

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

██████████, as Surviving Spouse
of Rosie Minor, Deceased; and ██████████
██████████, as Administrator of the
estate of Rosie Lee Green-Minor,

Plaintiffs,

v.

██████████,

Defendant.

Civil Action No.: 21A01037

COMPLAINT

Plaintiffs in the above-styled action respectfully file this Complaint, showing the Court the following:

PARTIES, JURISDICTION, AND VENUE

1.

On November 21, 2020, Rosie Minor died intestate. At the time of her death, Rosie Minor (“Ms. Minor”) was married and survived by her husband, Plaintiff Eric Minor (“Mr. Minor”). Mr. Minor resides in Georgia.

2.

Plaintiff ██████████ is one of four surviving adult children of Ms. Minor and brings this case as the Administrator of the estate of Rosie Lee Green-Minor.¹ ██████████

¹ As of the date of filing this Complaint, Ms. ██████████ is in the process of obtaining Letters of Administration from the Probate Court of Fulton County. The undersigned anticipates no problems and knows of no reason that she will not

resides in Florida and subjects herself to the jurisdiction of this Court.

3.

Defendant [REDACTED] (“Defendant”) can be served with process at 4855 Windsor Downs Drive, Decatur, DeKalb County, Georgia 30035.

4.

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

5.

Venue is proper in this Court because Defendant resides in DeKalb County.

FACTS

6.

On November 20, 2020 on Memorial Drive in DeKalb County, Ms. Minor was driving eastbound on Memorial Drive in a 2004 Hyundai Elantra.

7.

On the same date and at the same time, Defendant was driving westbound also on Memorial Drive in a 2008 Ford Focus.

8.

Ms. Minor was facing a solid green light at the intersection of Memorial Drive and Hearthstone Drive when she attempted to make a U-turn.

9.

become the Administrator, as the family has agreed. If Ms. [REDACTED] does *not* appointed as Administrator for any reason, Plaintiffs will immediately notify the Court and Defendant.

Defendant was driving too fast and approaching the same intersection.

10.

Defendant struck the passenger side of Ms. Minor's vehicle, causing the front of Ms. Minor's vehicle to then collide with a utility pole.

11.

Defendant wrongfully caused the collision.

12.

The collision caused serious injuries to Ms. Minor.

13.

The collision caused the wrongful death of Ms. Minor.

LIABILITY

14.

Defendant was negligent.

15.

Defendant failed to keep a proper lookout ahead.

16.

Defendant failed to obey Georgia law and the Uniform Rules of the Road, including but not limited to O.C.G.A. § 40-6-180 (failure to drive at reasonable and prudent speed), and is therefore liable *per se*.

CAUSATION

17.

But for Defendant's misconduct, Ms. Minor would not have died.

18.

Defendant's misconduct proximately caused Ms. Minor's serious injuries and death.

DAMAGES

19.

Ms. Minor sustained fatal injuries.

20.

Plaintiff [REDACTED], as the surviving spouse of Rosie Minor, is entitled to recover the full value of the life of Rosie Minor and all other damages permissible under Georgia law. O.C.G.A. § 51-4-2(a). [REDACTED] seeks damages in an amount to be determined by the enlightened conscience of a fair and impartial jury.

21.

Plaintiff [REDACTED], as the Administrator of the Estate of Rosie Minor, is entitled to recover on behalf of the estate for the injuries and conscious pain and suffering that Ms. Minor sustained prior to her death, and any emergency medical expenses, funeral expenses, and burial expenses incurred by the Estate of Rosie Minor. Ms. [REDACTED] seeks damages in an amount to be determined by the enlightened conscience of a fair and impartial jury.

22.

Defendant is liable for punitive damages because Defendant 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.

23.

Defendant has acted in bad faith, been stubbornly litigious, or caused Plaintiff unnecessary trouble and expense within the meaning of O.C.G.A. § 13-6-11.

CONCLUSION

24.

Plaintiffs respectfully request:

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

Respectfully submitted this 1st day of March, 2021.

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