

AUG 16, 2022 05:11 PM

Robin C. Bishop
Robin C. Bishop, Clerk of State Court
Cobb County, Georgia

IN THE STATE COURT OF COBB 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 ██████████ (“Defendant”) can be served with process at ██████████

██

3.

Defendant is subject to the jurisdiction of this Court because Defendant ██████████ resides in Georgia.

4.

Venue is proper in this Court because Defendant ██████████ resides in Cobb County.



FACTS

5.

On May 8, 2022 at the intersection of Sewell Mill Road and Holly Springs Road in Cobb County, Plaintiff was a pedestrian crossing Holly Springs Road with the lawful right-of-way.

6.

Plaintiff had the “walk” signal as she crossed Holly Springs Road inside a marked crosswalk, facing westbound.

7.

As Plaintiff proceeded through the crosswalk, Defendant [REDACTED] wrongfully failed to yield and turned left from Sewell Mill Road onto Holly Springs Road, striking Plaintiff with the front of her vehicle.

8.

The collision caused serious personal injuries to Plaintiff.

LIABILITY

9.

Defendant [REDACTED] was negligent.

10.

Defendant [REDACTED] failed to keep a proper lookout ahead.

11.

Defendant [REDACTED] showed that entire want of care which would raise the presumption of conscious indifference to consequences. *See* O.C.G.A. § 51-12-5.1(b).

12.

Defendant [REDACTED] 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 O.C.G.A. § 40-6-91 (failure to yield to pedestrian in crosswalk).

13.

Defendant [REDACTED] is liable for Plaintiff's attorney's fees and expenses of litigation because Defendant [REDACTED] has showed bad faith, been stubbornly litigious, and/or caused Plaintiff unnecessary trouble and expense within the meaning of O.C.G.A. § 13-6-11.

CAUSATION

14.

But for Defendant [REDACTED]'s misconduct, Plaintiff would not have been injured.

15.

Defendant [REDACTED]'s misconduct proximately caused Plaintiff's injuries.

DAMAGES

16.

Plaintiff sustained serious personal injuries necessitating surgery.

17.

Plaintiff seeks to recover for:

- a) personal injuries;
- b) compensatory damages;
- c) punitive damages;
- d) fright, shock, and terror;

- e) past, present, and future pain and suffering;
- f) mental and physical pain and suffering;
- g) past and future medical bills;
- h) diminished quality of life; and
- i) attorney's fees and expenses of litigation.

PRAYER FOR RELIEF

18.

Plaintiff respectfully requests:

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

Respectfully submitted this 16th day of August, 2022.

BUTLER | KAHN

BY: /s/ Thomas Giannotti
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