

IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

BLESSING N. JOHNSON,)
)
 Plaintiff,)
)
 v.)
)
 UBER TECHNOLOGIES (GA), INC. and)
 KENDRA MONIQUE CLARK, jointly,)
)
 Defendants.)

CIVIL ACTION FILE NO.

COMPLAINT FOR GENERAL, COMPENSATORY,
AND PUNITIVE DAMAGES,
AND DEMAND FOR TRIAL BY JURY

NOW COMES Blessing N. Johnson, Plaintiff in the above-captioned action, and, for her Complaint For Damages against Defendants Uber Technologies (GA), Inc. and Kendra Monique Clark, jointly, alleges and states the following.

Count I

1.

Defendant Uber Technologies (GA), Inc. (hereinafter referred to as Defendant Uber) is a foreign, for-profit corporation with its principal office located in San Francisco, California. Defendant Uber is registered with the Georgia Secretary of State's Office to do business in the State of Georgia, and it is subject to the jurisdiction and venue of this Court. At all times relevant herein, Defendant Uber operated a ride-sharing business in the State of Georgia, including within Fulton County. Defendant Uber is subject to the jurisdiction and venue of this Court, and it may be served with process by

personally serving its Registered Agent, C T Corporation System, at its registered address: 289 S. Culver Street, Lawrenceville, Gwinnett County, Georgia 30046-4805.

2.

Defendant Kendra Monique Clark (hereinafter referred to as Defendant Clark) is subject to the jurisdiction and venue of this Court, and may be served personally with process at her place of residence located at 225 Franklin Road, Apt. 9310, Atlanta, Fulton County, Georgia 30342. At all times relevant herein, Defendant Clark was a driver for Defendant Uber operating within said status, and Defendant Uber therefore is liable for the acts and omissions of Defendant Clark committed within said status.

3.

At all times relevant herein, Plaintiff has been a citizen of the United States and was a self-supporting full-time student at Kennesaw State University and employed as a Certified Nursing Assistant at Brookdale Chambrel Roswell Senior Living Solutions (Assisted Living) in Roswell, Fulton County, Georgia.

Count II

4.

Plaintiff realleges and incorporates herein each and every allegation set forth in Paragraphs 1 and 3 above, and Plaintiff further states as follows.

5.

Defendant Uber states on its official website, <https://www.uber.com>, within its statement of "UBER COMMUNITY GUIDELINES" as follows:

"We want Uber to be enjoyable and safe for everyone. These ground rules are designed to ensure that riders and drivers have a five star ride when using Uber. Everyone wants to get from A to B safely. Of course, drivers have a particular responsibility when it comes to safety

at Uber. That means ... never driving under the influence of alcohol or drugs.”

6.

On the evening of Tuesday, November 22, 2016, just prior to Thanksgiving of that week, Plaintiff called and made a trip request reservation via her account with Defendant Uber to be picked up by a Defendant Uber rideshare driver and vehicle at Atlanta Hartsfield-Jackson Airport to be taken to her residence located at 3079 Hidden Forest Court, Marietta, Georgia.

7.

Pursuant to said trip request reservation with Defendant Uber, Plaintiff was picked up by Defendant Uber’s driver, Defendant Clark. Plaintiff sat on the rear seat of Defendant Clark’s Uber vehicle.

8.

During Defendant Uber driver Defendant Clark’s said passenger transport of Plaintiff in her Uber vehicle, Defendant Clark drove on the off-ramp from I-75 Expressway North to Ernest Barrett Parkway in Cobb County, Georgia. While at the traffic light at said intersection, Defendant Clark’s vehicle was collided with at the front by an automobile being driven by Mary Louise Deatrick and containing other people.

9.

At that instant, Defendant Clark got out of her Uber vehicle -- suddenly and intentionally leaving Plaintiff in the Uber vehicle alone and unsecured on the roadway in the middle of the night -- and Defendant Clark approached the other vehicle yelling, started a violent confrontation and altercation, and climbed onto the front of the other vehicle during said violent confrontation and altercation. Plaintiff was shocked,

horrified, and extremely scared and frightened by Defendant Clark's actions and omissions and seeing Defendant's Clark's violent confrontation and altercation happening right in front of Plaintiff. Defendant Clark's said intentional actions and omissions directly and proximately caused Plaintiff to suffer serious and traumatic mental and emotional injuries including great distress, fear, fright, anxiety, worry, stress, and unhappiness. Plaintiff had great and deep concern and worry for her physical safety and well-being there on the roadway in the middle of the night. She did not know what would be the outcome of Defendant Clark's violent confrontation and altercation with the driver and passengers in the other car -- all strangers to Plaintiff -- and whether she (Plaintiff) herself might be attacked and harmed as the result of the violent confrontation and altercation initiated, instigated, pressed, and pursued by Defendant Uber's driver Defendant Clark. Accordingly, Plaintiff should be compensated in monetary damages from Defendants therefor.

Count III

10.

Plaintiff realleges and incorporates herein each and every allegation set forth in Paragraphs 1 through 9 above, and Plaintiff further states as follows.

11.

Subsequently, Cobb County Police officers arrived at the scene and investigated the altercation, including conducting witness interviews. Thereafter, as shown by the law enforcement records attached hereto as true and correct copies and incorporated herein identified as Exhibits 1, 2, 3, 4, and 5, Defendant Uber's driver Defendant Clark was

arrested and taken into custody by Cobb County Police Officer Henry and was charged with "DISORDERLY CONDUCT" and "MARIJUANA POSSESSION".

12.

Plaintiff was driven home from the site of the occurrence by an officer in a Cobb County Police car.

13.

Exhibit 4 - "ARREST AFFIDAVIT" - states *inter alia* as follows:

"CITATION NO. 3546915, 3546934. Personally came HENRY P who on oath states that CLARK, KENDRA (Hereinafter called the accused) did, at 0023 A.M., On the 23 day of November, 2016, in Cobb County, Georgia commit the offense of DISORDERLY CONDUCT, MARIJUNA POSSESSION - LESS THAN ONE OUNCE Violating O.C.G.A. Section 86-2, 16-13-2(b), for that the said accused did SAID ACCUSED INTENTIONALLY ACTED VIOLENTLY TOWARDS ANOTHER'S VEHICLE AFTER BEING INVOLVED IN A COLLISION AT THE INTERSECTION OF BARRETT PARKWAY / I-75. PHYSICAL EVIDENCE OF HAND MARKS WERE SEEN ON THE OTHER INVOLVED VEHICLE IN THE MIDDLE OF THE ROADWAY, CAUSING A HAZARD TO MOTORISTS. TESTIMONIAL EVIDENCE WAS ALSO SUPPLIED TO THE AFFIANT FROM THE VICTIM AND AN INDEPENDENT WITNESS. APPROXIMATELY 0.07 GRAMS OF A GREEN LEAFY SUBSTANCE SUSPECTED TO BE MARIJUANA WAS LOCATED IN SAID VEHICLE."

14.

Exhibit 5, the charging accusation of "BARRY E. MORGAN, SOLICITOR GENERAL" states as follows:

"I, BARRY E. MORGAN, the undersigned prosecuting attorney for the State Court of Cobb County, on behalf of the people of the State of Georgia, do hereby charge and accuse KENDRA MONIQUE CLARK with the offense of 16-13-2(b) VIOLATION OF GEORGIA CONTROLLED SUBSTANCE ACT, a Misdemeanor, for that the said accused in the County of Cobb, on the 23RD day of NOVEMBER, 2016, did unlawfully and knowingly possess and have under her control less than one ounce of marijuana, said marijuana being subject to the "GEORGIA CONTROLLED SUSTANCES ACT,"

COUNT TWO

The undersigned, as prosecuting attorney, does further charge and accuse the said **KENDRA MONIQUE CLARK** with the offense of **16-11-39 DISORDERLY CONDUCT**, a Misdemeanor, for that the said accused in the County of Cobb, on the **23RD** day of **NOVEMBER, 2016**, did unlawfully and knowingly act in a violent or tumultuous manner toward another person whereby such person is placed in reasonable fear of the safety of such person's life, limb, or health, or towards another person whereby the property of such person, **Mary Deatrck**, was placed in danger of being damaged or destroyed,

Contrary to the laws of this State, the good order, peace and dignity thereof.”

15.

Plaintiff thereafter received a **“STATE OF GEORGIA SUBPOENA – WITNESS THE JUDGES OF THE STATE COURT OF COBB COUNTY”** dated May 9, 2017 commanding Plaintiff to appear **“and there to be sworn as a witness for the STATE”** at the trial of **“STATE V. CLARK, KENDRA MONIQUE – CASE NO: 16-M-5971”**. A true and correct copy of said Subpoena is attached hereto and incorporated herein identified as Exhibit 6.

16.

As shown by the true and correct copy of the State Court of Cobb County record attached hereto and incorporated herein identified as Exhibit 7, Defendant Clark on July 27, 2017 in the above-said case of **“STATE OF GEORGIA VS. KENDRA MONIQUE CLARK, Case Number 16-M-5971, STATE COURT OF COBB COUNTY”** pleaded **“guilty”** to the charges in this matter of **“16-13-2(b) VIOLATION OF GEORGIA CONTROLLED SUBSTANCE ACT”** and **“16-11-39 DISORDERLY CONDUCT”**.

Count IV

17.

Plaintiff realleges and incorporates herein each and every allegation set forth in Paragraphs 1 through 16 above, and Plaintiff further states as follows.

18.

The gross, extreme, violent, repulsive, and unconscionable actions of Defendant Uber's driver Defendant Clark described above, including placing and driving Plaintiff in her Uber vehicle which contained illegal drugs that Defendant Clark pleaded **GUILTY** to possessing and intentionally subjecting Plaintiff to Defendant Clark's reckless, dangerous actions without regard or concern for Plaintiff's safety and security or any of the myriad dire consequences which possibly could have resulted to Plaintiff therefrom, including but not limited to physical attack, abduction, sexual assault, and loss of life -- all in direct and complete violation of Defendant Uber's "COMMUNITY GUIDELINES" quoted above -- showed willful misconduct and/or that entire want of care which would raise the presumption of conscious indifference to consequences such as to justify the award of punitive damages pursuant to and as authorized by OFFICIAL CODE OF GEORGIA ANNOTATED § 51-12-5.1.

WHEREFORE, Plaintiff demands a trial by jury and prays for judgment to be entered against Defendant Uber and Defendant Clark jointly as follows:

- 1) An award of general and compensatory damages in the amount of \$1,000,000;
- 2) An award of punitive damages in such amount as determined by the jury;

- 3) Alternatively, an award of damages for injury to the peace, happiness, or feelings of Plaintiff with the measure of damages being the enlightened consciences of impartial jurors as authorized by **OFFICIAL CODE OF GEORGIA ANNOTATED § 51-12-6;**
- 4) Payment of Court costs and expenses of litigation; and
- 5) Such other and further relief as the Court deems just and appropriate under the circumstances.

Respectfully submitted,

THE LAW OFFICES OF GORDON L. JOYNER

/s/ Gordon L. Joyner

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