

IN THE CIRCUIT COURT OF LEFLORE COUNTY, MISSISSIPPI

Amanda Bryant

PLAINTIFF

VS.

CAUSE NO. 2020-0044-CICI

State Farm Mutual Automobile Insurance Company  
And  
Henley, Lotterhos & Henley, PLLC

DEFENDANTS

COMPLAINT

COMES NOW the plaintiff, by and through her attorneys of record, and files this her Complaint against the defendants, and in support thereof would show unto the Court the following, to-wit:

I.

Plaintiff, Amanda Bryant, is an adult resident citizen of Schlater, Leflore County, Mississippi residing at 215 W. McNutt St., Schlater, Mississippi 38952.

II.

Defendant State Farm Mutual Automobile Insurance Company is a foreign insurance corporation authorized to do business and doing business in the State of Mississippi. (hereinafter referred to as "State Farm"). Said defendant may be served with lawful process of this Court by delivering a copy of the Summons and Complaint to its registered agent for service of process, to-wit: United States Corporation 7716 Old Canton Road Suite C, Madison, Mississippi

39110.

III.

Defendant Henley, Lotterhos & Henley, PLLC (hereinafter "Henley Law Firm") is a Mississippi Limited Liability Company. Said defendant may be served with lawful process of this Court by delivering a copy of the Summons and Complaint to its registered agent for service of process, to-wit: John H. Henley, 1070 Deposit Guaranty Plaza, Jackson, Mississippi 39201. .

IV.

On or about October 28, 2013, defendant State Farm initiated a claim in the Leflore County Court suing Amanda Bryant pursuant to a purported subrogation claim arising from an auto accident in Gulfport, Mississippi on November 10, 2010. State Farm was at all times represented by Henley, Lotterhos & Henley, PLLC, who served as attorney and agent for and on behalf of State Farm. Any actions or inactions by the Henley Law Firm are imputed to State Farm.

V.

As reflected by the court file, and the Complaint filed against Amanda Bryant, Amanda Bryant was a minor at the time the suit commenced. The case was assigned civil action number 2013-0316 in the County Court of Leflore County, Mississippi. Thereafter, at the request of Henley, Lotterhos & Henley, a summons was issued to Amanda Bryant - a minor by and through Phillip Ross, Jr., 301 CR 563 Minter City, Mississippi, and a second summons was

issued to Amanda Bryant, a minor personally, 301 CR 563 Minter City, Mississippi. The summons on Phillip Ross was returned "personally delivered" on November 10, 2013. There is no return on the summons to Amanda Bryant, personally.

VI.

The accident which was the subject of the subrogation case against Amanda Bryant actually took place in Gulfport, Mississippi on November 10, 2010. At the time Amanda Bryant was 17 years of age and actually resided in Gulfport, Mississippi. She continued to reside in Gulfport through the date of default judgment. At no time during her lifetime has Amanda Bryant resided at 301 CR 563 Minter City, Mississippi. Despite defendants failure to secure lawful service of process pursuant to Rule 4 of the Mississippi Rules of Civil Procedures, defendant State Farm through its attorneys Henley Law Firm continued to prosecute the action against the minor Amanda Bryant. State Farm purported to serve discovery upon the minor defendant by service on the defendant at 301 CR 563 Minter City, Mississippi. Plaintiff never received any of the discovery propounded by the defendants in as much as she was residing in Gulfport, Mississippi at the time. Defendants failed to aver the basis for venue in Leflore County Court. Venue was not proper in Leflore County Court.

VII.

Continuing to prosecute the action without lawful process, State Farm through its attorneys filed a Motion to Compel discovery

with a Certificate of Service filed showing service on Amanda Bryant, 301 CR 563 Minter City, Mississippi. Amanda Bryant never received such Motion to Compel. Thereafter on May 5, 2014 Defendants submitted to the Court a proposed Order to Compel Discovery, providing Amanda Bryant 20 days in which to answer the discovery which she had never received. That proposed Order to Compel Discovery was sent to Amanda Bryant at 301 CR 563 Minter City, Mississippi. Amanda Bryant never received the proposed Order to Compel Discovery. Thereafter on or about September 2, 2014 defendants presented to the Court by mail a Default Judgment against Amanda Bryant in the amount of \$15,260.60, citing that Amanda Bryant had failed to comply with the Order by failing to respond to defendant's request for production of documents and first set of interrogatories. That Default Judgment was entered by the Court. Amanda Bryant never received nor did she have any knowledge whatsoever that a Default Judgment had been submitted or entered against her.

#### VIII.

At some time during 2019, Amanda Bryant was involved in a minor accident and on presenting her license, was told the license was suspended. She was arrested and carried to jail for failing to have a valid drivers license. She was compelled to bond out and respond to the citation in the Municipal Court of Greenwood, MS. She later learned that the defendants had compelled the suspension of her license pursuant to Section 63-15-27 of the Mississippi Code

for failure to pay the default judgment entered against her on September 2, 2014. When Amanda Bryant contacted a representative of the Henley Law Firm, she was told the only way her license could be reinstated was to work out a payment plan to satisfy the default judgment. She was also told that her license suspension would continue for another 7 years if she did not work out a payment plan.

IX.

Confronted with a citation for Driving with a Suspended License, and the prospect of her license being suspended for a significant period of time, and confronted with the prospect of garnishment of her wages as a result of the default judgment, Amanda Bryant was compelled to employ counsel to represent her in connection with these matters. Eventually, the Municipal Court of Greenwood, Mississippi, entered an order passing the Driving with Suspended License charge to the files. Thereafter, Amanda Bryant, through her attorney, filed a motion to set aside default judgement and for dismissal of action in cause 2013-0316. This took place after failed efforts by Counsel to have defendants voluntarily set aside the default judgment.

X.

On August 31, 2020 a hearing was conducted before the Honorable James D. Bell, Senior Status Judge who was appointed to hear the motion after the recusal of Honorable Kevin Adams, Leflore County Judge. Following hearing, an order was entered by the Court

on September 14, 2020 setting aside the default judgment and dismissing the case. The Court in its ruling found that the record does not show proper service of process on Amanda Bryant.

XI.

As a direct and proximate result of the actions of the defendants, plaintiff has suffered past, present, and future pain, suffering, and mental anguish, and Plaintiff has suffered other losses as a result of the improper prosecution of the case by the defendants, including but not limited to lost income, lost job opportunities, lost reputation, attorney fees, bond fees, and other damages.

XII.

Specifically, plaintiff charges that the defendants were negligent in prosecuting this case and seeking to enforce the unlawful judgment rendered, when they actually knew or should have known that the process was never served on Amanda Bryant.

XIII.

Alternatively plaintiff charges that defendants engaged in the malicious prosecution of Amanda Bryant knowing full well that lawful process had not been executed upon her personally.

XIV.

Alternatively plaintiff charges that the defendants abused the judicial process by misrepresentations to the Court and by persisting in the prosecution of this action knowing that the process was not complete.

XV.

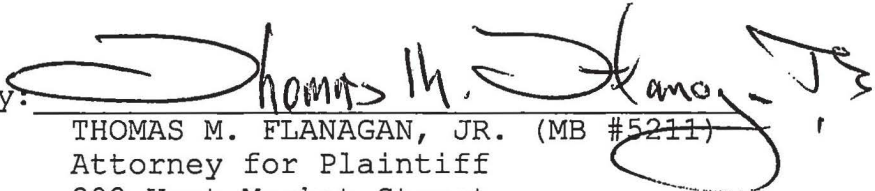
Alternatively plaintiff charges defendants with intentional infliction of emotional distress through the improper prosecution of the case against the minor in the Leflore County Court, as well as the subsequent actions taken against her to compel payment of an invalid and void default judgment.

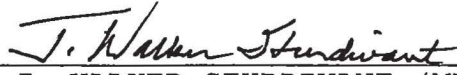
XVI.

Plaintiff also charges that the commission of these wrongful acts by defendants, were intentional or were so wanton and reckless as to rise to the level of intentional conduct, thereby entitling plaintiff to recover punitive damages from defendants.

**WHEREFORE, PREMISES CONSIDERED,** plaintiff demands judgment jointly and severally from the defendants in an amount sufficient to compensate her for any and all damages and injuries which she has sustained and suffered as a direct and proximate result of the actions and inactions of said defendants. Plaintiff further demands that punitive damages be imposed on defendants to deter such future misconduct. And plaintiff prays for costs incurred herein.

AMANDA BRYANT

By:   
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**FILED**

NOV 20 2020

ELMUS STOCKSTILL, CIRCUIT CLERK  
BY  D.C.