

**IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA**

SANDRA KING,)
)
 Plaintiff,)
)
 vs.)
)
 MICHAEL J. BROWN, ANASTEEL & SUPPLY)
 COMPANY, LLC and CLAYTON AUTO)
 SERVICE, INC.,)
)
 Defendants.)
)
 _____)

CIVIL ACTION
FILE NO. 16A60189-1

COMPLAINT FOR PERSONAL INJURIES

COMES NOW THE PLAINTIFF, SANDRA KING, and files this, her Complaint in the above-styled action as follows:

STATE COURT OF
DEKALB COUNTY, GA.
2016 MAY 27 PM 1:40
FILED
DEPUTY CLERK

1.

The Defendant, MICHAEL J. BROWN, is a resident of 100 Leslie Oaks Drive, Apartment 5107, Lithonia, Georgia 30058. Defendant is subject to the jurisdiction of this Court and may be served at the above work address.

2.

The Defendant, ANASTEEL & SUPPLY COMPANY, LLC, is a Georgia corporation with a principal place of business at 2272 Mabros Industrial Parkway, Ellenwood, GA 30294, and has an agent for service, to wit: Anna R. Cablik, 2272 Mabros Industrial Parkway, Ellenwood, GA 30294. Defendant is subject to the jurisdiction of this Court and may be served at the above address by Second Original.

3.

The Defendant, CLAYTON AUTO SERVICE, INC., is a Georgia corporation with a

principal place of business at 1851 Forest Parkway, Lake City, GA 30260, and has an agent for service, to wit: John McLean, 1851 Forest Parkway, Lake City, GA 30260. Defendant is subject to the jurisdiction of this Court and may be served at the above address by Second Original.

COUNT I

4.

On or about June 5, 2014, Plaintiff, SANDRA KING, was driving a 2007 Toyota Avalon northbound on Rock Chapel Road at the intersection of Pleasant Hill Road in DeKalb County, Georgia, in a safe and prudent manner.

5.

On or about June 5, 2014, Defendant, MICHAEL J. BROWN, was operating a 1991 Ford Conventional Semi Truck also northbound on Rock Chapel Road, approaching the intersection of Pleasant Hill Road in DeKalb County, Georgia, when he failed to observe Plaintiff SANDRA KING, safely stopped at the traffic light controlling the intersection, and Defendant MICHAEL J. BROWN, negligently and violently slammed his large commercial vehicle into the rear of Plaintiff SANDRA KING's vehicle, thereby causing a violent collision between the subject vehicles on Rock Chapel Road.

6.

Plaintiff, SANDRA KING, alleges specifically that the aforementioned collision was proximately caused by the negligence of the Defendant, MICHAEL J. BROWN, including the following:

- (a) following too closely;
- (b) driving too fast for conditions;
- (c) failing to maintain a proper lookout;
- (d) failing to look out for the safety of Plaintiff and others;

- (e) failing to maintain control of his vehicle;
- (f) any and all acts of negligence which may be shown at trial.

7.

By following too closely, Defendant, MICHAEL J. BROWN, violated O.C.G.A. § 40-6-49 which prohibits same. Defendant's violation of said code section constitutes negligence per se.

8.

By driving too fast for conditions, Defendant, MICHAEL J. BROWN, violated O.C.G.A. § 40-6-180 which prohibits same. Defendant's violation of said code section constitutes negligence per se.

9.

As a direct result of said negligence, Plaintiff, SANDRA KING, has suffered personal injuries for which she has incurred medical expenses as of this date in excess of \$147,050.00.

10.

As a direct result of said negligence, Plaintiff, SANDRA KING, will incur future medical expenses.

11.

As a direct and proximate result of said negligence, Plaintiff, SANDRA KING, has suffered great physical pain, suffering and mental anguish, extreme discomfort and inconvenience.

12.

As a direct result of said negligence, Plaintiff, SANDRA KING, will endure extreme discomfort and inconvenience in the future, and will suffer great physical pain and mental anguish in the future.

13.

As a direct result of said negligence, Plaintiff, SANDRA KING, has suffered permanent

injury and losses resulting from the subject collision, and is entitled to damages for her pain and suffering and loss of capacity to labor, pursuant to O.C.G.A. § 24-4-45.

COUNT II

14.

Plaintiff, SANDRA KING, realleges and incorporates herein by reference the allegations of Paragraphs One (1) through Thirteen (13) of COUNT I of this Complaint, as fully as if the same were set forth verbatim herein.

15.

Defendant, ANASTEEL & SUPPLY COMPANY, LLC, was the employer of the Defendant, MICHAEL J. BROWN on the day and time in question.

16.

On or about June 5, 2014, Defendant, MICHAEL J. BROWN, was driving the 1991 Ford Conventional Semi Truck with the full consent and authority of Defendant, ANASTEEL & SUPPLY COMPANY, LLC, and was operating said vehicle within the scope of his employment with Defendant, ANASTEEL & SUPPLY COMPANY, LLC.

17.

Defendant, ANASTEEL & SUPPLY COMPANY, LLC, is vicariously liable for the negligent actions of Defendant, MICHAEL J. BROWN.

18.

Defendant, ANASTEEL & SUPPLY COMPANY, LLC, is vicariously liable for the negligent actions of Defendant, MICHAEL J. BROWN.

19.

Plaintiff has made demand of Defendants for payment of the above-stated damages, and Defendants have acted in bad faith and have been stubbornly litigious in refusing payment of said

damages, thereby entitling Plaintiff to an award of penalties and attorney fees pursuant to O.C.G.A § 13-6-11.

COUNT III

20.

Plaintiff, SANDRA KING, realleges and incorporates herein by reference the allegations of Paragraphs One (1) through Nineteen (19) of COUNT I and COUNT II of this Complaint, as fully as if the same were set forth verbatim herein.

21.

The Defendant, ANASTEEL & SUPPLY COMPANY, LLC, should have known of the dangers of the defective brakes on the subject commercial motor vehicle owned and maintained by Defendant ANASTEEL & SUPPLY COMPANY, LLC, said commercial motor vehicle being utilized on a daily basis by Defendant in the course and scope of its business, and said commercial motor vehicle presumably been maintained and inspected prior to being released to its employees into service, and Defendant ANASTEEL & SUPPLY COMPANY, LLC, should have taken steps to protect the well-being of all others on the public roadways, including Plaintiff, SANDRA KING, by either remediating and repairing the dangerous and defective condition of the brakes on the subject commercial motor vehicle, or removing the subject commercial motor vehicle from service until such time as repairs and remediations could be effectuated.

22.

By allowing Defendant, MICHAEL J. BROWN, to utilize the subject commercial motor vehicle, with defective brakes, when Defendant, ANASTEEL & SUPPLY COMPANY, LLC, knew or should have known of the existence of said dangerous and defective condition, Defendant, ANASTEEL & SUPPLY COMPANY, LLC, exposed the Plaintiff, SANDRA KING, and all others on the public roadways, to an unreasonable risk of a dangerous condition, and thereby causing

Plaintiff, SANDRA KING, to endure a serious and permanent bodily injury. Accordingly, Defendant, ANASTEEL & SUPPLY COMPANY, LLC, acted recklessly and with a conscious disregard for the well-being of the Plaintiff, SANDRA KING.

23.

The behavior of Defendant, ANASTEEL & SUPPLY COMPANY, LLC,, in failing to remediate an extremely dangerous and defective condition, with conscious disregard for Plaintiff and all others on the public roadways, without regard for the safety and well-being of all others, evidences an entire want of care and a conscious indifference to the consequences.

24.

The injuries to Plaintiff were a result of Defendant ANASTEEL & SUPPLY COMPANY, LLC's want of care and indifference to the consequences.

25.

As a result of these aggravating circumstances and Defendant ANASTEEL & SUPPLY COMPANY, LLC's egregious anti-social behavior and conscious disregard to the consequences, Plaintiff, SANDRA KING is entitled to additional punitive or exemplary damages from Defendant, ANASTEEL & SUPPLY COMPANY, LLC.

COUNT IV

26.

Plaintiff, SANDRA KING, realleges and incorporates herein by reference the allegations of Paragraphs One (1) through Twenty-Five (25) of COUNT I, COUNT II and COUNT III of this Complaint, as fully as if the same were set forth verbatim herein.

27.

On or about March 29, 2013, Defendant, CLAYTON AUTO SERVICE, INC., upon information and belief, performed mechanical services upon the subject 1991 Ford F-250 pickup

truck being driven by Defendant MICHAEL J. BROWN in the subject collision, including services upon the brakes of said vehicle.

28.

On or about March 28, 2014, Defendant, CLAYTON AUTO SERVICE, INC., upon information and belief, performed mechanical services upon the subject 1991 Ford F-250 pickup truck being driven by Defendant MICHAEL J. BROWN in the subject collision, including services upon the brakes of said vehicle.

29.

Defendant, CLAYTON AUTO SERVICE, INC., upon information and belief, performed mechanical services upon the subject 1991 Ford F-250 pickup truck on March 29, 2013 and again on March 28, 2014 in a negligent manner, thereby causing the brakes of said vehicle to fail, and thereby contributing to the subject collision between the subject vehicles in the subject incident.

30.

As a direct result of said negligence, Plaintiff, SANDRA KING, has suffered personal injuries for which she has incurred medical expenses as of this date in excess of \$147,050.00.

31.

As a direct result of said negligence, Plaintiff, SANDRA KING, will incur future medical expenses.

32.

As a direct and proximate result of said negligence, Plaintiff, SANDRA KING, has suffered great physical pain, suffering and mental anguish, extreme discomfort and inconvenience.

33.

As a direct result of said negligence, Plaintiff, SANDRA KING, will endure extreme discomfort and inconvenience in the future, and will suffer great physical pain and mental anguish

in the future.

34.

As a direct result of said negligence, Plaintiff, SANDRA KING, has suffered permanent injury and losses resulting from the subject collision, and is entitled to damages for her pain and suffering and loss of capacity to labor, pursuant to O.C.G.A. § 24-4-45.

WHEREFORE, PLAINTIFF, SANDRA KING, respectfully prays as follows:

1) for judgment against Defendant, MICHAEL J. BROWN, in an amount to be determined by the enlightened conscience of a fair and impartial jury for medical expenses, past, present and future, out of pocket expenses, the extensive physical pain and mental anguish she has been and will be subjected to, and for pain and suffering and loss of capacity to labor pursuant to O.C.G.A. § 24-4-45;

2) for judgment against Defendant, MICHAEL J. BROWN, for an award of penalties, attorney's fees and costs of litigation pursuant to O.C.G.A. § 13-6-11;

3) for judgment against Defendant, ANASTEEL & SUPPLY COMPANY, LLC, in an amount to be determined by the enlightened conscience of a fair and impartial jury for medical expenses, past, present and future, out of pocket expenses, the extensive physical pain and mental anguish she has been and will be subjected to, and for pain and suffering and loss of capacity to labor pursuant to O.C.G.A. § 24-4-45;

4) for judgment against Defendant, ANASTEEL & SUPPLY COMPANY, LLC, for an award of penalties, attorney's fees and costs of litigation pursuant to O.C.G.A. § 13-6-11;


5) for judgment against Defendant, ANASTEEL & SUPPLY COMPANY, LLC, in an amount to be determined by the enlightened conscience of the fair and impartial jury for punitive and exemplary damages;

6) for judgment against Defendant, CLAYTON AUTO SERVICE, INC., in an amount

to be determined by the enlightened conscience of a fair and impartial jury for medical expenses, past, present and future, out of pocket expenses, the extensive physical pain and mental anguish she has been and will be subjected to, and for pain and suffering and loss of capacity to labor pursuant to O.C.G.A. § 24-4-45;

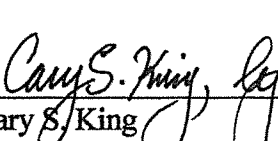
- 7) for a trial by jury; and
- 8) for any further relief the Court deems just and proper under the circumstances.

Respectfully submitted this 27th day of May, 2016.



Steven J. Jackson
Attorney for Plaintiff
Georgia Bar No. 386510

The Macquarium Building
1800 Peachtree Street, Suite 300
Atlanta, Georgia 30309
(404) 350-8381



Cary S. King
Attorney for Plaintiff
Georgia Bar No. 419810
(w/express permission)

Jacobs & King, LLC
1117 Perimeter Center West, Suite W-501
Atlanta, Georgia 30338
(404) 920-4490