

IN THE STATE COURT OF HALL COUNTY  
STATE OF GEORGIA

KRYSTAL XXXX

Plaintiff,

vs.

LAURA XXXX,

Defendants.

CIVIL ACTION  
FILE NO.:

---

**COMPLAINT**

---

COMES NOW Plaintiff in the above-styled action and hereby shows unto the Court the following:

I. PARTIES, JURISDICTION AND VENUE

1.

Plaintiff Krystal XXXX is a resident of Hall County, Georgia.

2.

Defendant Laura XXXX is a resident of Hall County, Georgia with a last known address of 8664 Crane Mill Road, Cornelia, Georgia 30501 where she may be served with legal process.

3.

Personal jurisdiction exists as to Defendant Laura XXXX because she is a citizen and resident of Hall County, Georgia.

4.

Venue is proper in this Court as to Defendant Laura XXXX because she resides in Hall County, Georgia.

## II. OPERATIVE FACTS

5.

On December 7, 2013, at approximately 17:54 p.m., Krystal XXXX was injured as a result of the negligent and reckless acts of Defendant Laura XXXX, the driver of a red Volvo who steered her vehicle directly into the path of Plaintiff and ran her over. The negligent acts of Defendant Laura XXXX caused Plaintiff to suffer serious and painful injuries.

6.

On December 7, 2013, Defendant Laura XXXX was driving a red Volvo on the parking lot of Pleasant Hill Baptist Church in Hall County.

7.

At about the same time, Plaintiff was walking towards the defendant's car to speak a question and the defendant Laura XXXX pressed her gas paddle and ran over the Plaintiff.

8.

Plaintiff was on top of the defendant's vehicle on Pea Ridge Road.

9.

Plaintiff continued on top of the hood for about 5 minute.

10.

Plaintiff's 7 year old son was present at the time of this incident.

11.

Defendant Laura XXXX was swerving from one side of the road to the other.

12.

Plaintiff came off the hood of the car and landed on side of the road.

13.

Defendant Sternik then left the scene of the wreck.

14.

Laura XXXX was charged with aggravated assault.

15.

As a result of the negligent and reckless acts of Defendant Laura XXXX, Plaintiff suffered serious injuries to her mind and body.

16.

Plaintiff Krystal XXXX has experienced and continues to experience pain and suffering as a result of said injuries and to incur medical bills.

17.

Defendant's bad faith and conduct giving rise to this incident authorizes an award of attorney's fees and costs pursuant to O.C.G.A. § 13-6-11.

18.

The conduct of Defendant Laura XXXX demonstrates wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to the consequences such that punitive damages should be awarded against her pursuant to O.C.G.A. § 51-12-5.1.

### III. LIABILITY OF DEFENDANTS

19.

Defendant Laura XXXX is liable for the following tortious acts and omissions, which include, but are not necessarily limited to, the following:

- (a) Tortiously failing to keep the vehicle she was driving under control;
- (b) Negligently, recklessly and aggressively failing to maintain her lane and swerving, thereby placing the lives of the motoring public in general, and Ms. Krystal XXXX in particular, in danger; and
- (c) Acting with a conscious disregard for the consequences which justifies the imposition of punitive damages.

### IV. DAMAGES CLAIMED

26.

The damages claimed by Plaintiff were solely and proximately caused by the tortious acts and omissions of Defendant Sternik, for which he is liable.

27.

Plaintiff claims the following damages:

- a. General damages for all elements of the mental and physical suffering he endured, he endures, and he will endure in the future, as defined by Georgia law and to be determined by the enlightened conscience of a fair and impartial jury;
- b. Special damages for his lost earnings, income and other benefits that he has incurred and will incur in the future because of this collision;

- c. Plaintiff also claims as special damages his past and future medical expenses that have been incurred and will be incurred as a result of the injuries he sustained, in such amounts as the jury deems to be the reasonable value of those services;
- d. Damages for the reasonable value of Plaintiff's motorcycle and the towing and storage fees associated with the motorcycle;
- e. Attorney's fees and costs pursuant to O.C.G.A. § 13-6-11; and
- f. Punitive damages to punish and deter Defendant Sternik pursuant to O.C.G.A. § 51-12-5.1 *et seq.*

#### V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

- (a) That summons issue requiring Defendant to appear as provided by law to answer this Complaint;
- (b) That Plaintiff have a trial by jury;
- (c) That Plaintiff have and recover damages sufficient to compensate her fully, fairly and completely for all losses compensable under Georgia law;
- (d) That all costs be cast against Defendant; and
- (e) For such other and further relief as this Court deems just and appropriate.

This 3rd day of January, 2014.

McDONALD & CODY, LLC

By: \_\_\_\_\_

**GUS MCDONALD**

*Attorney for Plaintiffs*

GA State Bar No. 488795

P. Gerald Cody, Jr.

Georgia Bar No. 172765

ATTORNEYS FOR PLAINTIFF

P. O. Box 555  
Cornelia, GA 30531  
(706) 778-5291

Krystal XXXX v.  
Laura XXXX  
Hall County State Court  
Civil Action No.: \_\_\_\_\_