

**IN THE STATE COURT OF HABERSHAM COUNTY
STATE OF GEORGIA**

ROBERT JORDAN XXXX,

Plaintiff,

vs.,

JANE THERESA WILLIAMS,,

Defendant.

CIVIL ACTION
FILE NO.:

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT FOR DAMAGES AND OTHER RELIEF

COME NOW the Plaintiff in the above-styled action and shows the Court the following:

I. PARTIES, JURISDICTION AND VENUE

1.

Plaintiff Robert Jordan XXXX ("Robert XXXX") is a resident of Habersham County, Georgia. Robert XXXX sustained personal injuries and/or other losses as a result of a motor vehicle collision that took place on October 02, 2011, in Habersham County.

2.

On information and belief Defendant Jane Theresa Williams currently resides at 398 South Grant Street, Alto Georgia 30510-4606 where she can be served with legal process.

3.

Personal jurisdiction exists as to Defendant because she is a citizen and resident of Habersham County, Georgia.

4.

Venue is proper in this Court as to Defendant because she resides in Habersham County, Georgia.

5.

This action is for personal injury to Robert XXXX that occurred on October 2, 2011. Defendant was arrested and charged with Driving Under the Influence (O.C.G.A. § 40-6-391) based on the same facts and circumstances that gave rise to the collision on October 2, 2011. Because there was a criminal charge this statute of limitations was tolled by Operation of Law (O.C.G.A. § 9-3-99). This case was tolled until April 17, 2014. This complaint is timely filed.

II. OPERATIVE FACTS

October 02, 2011, Robert XXXX was traveling northbound on Georgia State road 365.

7.

At the same time, Defendant was traveling on Alto-Mud Creek road, approaching the intersection of northbound Georgia State road 365.

8.

As Robert XXXX was driving Defendant entered into his lane and struck Robert Elliot's motorcycle with the left front corner of her Monte Carlo injuring him and causing physical harm.

9.

At the time of the collision Defendant was impaired due to the ingestion of drugs.

10.

As a result of the subject collision, Robert XXXX has incurred medical expenses, in excess of \$700,000.00 and will likely incur future medical expenses, he has lost and will lose income and benefits, and his physical health and quality of life have been significantly impaired.

III. LIABILITY OF THE DEFENDANT

11.

Defendant is liable for the following tortious acts which include, the following:

- (a) Failing to yield to oncoming traffic;
- (b) Negligence per se for violating of O.C.G.A. § 40-6-73 (failure to yield);
- (c) Driving while impaired due to the ingestion of drugs; and
- (d) Negligence per se for violating O.C.G.A. § 40-6-391 (DUI DRUGS).

IV. DAMAGES CLAIMED

12.

The damages claimed by Robert XXXX were solely and proximately caused by the tortious acts and omissions of Defendant, for which she is liable.

(Gross Negligence)

13.

Plaintiff incorporates by reference paragraphs 1 through 12 of his compliant into Count IV as if fully set forth herein.

14.

Defendant's actions were grossly negligent and exhibited a conscious indifference to the safety and circumstances of others, including Plaintiff, thereby authorizing a jury to assess punitive damages against her, plus any other damages suffered by Robert XXXX. Mr. XXXX is

entitled to compensatory, general, special, actual and punitive damages in an amount to be determined by the enlightened conscience of the jury.

15.

As a result of the above-described collision, Robert XXXX sustained serious and painful injuries to his body and mind and suffered and continues to suffer mentally and physically. Mr. XXXX likewise has incurred medical bills and has lost and will lose income and benefits in the future as a result of the collision.

16.

Robert XXXX claims 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.

17.

Robert XXXX claims as special damages his lost earnings, income and other benefits that he has incurred and will incur in the future because of this collision.

18.

Robert XXXX 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.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief under the enumerated counter complaint as follows:

- (a) Plaintiff prays for an award under Count II for prejudgment interest, attorney's fees, costs and compensatory damages;

- (b) Plaintiff prays for an award under Count III for prejudgment interest, attorney's fees, costs and compensatory damages;
- (c) Plaintiff prays for an award under Count IV for prejudgment interest, attorney's fees, costs, punitive and compensatory damages;
- (d) Plaintiff demands a trial by jury; and
- (e) Any other relief the Court deems just and equitable under the circumstances.

This 30th day of May, 2014.

McDONALD & CODY, LLC.

P. O. Box 396
Cornelia, GA 30531
706-778-7178

Gus McDonald
GA State Bar No. 488795
Attorney for Plaintiff