

NOV 05, 2020 03:12 PM

IN THE STATE COURT [REDACTED]  
STATE OF GEORGIA

[REDACTED], as the legal  
guardian of [REDACTED],

*Plaintiff,*

v.

[REDACTED],

*Defendant.*

Civil Action No.:

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**PLAINTIFF'S COMPLAINT**

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Plaintiff [REDACTED], as the legal guardian of [REDACTED] ("Plaintiff"), by and through her undersigned counsel, and hereby files this Complaint against Defendant [REDACTED] ("Defendant"), showing this Court as follows:

**PARTIES, JURISDICTION, AND VENUE**

1.

Plaintiff is a citizen and resident of Georgia. By bringing this action, Plaintiff submits herself to the jurisdiction and venue of this Court.

2.

Defendant [REDACTED] resides at [REDACTED]  
[REDACTED], where she may be served with process.

3.

[REDACTED] is subject to the jurisdiction of this Court because she resides in Georgia.

4.

Venue is proper in this Court as to [REDACTED] because she resides in [REDACTED].

**FACTS**

5.

On [REDACTED], [REDACTED] was involved in a serious collision at the intersection of [REDACTED] and [REDACTED] in [REDACTED].

6.

Just before the subject wreck, [REDACTED] was driving a motorcycle with a passenger northbound on [REDACTED].

7.

[REDACTED] came to a stop in the left-hand turn lane of [REDACTED] at its intersection with [REDACTED].

8.

At the time same, [REDACTED] was driving a 2005 Toyota Sienna mini-van northbound on [REDACTED].

9.

[REDACTED] struck [REDACTED] with her mini-van from the rear.

10.

At the time of impact, [REDACTED] was driving over 35 mph.

11.

The collision ejected [REDACTED] and his passenger from the motorcycle and threw [REDACTED] into

the intersection in front of him (*i.e.*, the intersection of [REDACTED] and [REDACTED]).

12.

A vehicle driving through the intersection struck [REDACTED]

13.

As a direct and proximate result of the collision, [REDACTED] suffered life-changing, severe bodily injuries and disabilities.

14.

[REDACTED] endured physical and mental pain and suffering because of the collision and the resulting injuries.

15.

[REDACTED] will continue to experience physical and mental pain and suffering in the future.

16.

[REDACTED] will require medical attention for the rest of his life.

### **CAUSE OF ACTION**

17.

[REDACTED] is liable because:

- a) she was negligent,
- b) she followed too closely in violation of O.C.G.A. § 40-6-49, and
- c) she drove too fast for conditions in violation of O.C.G.A. § 40-6-180.

18.

If [REDACTED] had not struck [REDACTED] motorcycle in the rear, throwing him into the intersection, he would not have been struck by the other vehicle and would not have sustained these injuries.

19.

But for [REDACTED] misconduct, [REDACTED] would not have been injured.

20.

[REDACTED] misconduct was the proximate cause of [REDACTED] injuries.

21.

Plaintiff is entitled to recover for [REDACTED] injuries; interference with normal living; past and future medical expenses; loss of enjoyment of life; fright, shock, and terror; past and future pain and suffering; and all other elements of damages allowed under Georgia law, including but not limited to all compensatory, general, special, punitive, incidental, consequential, and/or other damages permitted.

22.

Because [REDACTED] has acted in bad faith, been stubbornly litigious, or caused the plaintiff unnecessary trouble and expense, Plaintiff is entitled to recover all expenses of litigation, including costs and reasonable attorney's fees. O.C.G.A. § 13-6-11.

23.

Plaintiff respectfully requests:

- a) That process issue as provided by law;
- b) That Plaintiff have a trial by jury against Defendant;

- c) That Plaintiff has a judgment entered in favor of Plaintiff and against Defendant;
- d) That Plaintiff be awarded all damages in amounts to be shown at trial;
- e) That Plaintiff be awarded punitive damages in an amount to be shown at trial; and
- f) Such other and further relief that the Court deems just and proper.

Respectfully submitted this 5<sup>th</sup> day of November 2020.

BUTLER LAW FIRM

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