

22CV- [REDACTED]

SEP 09, 2022 03:38 PM

Betty Lynn Johnson
Betty Lynn Johnson, Clerk
Ben Hill County, Georgia

IN THE SUPERIOR COURT OF BEN HILL COUNTY
STATE OF GEORGIA

[REDACTED] and
[REDACTED], Individually and
on Behalf of the Estate of Their Deceased
Father, [REDACTED],

Plaintiffs,

v.

[REDACTED],

Defendant.

Civil Action No.: _____

COMPLAINT

Plaintiffs [REDACTED] and [REDACTED], individually and on
Behalf of the Estate of Their Deceased Father, [REDACTED], file this Complaint
against Defendant [REDACTED], respectfully showing the Court the following:

PARTIES, JURISDICTION, AND VENUE

1.

On October 18, 2021, [REDACTED] died intestate. At the time of his death,
[REDACTED] was not married. [REDACTED] is survived by his
sons, [REDACTED] and [REDACTED] (“Plaintiffs”). [REDACTED]
[REDACTED] had no other children. Plaintiffs reside in Georgia.

2.

Plaintiffs bring this case as the wrongful death claimants pursuant to O.C.G.A. § 51-4-2(a) and other applicable law.

3.

Plaintiff [REDACTED] also brings this case as the Administrator of the Estate of [REDACTED].¹

4.

Defendant [REDACTED] (“Defendant”) can be served with process at [REDACTED], [REDACTED], Fitzgerald, Ben Hill County, Georgia 31750.

5.

Jurisdiction is proper in this Court.

6.

Venue is proper in this Court.

FACTS

7.

On October 18, 2021 while working as a farm laborer for Defendant, the decedent [REDACTED] [REDACTED] was attempting to hitch a peanut wagon to Defendant’s 2019 Ford F150 pickup truck.

¹ As of the date of filing this Complaint, [REDACTED] is in the process of obtaining Letters of Administration from the Probate Court of Ben Hill County. The undersigned anticipates no problems and knows of no reason that [REDACTED] will not become the Administrator, as the family has agreed. If [REDACTED] is *not* appointed as Administrator for any reason, Plaintiffs will immediately notify the Court and Defendant.

8.

On the same date and at the same time, Defendant was operating his 2019 Ford F150 pickup truck on farmland located on Georgia Highway 107 at or near [REDACTED] Road in Irwin County, Georgia.

9.

As [REDACTED] was attempting to hitch the peanut wagon to Defendant's truck, Defendant suddenly accelerated and collided with [REDACTED], causing [REDACTED] to become pinned against the peanut wagon and Defendant's truck.

10.

Defendant stated to investigating law enforcement officers that he attempted to press the truck's brake pedal, but his foot slipped and hit the gas pedal instead.

11.

Defendant wrongfully caused the collision.

12.

The collision caused the death of [REDACTED].

LIABILITY

13.

Defendant was negligent.

14.

Defendant failed to keep a proper lookout behind him.

15.

[REDACTED] was exercising due care for his own safety.

CAUSATION

16.

But for Defendant's misconduct, [REDACTED] would not have died.

17.

Defendant's misconduct proximately caused [REDACTED]'s injuries and death.

DAMAGES

18.

[REDACTED] sustained fatal injuries.

19.

Plaintiff brings this case on behalf of himself and on behalf of the Estate of [REDACTED] [REDACTED]. Plaintiff is entitled to recover the full value of the life of [REDACTED] [REDACTED] and all other damages permissible under Georgia law. O.C.G.A. § 51-4-2(a). Plaintiff is also entitled to recover on behalf of the estate for the injuries and conscious pain and suffering that [REDACTED] sustained prior to his death, and any emergency medical expenses, funeral expenses, and burial expenses incurred by the Estate of [REDACTED] [REDACTED]. Plaintiff seeks damages in an amount to be determined by the enlightened conscience of a fair and impartial jury.

CONCLUSION

Plaintiff respectfully requests:

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

Respectfully submitted this 9th day of September 2022.

BUTLER | KAHN

BY: /s/ Thomas A. Giannotti
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