

IN THE STATE COURT OF FULTON COUNTY
 STATE OF GEORGIA

JEFFERY SCOTT BROOK

Plaintiff

vs.

OWNERS INSURANCE COMPANY

Defendant(s)

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:
:

CIVIL ACTION
 FILE NO: _____

COMPLAINT

Comes now Jeffery Scott Brook, Plaintiff herein, and files and states this his Complaint against Owners Insurance Company, Defendant, as follows:

1.

Plaintiff, Jeffery Scott Brook, is a resident of Carroll County, Georgia and is subject to the jurisdiction and venue of this Court.

2.

Defendant is a corporation doing business in the State of Georgia, county of Fulton, and it can be served through its Registered Agent, Shakinah Edwards, d/b CT Corporation, 1201 Peachtree St NE, Atlanta, Georgia 30361. Defendant is subject to the venue and jurisdiction of this Court.

3.

Pursuant to O.C.G.A. §33-7-11 demand was made upon Owners Insurance Company on December 19, 2016 (signed for on December 21, 2106) for payment of uninsured motorist benefits relating to a motor vehicle wreck with Michael Brown on February 26, 2015.

4.

Owners Insurance Company never responded to the demand of December 19, 2016.

5.

Owners Insurance Company failed/refused to pay uninsured motorist benefits within 60 days of the demand by Jeffery Scott Brook.

6.

Said failure and/or refusal by Owners Insurance Company to pay uninsured motorist benefits was in bad faith.

7.

Jeffery Scott Brook obtained a judgment against Michael Brown in the State Court of Henry County, State of Georgia, case number 2015SC1163-JTC, on May 23, 2017 in the amount of \$3,333,562.90.

8.

Owners Insurance Company answered in its own name.

9.

Owners Insurance Company originally asserted that Michael Brown was not an uninsured motorist but ultimately stipulated that Michael Brown was an uninsured motorist operating an uninsured motor vehicle at the time of the relevant motor vehicle accident.

10.

Owners Insurance Company ultimately stipulated that the limit of its relevant uninsured policy was one million dollars.

11.

The Court determined that Owners Insurance Company was not entitled to any offset for workers' compensation benefits paid under the uninsured motorist policy as said policy failed to include the provision authorized by O.C.G.A. §33-7-11 (i).

12.

The day of the trial, May 22, 2017, Owners Insurance Company chose to defend in the name of the Defendant, Michael Brown, and withdrew its answer in its own name.

13.

Owners Insurance Company presented no documentary or testimonial evidence at trial.

14.

Owners Insurance Company never deposed Plaintiff's vocational expert, Mike McCord.

15.

Owners Insurance Company never deposed Plaintiff's economist, Dr. Joey Smith.

16.

Owners Insurance Company never retained any experts in the underlying case.

17.

Owners Insurance Company had no objection to any evidence introduced at trial.

18.

Owners Insurance Company had no objection to any requests to charge.

19.

Owners Insurance Company had no objection to any of the trial testimony.

20.

Owners Insurance Company had no objection to the jury verdict.

21.

The uncontroverted evidence as to past medical bills was \$246,598.00 in the underlying case.

22.

The uncontroverted evidence as to lost wages was \$64,597.00 in the underlying case.

23.

The uncontroverted evidence was that Jeffery Scott Brook was permanently and totally disabled as a result of his injuries and he earned \$604.51 per week at the time of the wreck.

24.

The only question for the jurors in regards to future lost wages was how long he should receive same based upon his life expectancy, work history, and age. They ultimately awarded him \$450,574.66 in future lost wages (reduced to present value).

25.

The jury awarded Jeffery Scott Brook \$226,210.90 in future medical expenses (reduced to present value).

26.

Jeffery Scott Brook's special damages (present value) as determined by the jury equaled \$987,980.56.

27.

Jeffery Scott Brook clearly was entitled to general damages to include pain and suffering. (The jury ultimately awarded him \$2,345,582.41).

28.

Jeffery Scott Brook was a passenger in a motor vehicle which was stopped at a red light. There was no issue of comparative or contributory negligence on behalf of Jeffery Scott Brook.

29.

There was no issue as to contributory or joint negligence with anyone else.

30.

Michael Brown struck the back of the vehicle in which Jeffery Scott Brook was a passenger.

31.

Jeffery Scott Brook ultimately underwent neck surgery.

32.

Jeffery Scott Brook had no pre-existing issues or injuries to his neck.

33.

Both the surgeon and the pain management doctor testified that they believe the surgery and subsequent disability was caused by the motor vehicle wreck.

34.

Owners Insurance Company has been stubbornly litigious.

35.

Jeffery Scott Brook is entitled to a penalty of 25% of the recovery or \$250,000.00.

36.

Jeffery Scott Brook is entitled to attorney's fees for prosecuting the claim against Owners Insurance Company in an amount to be proven at trial.

37.

Jeffery Scott Brook is entitled to attorney's fees for prosecuting this action against Owners Insurance Company in an amount to be proven at trial.

38.

Owners Insurance Company has not paid its policy limit of \$1,000,000.00 as of this date.

WHEREFORE, Plaintiff prays:


- (a) That process issue and Summons and Complaint be served upon Defendant Owners Insurance Company
- (b) That Plaintiff have a trial by jury;
- (c) Payment of all interest allowed by law;
- (d) Payment of all attorneys fees in bringing this action;

- (e) That Plaintiff be granted a judgment against said Defendant in such amount as the jury finds will adequately compensate him for his damages; and
- (f) That Plaintiff have such other and further relief as the Court deems just and proper.

This the 31 day of May, 2017.

Respectfully Submitted,

CAMP LAW OFFICES, P.C.


Michael Todd Camp
Attorney for Plaintiff
GA Bar No: 105882

7274 W. Bankhead Hwy
Douglasville, GA 30134
(770) 942-5101

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VERIFICATION

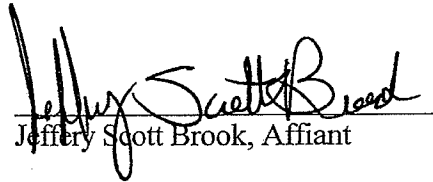
PERSONALLY appeared before me the undersigned officer duly authorized to administer oaths, Jeffery Scott Brook, who deposes and states that the facts contained in the foregoing COMPLAINT are true and correct to the best of his knowledge.

This the 31 day of May, 2017.

Sworn to and subscribed before me
this day and year first set out above.


Notary Public

My Commission expires: 6/15/2020


Jeffery Scott Brook, Affiant