligence for reckless driving.

17. The Collision was directly and proximately caused by Defendant's negligence for driving under the influence of alcohol.

18. The Collision was directly and proximately caused by Defendant's negligence for failing to lookout for Plaintiff's vehicle.

19. The Collision was directly and proximately caused by Defendant's negligence for failing to operate a motor vehicle in a safe and lawful manner.

20. The Collision was directly and proximately caused by Defendant's negligence.

21. Defendant's actions constituted negligence per se regarding applicable laws and standards including but not limited to:

- a. Following too closely, in violation of O.C.G.A. § 40-6-49.
- b. Reckless driving, in violation of O.C.G.A. § 40-6-390.
- c. Driving under the influence of alcohol, in violation of O.C.G.A § 40-6-391.

22. Plaintiff's personal injuries were directly and proximately caused by Defendant's negligence.

DAMAGES

23. Defendant is liable for Plaintiff's injuries and damages sustained, pain and suffering, and all other elements of damages allowed under the laws of the State of Georgia.

24. As a direct and proximate result of Defendant's negligence, Plaintiff suffered personal injuries and required medical treatment.

25. As a direct and proximate result of Defendant's negligence, Plaintiff incurred medical expenses in excess of \$37,837.76 to date.

26. As a direct and proximate result of Defendant's negligence, Plaintiff sustained physical pain and suffering as well as emotional distress and continues to suffer physical pain and suffering.

27. As a direct and proximate result of Defendant's negligence, Plaintiff suffered lost wages in excess of \$26,946.00.

28. Plaintiff seeks to and is entitled to recover for:

- a. Personal injuries;
- b. Past, present, and future pain and suffering;
- c. Disability;
- d. Disfigurement;
- e. Mental anguish
- f. Loss of capacity for the enjoyment of life;
- g. Economic losses;
- h. Incidental expenses;

- i. Past, present, and future medical expenses;
- j. Lost earnings;
- k. Loss of earning capacity;
- l. Permanent injuries
- m. Consequential damages to be proven at trial

PUNITIVE DAMAGES

29. Defendant's actions constitute willful misconduct, malice, fraud, oppression, wantonness and an entire want of care raising the presumption of conscience indifference to the consequences. Accordingly, Plaintiff is entitled to recover punitive damages from Defendant, as determined by the enlightened conscience of the jury.

WHEREFORE, Plaintiff prays respectfully request:

- 1. Process issue as provided by law;
- 2. Trial by jury against Defendant;
- 3. Judgment be award to Plaintiff and against Defendant;
- 4. Plaintiff be awarded for all past medical bills as plead;
- 5. Plaintiff be awarded additional damages in amounts to be shown at trial;
- 6. Plaintiff be awarded punitive damages in amounts to be determined by the jury;
- 7. Plaintiff have such other relief as this Court deems just and appropriate.

Submitted Tuesday, August 9, 2022.

**GEORGIA TRIAL ATTORNEYS
AT KIRCHEN & GRANT, LLC**

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