

IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

**CONFIDENTIAL SETTLEMENT  
POLICY LIMITS**

SHELLEY XXXX, INDIVIDUALLY,  
MARK XXXX, INDIVIDUALLY, and  
MASON XXXX, ISABEL XXXX and  
EMMA XXXX, Minors, by and through  
their Next Friend, SHELLEY XXXX,

CIVIL ACTION

FILE NO.: \_\_\_\_\_

JURY TRIAL DEMANDED

Plaintiffs,

v.

CAYLA LEONARD,

Defendant.

COMPLAINT

COME NOW Plaintiffs in the above-styled action and hereby show the Court the following:

I. PARTIES, JURISDICTION AND VENUE

1.

Plaintiffs are residents of the State of Georgia.

2.

Defendant Cayla Leonard was a resident of Lawrenceville, Georgia at the time of the subject wreck. Plaintiffs have now learned that the Defendant is a resident of the State of Louisiana. The Defendant's last known residence address is 48349 Fox Hollow Boulevard, Hammond, Louisiana 70401-3769 (Tangipahoa Parish), where she may be served with legal process.

3.

Defendant is a resident of the State of Louisiana, but is subject to the jurisdiction and venue of this Court pursuant to O.C.G.A. § 9-10-91 and O.C.G.A. § 9-10-93, in that the Defendant did commit a tortuous act in Gwinnett County, Georgia, as is more fully shown by the facts set forth below.

II. OPERATIVE FACTS

4.

On July 3, 2010, Plaintiff Mark XXXX was operating a motor vehicle in which Plaintiffs Shelly XXXX, Mason XXXX, Isabel XXXX and Emma XXXX were passengers. Plaintiffs were injured as a result of the clear negligence of Defendant, the driver of a motor vehicle which failed to stop at a designated stop sign, failed to yield the right-of-way and pulled out in front of the motor vehicle which was driven and occupied by Plaintiffs.

5.

At the time of the wreck, the vehicle driven by Plaintiff Mark XXXX was traveling South on Cooper Road in Gwinnett County, Georgia.

6.

At the same time, Defendant was driving her vehicle West on Hope Hollow Road looking at her GPS and not paying attention to the road or vehicles around her.

7.

Plaintiffs were lawfully traveling South on Cooper Road when Defendant Leonard failed to stop or yield the right-of-way and slammed her vehicle into the Plaintiffs' vehicle, injuring the Plaintiffs and causing them physical and emotional harm and trauma.

8.

Plaintiffs did nothing wrong to cause this wreck and they did not cause or contribute to the subject wreck.

9.

Defendant Leonard is solely to blame for the cause of the subject wreck.

10.

As a result of the subject wreck, all of the Plaintiffs were injured and have incurred medical bills.

11.

As a result of the subject wreck, Plaintiff Shelley XXXX incurred significant back and shoulder injuries and has experienced and continues to experience pain and suffering as a result of said injuries.

12.

As a result of the wreck, Plaintiff Shelley XXXX has incurred past medical expenses, will likely incur future medical expenses, has lost and will continue to lose income and benefits, and her physical health and quality of life have been significantly impaired.

### III. LIABILITY OF DEFENDANT

13.

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

- (a) Defendant drove her vehicle at a speed that was in excess of what was reasonable and prudent under the circumstances;
- (b) Defendant drove her vehicle in an unsafe and unreasonable manner by striking the vehicle driven by Plaintiff Mark XXXX;
- (c) Defendant failed to grant the right-of-way to the Plaintiffs' vehicle;
- (d) Defendant failed to exercise ordinary care to prevent injury to Plaintiffs;
- (e) Defendant failed to keep her vehicle under control, so as to avoid striking other vehicles;
- (f) Defendant failed to keep a proper lookout for vehicles to the front and the sides;
- (g) Defendant failed to make timely and proper application of her brakes;
- (h) Defendant drove her vehicle in reckless disregard for the safety of the persons and/or property of others; and
- (i) by committing other negligent and reckless acts and omissions as may be shown by the evidence and proven at trial.

### IV. DAMAGES CLAIMED

14.

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

15.

As a result of the above-described wreck, Plaintiffs Mark XXXX, Mason XXXX, Isabel XXXX and Emma XXXX sustained injuries and incurred medical expenses.

16.

As a result of the above-described wreck, Plaintiff Shelley XXXX sustained serious and painful injuries to her body and mind and suffered and continues to suffer mentally and physically. Plaintiff Shelley XXXX has incurred medical bills and has lost income and benefits and will incur future medical bills, lost income and lost benefits in the future as a result of the collision. Plaintiff Shelley XXXX has also suffered and will continue to suffer a diminution in the quality of her life.

17.

Plaintiffs claim general and special damages allowed by Georgia Law, to be determined by the enlightened conscience of a fair and impartial jury.

18.

Plaintiffs claim as special damages, all past and future medical expenses that have been incurred and will be incurred as a result of the injuries sustained, in such amounts as the jury deems to be the reasonable value of those services.

19.

Plaintiff Mark XXXX also brings this action to recover for the loss of his wife's society, comfort, companionship, fellowship, conjugal relations and consortium due to injuries Plaintiff Shelley XXXX has suffered as a result of the aforementioned wreck.

20.

There is no bona fide controversy as to the liability of the Defendant for the wreck and for the resulting injuries and damages suffered by Plaintiffs as stated herein. In the event Defendant denies responsibility for any part of the wreck or its consequences, Plaintiffs are entitled to recover their costs of litigation, including reasonable attorney's fees, pursuant to the provisions of O.C.G.A. § 13-6-11.

21.

Plaintiffs demand that they have a trial by jury.

#### V. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for the following relief:

- (a) That summons issue requiring Defendant Leonard to appear as provided by law to answer this Complaint;
- (b) That Defendant be served as required by law;
- (c) That Plaintiffs have a trial by jury;
- (d) That Plaintiffs have and recover damages sufficient to compensate them fully, fairly and completely for all losses compensable under law;
- (e) That all costs be cast against Defendant; and
- (f) That Plaintiff Mark XXXX recover for his loss of consortium;
- (g) That Plaintiffs have and recover their costs of litigation, including reasonable attorney's fees; and
- (h) That Plaintiffs have such other and further relief as this Court deems appropriate.

This 18<sup>th</sup> day of June, 2012.

Respectfully submitted,

MCDONALD, CODY & COOK, LLC

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

Matthew E. Cook  
Georgia Bar No. 184399  
P. Gerald Cody, Jr.  
Georgia Bar No. 172765  
383 U.S. Highway 441 Business  
P. O. Box 396  
Cornelia, GA 30531  
706-778-7178

Richard Ryczek  
Georgia Bar No. \_\_\_\_\_  
261 West Crogan Street  
Lawrenceville, GA 30045  
678-376-5541  
ATTORNEYS FOR PLAINTIFFS