

IN THE STATE COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

MICHAEL JAMES XXXX \*

\*

Plaintiff, \*

\* CIVIL ACTION FILE

v. \* NO.: \_\_\_\_\_

\*

PATRICK ALAN STERNIK, \*

\*

Defendant. \*

**COMPLAINT**

COMES NOW Plaintiff in the above-styled action and hereby shows unto the Court the following:

**I. PARTIES, JURISDICTION AND VENUE**

1.

Plaintiff Michael James XXXX is a resident of White County, Georgia.

2.

Defendant Sternik is a resident of Gwinnett County, Georgia with a last known address of 2903 Vernon Court, Buford, Georgia 30518 where he may be served with legal process.

3.

Personal jurisdiction exists as to Defendant Sternik because he is a citizen and resident of Gwinnett County, Georgia.

4.

Venue is proper in this Court as to Defendant Sternik because he resides in Gwinnett County, Georgia.

**II. OPERATIVE FACTS**

5.

On May 15, 2011, at approximately 9:28 a.m., Michael James XXXX was injured as a result of the negligent and reckless acts of Defendant Sternik, the driver of a 2008 Nissan Titan truck who steered his vehicle directly into the path of Plaintiff and then slammed on his brakes in front of Plaintiff's motorcycle. The negligent acts of Defendant Sternik caused Plaintiff to lose control of his motorcycle and suffer serious and painful injuries.

6.

On the morning of May 15, 2011, Defendant Sternik was driving North on Ga. Hwy 400 in Dawsonville, Georgia in his pickup truck.

7.

At about the same time, Plaintiff was entering Ga. Hwy. 400 from the parking lot of the Wal-Mart in Dawsonville, Georgia to head North on Ga. Hwy. 400. At the time of the incident,

Plaintiff was riding his motorcycle.

8.

Plaintiff entered Ga. Hwy. 400 ahead of Defendant Sternik.

9.

Just as Plaintiff pulled onto Hwy. 400, Defendant Sternik suddenly pulled alongside him and began to yell, curse and threaten Plaintiff apparently thinking he had been “cut off” by Plaintiff.

10.

Plaintiff continued North and Defendant Sternik pulled beside Plaintiff at the intersection of Ga. Hwy. 400 and Ga. 53 where Plaintiff had stopped for the traffic light.

11.

Defendant Sternik told Plaintiff he was going to “f—k him up.” Plaintiff responded that Defendant Sternik needed to calm down and that Plaintiff was going to call law enforcement if Defendant Sternik continued to threaten and harass Plaintiff.

12.

Defendant Sternik responded by showing Plaintiff a Sherriff’s Department ball cap he had on his dash, suggesting that he was himself a law enforcement officer.

13.

When the traffic signal turned green, Plaintiff continued on Ga. Hwy. 400 in the left hand, Northbound lane.

14.

Defendant Sternik also continued North in the right-hand, Northbound lane beside Plaintiff’s motorcycle.

15.

Suddenly and without warning, Defendant Sternik swerved his pickup truck into Plaintiff’s lane and then slammed on his brakes once he was just in front of Plaintiff’s motorcycle.

16.

Plaintiff was unable to stop his motorcycle and struck the rear of the pickup truck and lost control of his bike.

17.

Defendant Sternik then left the scene of the wreck.

18.

Sternik was later located by law enforcement who arrested and charged him with aggressive driving, hit and run, and leaving the scene of an accident.

19.

As a result of the negligent and reckless acts of Defendant Sternik, Plaintiff suffered serious injuries to his mind, body and property.

20.

Plaintiff Michael XXXX has experienced and continues to experience pain and suffering as a result of said injuries and to incur medical bills.

21.

As a result of the collision, Plaintiff has incurred past medical expenses, will likely incur future medical expenses, has lost and will lose income and benefits, and his physical health and quality of life have been significantly impaired.

22.

Plaintiff’s motorcycle was damaged in the wreck and Defendant Sternik is liable for that damage plus the towing and storage fees associated with the wreckage.

23.

Defendant's bad faith and conduct giving rise to this incident authorizes an award of attorney's fees and costs pursuant to O.C.G.A. § 13-6-11.

24.

The conduct of Defendant Sternik demonstrates wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to the consequences such that punitive damages should be awarded against him pursuant to O.C.G.A. § 51-12-5.1.

III. LIABILITY OF DEFENDANTS

25.

Defendant Sternik is liable for the following tortious acts and omissions, which include, but are not necessarily limited to, the following:

- (a) Tortiously failing to keep the vehicle he was driving under control so as to avoid a collision;
- (b) Negligently, recklessly and aggressively failing to maintain his lane and swerving into Plaintiff's lane of traffic such that he collided with Mr. Bradbury's vehicle, thereby placing the lives of the motoring public in general, and Mr. XXXX in particular, in danger; and
- (c) Acting with a conscious disregard for the consequences which justifies the imposition of punitive damages.

IV. DAMAGES CLAIMED

26.

The damages claimed by Plaintiff were solely and proximately caused by the tortious acts and omissions of Defendant Sternik, for which he is liable.

27.

Plaintiff claims the following damages:

- a. General damages for all elements of the mental and physical suffering he endured, he endures, and he will endure in the future, as defined by Georgia law and to be determined by the enlightened conscience of a fair and impartial jury;
- b. Special damages for his lost earnings, income and other benefits that he has incurred and will incur in the future because of this collision;
- c. Plaintiff also claims as special damages his past and future medical expenses that have been incurred and will be incurred as a result of the injuries he sustained, in such amounts as the jury deems to be the reasonable value of those services;
- d. Damages for the reasonable value of Plaintiff's motorcycle and the towing and storage fees associated with the motorcycle;
- e. Attorney's fees and costs pursuant to O.C.G.A. § 13-6-11; and
- f. Punitive damages to punish and deter Defendant Sternik pursuant to O.C.G.A. § 51-12-5.1 *et seq.*

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

- (a) That summons issue requiring Defendant to appear as provided by law to answer this Complaint;
- (b) That Plaintiff have a trial by jury;
- (c) That Plaintiff have and recover damages sufficient to compensate him fully, fairly and completely for all losses compensable under Georgia law;

- (d) That all costs be cast against Defendant; and
- (e) For such other and further relief as this Court deems just and appropriate.

*[signatures on the next page]*

This 7<sup>th</sup> day of June, 2011.

Respectfully submitted,

MCDONALD, CODY & COOK, LLC

By: \_\_\_\_\_

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