

**IN THE SUPERIOR COURT OF PAULDING COUNTY
STATE OF GEORGIA**

**CONFIDENTIAL
SETTLEMENT**

SUSAN DARLENE XXXX and
EDWARD XXXX,

Plaintiffs,

vs.

CLARETTA ELVIRA GORDON

Defendant.

CIVIL ACTION
FILE NO.:

JURY TRIAL DEMANDED

PLAINTIFFS' COMPLAINT FOR DAMAGES AND OTHER RELIEF

NOW COME Plaintiffs SUSAN DARLENE XXXX and EDWARD XXXX who hereby make their Complaint for Damages and other relief against Defendant CLARETTA ELVIRA GORDON ("Defendant") as follows:

JURISDICTIONAL ALLEGATIONS

1.

Each Plaintiff is a citizen and resident of Cobb County, Georgia. Plaintiffs submit themselves to the jurisdiction of the Superior Court of Paulding County with respect to this lawsuit.

2.

Defendant is believed to be a Georgia resident as she resides at 19 Riverwood Court, Dallas, Paulding County, Georgia 30157. Defendant may be personally served at 19 Riverwood Court, Dallas, Georgia 30157.

3.

Venue is proper in Paulding County.

4.

FACTUAL ALLEGATIONS

5.

On February 15, 2013, Plaintiff Susan Darlene XXXX was driving a 1999 Jeep Grand Cherokee south on Marietta Parkway in Cobb County Georgia. On the same date Defendant Claretta Elvira Gordon was operating a 2003 Jaguar S-Type in the North Bound Lane of Marietta Parkway in Cobb County, Georgia.

6.

Suddenly and unexpectedly, Defendant Claretta Elvira Gordon turned her 2003 Jaguar S-Type into Plaintiff Susan Darlene Chinal's lane of travel. Plaintiff Susan Darlene Chinal's vehicle was struck by Defendant's vehicle during the unlawful attempt to make a left-hand turn from the North Bound lane of travel from Marietta Parkway onto Whitlock Avenue.

7.

Defendant failed to yield to oncoming traffic prior to attempting the left-hand turn onto Whitlock Avenue. As a result, Defendant's 2003 Jaguar S-Type violently struck Plaintiff Susan Darlene Chinal's vehicle.

8.

Plaintiff Susan Darlene XXXX was injured as a result of the collision with the vehicle driven by the Defendant. Plaintiff Susan Darlene XXXX was transported to the hospital after the collision.

9.

As a result of the above-described collision, Plaintiff Susan Darlene XXXX suffered and continues to suffer physical and mental pain and suffering; has sustained permanent injuries; has incurred medical expenses and will incur future medical expenses for medical care and attention in the future; and has suffered and will continue to suffer a diminution in the quality of her physical health and quality of life as a direct result thereof . Said damages should be measured by the enlightened conscience of a fair and impartial jury.

10.

Plaintiff claims all general and special damages allowed by Georgia Law, which may be proved at trial.

COUNT I

(Simple Negligence)

11.

Plaintiff Susan Darlene XXXX incorporates by reference paragraphs "1" through "8" of her complaint into Count I as if fully set forth herein.

12.

Defendant's actions were negligent, causing personal injuries to Plaintiff. Plaintiff is entitled to compensatory, general, special and actual damages in an amount to be determined by the enlightened conscience of the jury.

COUNT II

(Negligence Per Se)

13.

Plaintiff Susan Darlene XXXX incorporates by reference paragraphs "1" through "11" of her complaint into Count II as if fully set forth herein.

14.

Defendant was intending to turn left within the intersection of Marietta Parkway and Whitlock Avenue in Cobb County Georgia and failed to yield the right of way to Plaintiff Susan Darlene Chinal's vehicle, which was approaching from the opposite direction and was so close thereto as to constitute an immediate hazard.

15.

Defendant operated her car in violation of O.C.G.A. §40-6-71 (Failure to Yield), therefore, her actions were negligent per se in causing injuries to Plaintiff Susan Darlene XXXX thus entitling her to damages.

16.

The Defendant's negligence includes, but is not limited to, the following facts or omissions:

(a) Defendant drove her vehicle in an unsafe and unreasonable manner; Defendant failed to grant the right-of-way to the vehicle driven by Plaintiff Susan Darlene XXXX;

(b) Defendant failed to exercise ordinary care to prevent injury to Plaintiff Susan Darlene XXXX;

(c) Defendant failed to keep his vehicle under control, so as to avoid striking other vehicles;

(d) Defendant failed to keep a proper lookout for vehicles to the front and the sides;

(e) Defendant failed to make timely and proper application of her brakes;

(f) Defendant drove her vehicle in reckless disregard for the safety of the persons and/or property of others;

(g) Defendant violated O.C.G.A. § 40-6-71, Failure to Yield, with such violation, and others, amounting to negligence per se; and

(h) by committing other negligent and reckless acts and omissions as may be shown by the evidence and proven at trial.

17.

Plaintiff Susan Darlene XXXX is entitled to compensatory, general, and special damages, in an amount to be determined by the enlightened conscience of the jury.

COUNT III

(Loss of Consortium Claim by Plaintiff Edward XXXX)

18.

Plaintiff Edward XXXX incorporates by reference paragraphs “1” through “17” of his complaint into Count IV as if fully set forth herein.

19.

Plaintiff Edward XXXX and Plaintiff Susan Darlene XXXX are husband and wife.

20.

As a result of the negligence of Defendant, Plaintiff Edward XXXX has suffered a loss of consortium, loss of companionship and loss of spousal support.

21.

Therefore as a result of the Defendants negligence, the Plaintiff, Edward XXXX, requests damages to compensate Plaintiff, Edward XXXX, for his loss of consortium, loss of companionship and loss of spousal support.

COUNT IV

(Attorney's Fees and Expenses of Litigation)

22.

There is no bona fide controversy as to the liability of the Defendant for the collision and for the resulting injuries and damages suffered by Plaintiffs as stated herein. In the event Defendant denies responsibility for any part of the collision or its consequences, Plaintiffs are entitled to recover their costs of litigation, including reasonable attorney's fees, pursuant to the provisions of O.C.G.A. § 13-6-11.

WHEREFORE, Plaintiffs pray for the following relief under the enumerated Complaint as follows:

- (a) that process and summons issue, as required by law, requiring Defendant to appear and answer Plaintiffs' Complaint for Damages and Other Relief;
- (b) that Plaintiffs have a trial by jury;
- (c) that Plaintiffs have and recover damages sufficient to compensate them fully, fairly and completely for all their losses compensable under Georgia law;
- (d) that Plaintiffs have and recover their costs of litigation, including reasonable attorney's fees; and
- (e) that Plaintiffs have such other and further relief as this Court deems appropriate.

This 26th day of August, 2013.

McDONALD & CODY, LLC

By: _____

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