



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

██████████,

Plaintiff,

v.

██████████,

Defendant.

Civil Action No.: _____

COMPLAINT

Plaintiff in the above-styled action respectfully files this Complaint, showing the Court the following:

PARTIES, JURISDICTION, AND VENUE

1.

Plaintiff ██████████ (“Plaintiff”) resides in Georgia.

2.

Defendant ██████████ (██████████) is a non-Georgia resident and resides in Alabama.

3.

██████████ can be served with process:

a) personally at his residence, ██████████, pursuant to

O.C.G.A. § 9-11-4(e)(7); or

b) by serving the Georgia Secretary of State provided that the complaint and process

are “forthwith sent by registered or certified mail or statutory overnight delivery”
to [REDACTED] pursuant to O.C.G.A. § 40-12-2 (Nonresident Motor Act).

4.

This Court has jurisdiction over [REDACTED] pursuant to O.C.G.A. § 9-10-91 (long-arm statute).

5.

Venue is proper in this Court with regard to [REDACTED] under O.C.G.A. § 40-12-3 (Nonresident Motor Act).

FACTS

6.

On September 27, 2017, Plaintiff was traveling northbound on Johnson Ferry Road in Cobb County.

7.

At the same date and time, [REDACTED] was traveling southbound on Johnson Ferry Road.

8.

[REDACTED] was driving a 2012 Volvo XC60 owned by son, [REDACTED].

9.

In the Volvo XC60 with [REDACTED] was his wife and his two grandchildren.

10.

As [REDACTED] traveled southbound on Johnson Ferry Road, he tried to turn into the shopping center located at 4880 Lower Roswell Road Marietta GA 30068.

11.

██████████ drove across three lanes of northbound traffic on Johnson Ferry Road.

12.

██████████ wrongfully tried turning left into the 4880 Lower Roswell Road Marietta GA 30068 shopping center.

13.

Plaintiff was driving in one of the three lanes going northbound on Johnson Ferry Road, specifically in the lane closest to the 4880 Lower Roswell Road Marietta GA 30068 shopping center.

14.

██████████'s vehicle and Plaintiff's vehicle collided.

15.

Plaintiff was ejected off his motorcycle.

16.

Plaintiff flew in the air landing several feet away.

17.

The collision caused serious personal injuries to Plaintiff.

LIABILITY

18.

██████████ was negligent.

19.

██████████ failed to keep a proper lookout ahead.

20.

██████ failed to obey Georgia law and the Uniform Rules of the Road, and is therefore liable *per se*, in several ways including but not limited to:

- a) O.C.G.A. § 40-6-180 (failure to drive at reasonable and prudent speed),
- b) O.C.G.A. § 40-6-71 (failure to yield when turning left), and
- c) O.C.G.A. § 40-6-390 (reckless driving).

CAUSATION

21.

But for ██████'s misconduct, Plaintiff would not have been injured.

22.

██████'s misconduct proximately caused Plaintiff's injuries.

DAMAGES

23.

Plaintiff sustained serious personal injuries necessitating extended hospitalization.

24.

Plaintiff sustained serious personal injuries necessitating several surgeries.

25.

Plaintiff seeks to recover for:

- a) personal injuries;
- b) compensatory damages;
- c) fright, shock, and terror;
- d) past, present, and future pain and suffering;

- e) mental and physical pain and suffering;
- f) past and future medical bills; and
- g) diminished quality of life.

CONCLUSION

26.

Plaintiff respectfully requests:

- a) that process issue as provided by law,
- b) that Plaintiff have trial by jury against Defendant,
- c) that judgment be entered in favor of Plaintiff and against Defendant,
- d) that Plaintiff be awarded damages in amounts to be shown at trial, and
- e) such other relief as this Court deems just.

This 21st day of November, 2017.

Respectfully submitted,

BUTLER TOBIN LLC

BY: /s/ Darren M. Tobin

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