

SAMUEL RICHARDSON, ET. AL. : SUPERIOR COURT
VS. : J.D. OF NEW LONDON
FRANKLIN STREET ENTERPRISES, : AT NEW LONDON
ET. AL. : DECEMBER , 2014

COMPLAINT

COUNT ONE:

1. On or about January 14, 2013, just before approximately 10:13 A.M., the Plaintiff, Samuel Richardson, was the driver in a motor vehicle heading northbound on Water Street in Norwich, Connecticut, traveling in the left travel lane.

2. At all relevant times herein, the Defendant Operator, Deon Vogel, was operating a vehicle owned by Defendant Owner, Franklin Street Enterprises, LLC.

3. Upon information and belief, at all relevant times herein, the Defendant Owner, Franklin Street Enterprises, LLC, maintained its vehicle as a family car, and, at the time of the accident, the Defendant Operator, Deon Vogel, was a family member of the Defendant

Owner(s), and/or the Defendant Owner's vehicle was being operated by the Defendant Operator within the scope of his general authority to do so, and/or the Defendant Operator was the agent or employee of the Defendant Owner and was operating the vehicle in the course of his agency or employment.

4. At said time and place, the Defendant Operator was traveling north on Water Street in the middle travel lane in Norwich, Connecticut.

5. Suddenly and without warning, the Defendant Operator changed lanes without warning, colliding into Plaintiff's vehicle.

6. Said occurrence was due to the negligence and carelessness of the Defendant Operator in one or more of the following ways, inter alia, in that the Defendant Operator:

- (a) conducted an unsafe lane change in violation of § 14-232(a)(1); and/or
- (b) operating a motor vehicle without a valid driver's license in violation of § 14-36(a) of the General Statutes of Connecticut; and/or
- (c) failed to drive right in violation of § 14-230 of the General Statutes of Connecticut; and/or

- (d) failed to keep a reasonable and proper lookout and to pay attention to where he was going; and/or
- (e) operated said automobile at a greater rate of speed than the circumstances warranted; and/or
- (f) operated said automobile with defective or inadequate brakes, or failed to apply his brakes in time to avoid said collision; and/or
- (g) failed to keep and operate said automobile under proper control; and/or
- (h) failed to turn said automobile in time to avoid said collision; and/or
- (i) violated Section 14-218a(a) of the General Statutes of the State of Connecticut in operating said motor vehicle at a rate of speed greater than is reasonable without having regard to the width, traffic, and use of the highway, and the weather conditions; and/or
- (j) violated Section 14-219(a) of the motor vehicle laws of the State of Connecticut in operating said automobile at such a rate of speed as to endanger the life of operators of motor vehicles; and/or
- (k) violated Section 14-961(a) of the motor vehicle laws of the State of Connecticut in operating said automobile with defective or inadequate lights, lighting power and/or lighting equipment; and/or

- (l) violated Section 14-236 of the motor vehicle laws of the State of Connecticut in that he failed to change lanes without ascertaining that such movement could be carried out in a safe manner; and/or
- (m) violated Section 14-98a of the motor vehicle laws of the State of Connecticut in operating said automobile without proper or sufficient tires, when the same were reasonably necessary under the circumstances; and/or
- (n) operated said automobile negligently, having regard to the width, traffic, and use of said road, the condition of said road, the intersection of streets, weather conditions and other conditions prevailing at said time and place; and/or
- (o) did not have his vehicle under such reasonable and proper control as to enable him to reduce his speed or bring it to a stop or turn aside to avoid a collision with the other vehicle; and/or
- (p) failed to take reasonable precautions to avoid a collision; and/or
- (q) failed to apply his brakes and stop his car when in the exercise of due care he should have known that a collision was imminent; and/or
- (r) operated his automobile in such a manner so as to endanger the life and limb of persons and vehicles lawfully using said road; and/or
- (s) was not watching the road in front of him but was looking away from said road; and/or

- (t) knowingly operated a car with defective mechanisms;
and/or
- (u) failed to wear corrective lenses at the time he was
driving even though he is required to have corrective
lenses to drive; and/or

7. By reason of the conduct of the Defendant Operator, as
aforesaid, the Plaintiff sustained, inter alia:

- (a) Injuries to the right shoulder;
- (b) Injuries to the neck;
- (c) Injuries to the right arm;
- (d) Injuries to the right elbow;
- (e) Injuries to the back;
- (f) Injuries to the head;
- (g) Injuries to the abdomen;
- (h) Injuries to his right hand;
- (i) Nausea;
- (j) Headaches;
- (k) Contusions; and/or
- (l) Temporary and permanent disabilities to parts of the
body and/or the whole body.

8. As a further result of the conduct of the Defendant
Operator as aforesaid, the Plaintiff has incurred expenses for
hospital, medical care and attention, medicines, x-rays and the like,
and will or may be obliged to expend further sums of money for the
same in the future.

9. As a further result of the conduct of the Defendant Operator as aforesaid, the Plaintiff is at risk for future complications arising out of his injuries.

10. As a further result of the conduct of the Defendant Operator, as aforesaid, the Plaintiff has suffered mental distress and anxiety, emotional, psychological and psychiatric distress and injuries, including but not limited to loss of sleep, loss of appetite and/or other types of problems, all to the Plaintiff's loss and damage.

11. As a further result of the conduct of the Defendant Operator as aforesaid, the Plaintiff has been deprived of the normal life activities of a person of good health, all to the Plaintiff's loss and damage.

12. As a further result of the conduct of the Defendant Operator as aforesaid, the Plaintiff has been unable to carry on the duties of his employment for a period of time, and has suffered a permanent impairment of his earning capacity, all to the Plaintiff's loss and damage.

COUNT TWO:

1-5. Paragraphs 1-5 of Count One are made paragraphs 1-5 of this Count and are incorporated by reference hereby.

6. This Count is brought pursuant to Connecticut General Statute Section 14-295.

7. The Plaintiff is legally entitled to recover damages from the Defendant Operator because the above-described collision was proximately caused by the deliberate and/or reckless disregard of the Defendant Operator, in one or more of the following ways, inter alia, in that the Defendant Operator:

- (a) Violated Section 14-222 of the Connecticut General Statutes by operating said vehicle while not paying attention to the roadway on which he was driving, and not having regard for the width, traffic and use of said highway, the intersection of streets, and weather conditions; and/or
- (b) Violated Connecticut General Statutes Section 14-230 by failing to drive right; and/or
- (c) Violated Sections 14-218a of the Connecticut General Statutes by operating said vehicle at an unreasonable rate of speed having due regard for the width,

traffic, and use of said roadway, the intersection of streets, and weather conditions; and/or

- (d) Violated Sections 14-219 of the Connecticut General Statutes by operating said vehicle at such a rate of speed as to endanger the life of any occupant of such motor vehicle.

8. The deliberateness and/or reckless disregard of the Defendant Operator in violating Connecticut General Statutes Sections 14-222, 14-230, 14-218a & 14-219 were substantial factors in causing the Plaintiff's injuries described herein.

9-14. Paragraphs 7-12 of Count One are made paragraphs 9-14 of this Count and are incorporated by reference hereby.

COUNT THREE:

1-12. Paragraphs 1-12 of Count One are hereby incorporated here by reference and made part hereof as paragraphs 1-12 of this count and are incorporated by reference hereby.

13. The Plaintiff, Wendy Furr, is the wife of the Plaintiff, Samuel Richardson.

14. As a further result of the conduct of Defendant, the Plaintiff, Wendy Furr, has been deprived of the society,

companionship, consortium and service of her husband, Samuel Richardson, and the Plaintiff, Wendy Furr, will continue to be so deprived of the comfort and solace usually and ordinarily provided by a husband of good health and unimpaired vigor, all to her damage.

COUNT FOUR:

1-14. Paragraphs 1-14 of Count Two are hereby incorporated here by reference and made part hereof as paragraphs 1-14 of this count and are incorporated by reference hereby.

15. The Plaintiff, Wendy Furr, is the wife of the Plaintiff, Samuel Richardson.

16. As a further result of the conduct of Defendant, the Plaintiff, Wendy Furr, has been deprived of the society, companionship, consortium and service of her husband, Samuel Richardson, and the Plaintiff, Wendy Furr, will continue to be so deprived of the comfort and solace usually and ordinarily provided by a husband of good health and unimpaired vigor, all to her damage.

COUNT FIVE:

1-12. Paragraphs 1-12 of Count One are made paragraphs 1-12 of this Count and are incorporated by reference hereby.

13. Upon information and belief, at all relevant times herein, the Defendant Operator, Deon Vogel, was the agent, servant or employee of Franklin Street Enterprises, LLC the Defendant Employer, and was operating the vehicle in the course of his agency or employment with the Defendant Employer.

14. Upon information and belief, at all relevant times herein, Deon Vogel, in the course of his agency or employment, was instructed by Franklin Street Enterprises, LLC and sent to drive to a certain location by Franklin Street Enterprises, LLC to conduct company business.

15. Upon information and belief, at all relevant times herein, while driving, Deon Vogel was acting within the scope of his agency or employment with Franklin Street Enterprises, LLC, and his actions while driving were within the scope of his agency or employment with Franklin Street Enterprises, LLC.

15. Upon information and belief, at all relevant times herein,

at the time of the accident, Deon Vogel was driving in furtherance of Franklin Street Enterprises, LLC's business and his agency or employment with Franklin Street Enterprises, LLC.

COUNT SIX:

1-15. Paragraphs 1-15 of Count Five are hereby incorporated here by reference and made part hereof as paragraphs 1-15 of this count and are incorporated by reference hereby.

16. The Plaintiff, Wendy Furr, is the wife of the Plaintiff, Samuel Richardson.

17. As a further result of the conduct of Defendant, the Plaintiff, Wendy Furr, has been deprived of the society, companionship, consortium and service of her husband, Samuel Richardson, and the Plaintiff, Wendy Furr, will continue to be so deprived of the comfort and solace usually and ordinarily provided by a husband of good health and unimpaired vigor, all to her damage.

WHEREFORE, the Plaintiff claims as to the Defendant Operator, Deon Vogel:

1. Money damages;
2. Punitive or exemplary damages;
3. Double or treble damages pursuant to Connecticut General Statutes Section 14-295;
4. This action is within the jurisdiction of the Court.

WHEREFORE, the plaintiff claims as to the Defendant Owner/Employer, Franklin Street Enterprises, LLC:

1. Money damages;
2. This action is within the jurisdiction of the Court.

Debbie A. Watson, of 335 Washington Street, Norwich, Connecticut is recognized in the sufficient sum of \$350.00 to prosecute, etc.

Hereof, fail not, but of this writ, with your doing thereon due serve as according to law.

Dated at Norwich, Connecticut, on this day of December, 2014.

THE PLAINTIFF,

By _____
Donald R. Beebe, for:
BEEBE AND O'NEIL
335 Washington Street-Box 6002
Norwich, CT 06360-1302
(860) 889-5266 FAX 887-1378
Juris #02801

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AMOUNT IN DEMAND

The amount in demand, exclusive of costs and interest, is greater than Fifteen Thousand (\$15,000.00) Dollars.

The Plaintiff,

By _____
Donald R. Beebe, for
BEEBE AND O'NEIL
335 Washington Street-Box 6002
Norwich, CT 06360-1302
(860) 889-5266 FAX 887-1378
Juris #02801

We hereby enter our appearance for the Plaintiff in the above-captioned action.

Donald R. Beebe, for
BEEBE AND O'NEIL
335 Washington Street-Box 6002
Norwich, CT 06360-1302
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