

**IN THE STATE COURT OF [insert] COUNTY  
STATE OF GEORGIA**

**[name],**

Plaintiff,

v.

**[trucking company], [trucking  
company's insurance company], and  
[truck driver],**

Defendants.

Case No.

**Complaint for Damages**

**Parties, Jurisdiction, And Venue**

1. Plaintiff is a citizen of the State of Georgia.
2. Defendant [truck company] is a commercial motor carrier and owns and operates a [description of vehicle] that was involved in the crash that forms the basis for this lawsuit.
3. Defendant [truck company] US DOT # is [insert].
4. Defendant [truck company] is a Georgia corporation licensed to do business in Georgia with its principal place of business located at [address from secretary of state].
5. Defendant [truck company] has designated as its agent for service [name] at [address from secretary of state], upon whom service of the Summons and Complaint for Damages can be made.
6. Defendant [truck company] is subject to the jurisdiction of this Court.
7. Venue is proper in this Court as to Defendant [truck company].
8. Defendant [trucking company's insurance company] is a foreign corporation, existing under the laws of [state], with its principal place of business in [state], and

is authorized to transact business in Georgia.

9. Defendant [trucking company's insurance company] provided a liability insurance policy on behalf of Defendants [truck company] and [truck driver], that being policy no. [policy number]. Said policy was in effect on [date of crash].
10. Service may be made upon Defendant [trucking company's insurance company] by serving its registered agent, [name] at [address from secretary of state].
11. Defendant [trucking company's insurance company] is subject to the jurisdiction of this Court pursuant to O.C.G.A. § 40-1-112 and O.C.G.A. § 40-2-140.
12. Venue is proper in this Court as to Defendant [trucking company's insurance company] pursuant to O.C.G.A. § 14-5-510(b)(4).
13. Defendant [truck driver] is a Georgia resident.
14. Defendant [truck driver] may be served at [his place of business, truck company name, truck company address] or [home address].
15. Defendant [truck driver] is subject to the jurisdiction of this Court because he is a Georgia resident.
16. Venue is proper in this Court as to [truck driver].

#### **Facts Applicable to All Counts**

17. On [date], Plaintiff was traveling in a passenger car [direction] on [road name] in [insert] County, Georgia.
18. Defendant [truck driver] was immediately behind Plaintiff traveling [direction] in a [description of vehicle] on [road name].
19. Defendant [truck driver] rear-ended Plaintiff.
20. Defendant [truck driver] was an employee and agent of Defendant [truck company] and operated the [description of vehicle] in the course and scope of his employment with [truck company].

21. Plaintiff suffered personal injuries and damages because of the Crash.
22. Police cited Defendant [truck driver] for following too closely.
23. At all relevant times, Plaintiff exercised due care for [his/her] own safety.

### **Negligence**

24. Defendant [truck driver] owed a duty of care to the motoring public in general, and to Plaintiff in particular, to operate a vehicle in a reasonable and prudent manner and to adhere to the pertinent Rules of the Road for the State of Georgia.
25. The Crash was directly and proximately caused by the negligence of Defendant [truck driver].
26. The Crash was directly and proximately caused by Defendant [truck driver]'s negligence in following too closely.
27. The Crash was directly and proximately caused by Defendant [truck driver]'s negligence in failing to keep a proper lookout.
28. The Crash was directly and proximately caused by Defendant [truck driver]'s negligence in being distracted while driving.
29. The Crash was directly and proximately caused by Defendant [truck driver]'s negligence in driving too fast for conditions.
30. Defendant [truck driver]'s actions constituted negligence *per se* regarding applicable laws and standards including, but not limited to:
  - 30.1. Failing to exercise due care in following too closely, in violation of O.C.G.A. § 40-6-49;
  - 30.2. Failing to exercise due care by engaging in distracted driving in violation of O.C.G.A. § 40-6-241; and
  - 30.3. Driving too fast for conditions in violation of O.C.G.A. § 40-6-180.

31. Plaintiff's personal injuries were directly and proximately caused by Defendant [truck driver]'s negligence.

### **Imputed Liability**

32. At the time of the Crash, Defendant [truck driver] was under dispatch for Defendant [truck company].
33. At the time of the Crash, Defendant [truck driver] was operating his vehicle on behalf of Defendant [truck company].
34. Defendant [truck company] is an interstate motor carrier, and pursuant to federal and state laws, is responsible for the actions of Defendant [truck driver] with regard to the Crash under the doctrines of lease liability, agency, vicarious, or apparent liability agency.

### **Negligent Hiring, Training, Retention, and Supervision**

35. Defendant [truck company] was negligent in hiring Defendant [truck driver] and entrusting him to drive a commercial motor vehicle.
36. Defendant [truck company] was negligent in failing to properly train Defendant [truck driver].
37. Defendant [truck company] was negligent in failing to discharge Defendant [truck driver] before the Crash.
38. Defendant [truck company] was negligent in failing to properly service Defendant [truck driver].
39. Defendant [truck company] was negligent in failing to promulgate and enforce company policies, procedures and rules for the protection of the public, including but not limited to Plaintiff.
40. Defendant [truck company]'s negligence in hiring Defendant [truck driver], entrusting him with driving a commercial vehicle, and failing to train and

supervise him properly proximately caused Plaintiff's injuries and damages.

### **Direct Action**

41. Defendant [trucking company's insurance company] is subject to a direct action as the insurer for Defendant [truck company] pursuant to O.C.G.A. § 40-1-112 and O.C.G.A. § 40-2-140.
42. Defendant [trucking company's insurance company] was the insurer of Defendant [truck company] at the time of the Crash and issued a liability policy that affords coverage in this case.
43. Defendants [trucking company's insurance company] and [truck company] are subject to the filing requirements outlined in O.C.G.A. § 40-1-112 and O.C.G.A. § 40-2-140.
44. Defendant [trucking company's insurance company] is responsible for any judgment rendered against [truck company] or [truck driver].

### **Damages**

45. Each of the forgoing acts and omissions constitute an independent act of negligence on the part of Defendants and one or more or all above stated acts were the proximate causes of the injuries to Plaintiff.
46. Defendants are jointly and severally liable for Plaintiff's injuries sustained, pain and suffering, cost of treatment and all other elements of damages allowed under the laws of the State of Georgia.
47. But for the negligence of Defendants, Plaintiff would not have suffered injuries and damages that will be proven at trial.
48. Defendants' actions evidence a species of bad faith, were and are stubbornly litigious, and have caused Plaintiff undue expense. Thus, Plaintiff is entitled to recover his necessary expenses of litigation, including an award of reasonable

attorney's fees and expenses required by this action, pursuant to O.C.G.A. § 13-6-11, as well as any other statutory or common law basis.

49. Plaintiff is entitled to an award of punitive damages without limitation or cap because the actions of Defendants and their agents were willful, wanton, and showed an entire want of care which would raise the presumption of conscious indifference to consequences. Plaintiff is accordingly entitled to recover punitive damages, without limitation or cap, from Defendants, in accordance with the enlightened conscience of an impartial jury.
50. Plaintiff seeks to and is entitled to recover for:
  - 50.1. Personal injuries
  - 50.2. Past, present, and future pain and suffering
  - 50.3. Disability
  - 50.4. Disfigurement
  - 50.5. Mental anguish
  - 50.6. Loss of capacity for the enjoyment of life
  - 50.7. Economic losses
  - 50.8. Incidental expenses
  - 50.9. Past, present, and future medical expenses
  - 50.10. Lost earnings
  - 50.11. Loss of earning capacity
  - 50.12. Permanent injuries
  - 50.13. Consequential damages to be proven at trial.
51. Plaintiff respectfully requests:
  - 51.1. Process issue as provided by law

- 51.2. Trial by jury against Defendants
- 51.3. Judgment be awarded to Plaintiff and against Defendants
- 51.4. Plaintiff be awarded damages in amounts to be shown at trial
- 51.5. Plaintiff have such other relief as this Court deems just and appropriate.

Submitted on [date], by:

**Rafi Law Firm LLC**  
1201 West Peachtree Street NW  
Suite 2319  
Atlanta, GA 30309  
404-800-9933  
470-344-3425 fax  
mike@rafilawfirm.com

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[name]  
Georgia Bar No. [insert]

**Attorney for Plaintiff**