

IN THE SUPERIOR COURT OF BARROW COUNTY  
STATE OF GEORGIA

  
Regina McIntyre, Clerk  
Barrow County, Georgia

WENDELL SCOTT PUCKETT )  
)  
Plaintiff, )  
)  
v. )  
)  
DANNY D. BOSWELL, )  
)  
Defendant. )  
)  
)

CIVIL ACTION  
FILE NO.

JURY TRIAL DEMANDED

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**COMPLAINT AND DEMAND FOR TRIAL BY JURY**

COMES NOW WENDELL SCOTT PUCKETT (“Plaintiff”) in the above-styled civil action, and files this Complaint against Defendant **DANNY D. BOSWELL** (“Defendant”) seeking to hold Defendant accountable for the injuries and harm hIS negligence caused Plaintiff to suffer, and shows as follows:

**THE PARTIES, JURISDICTION, AND VENUE**

1.

Plaintiff **WENDELL SCOTT PUCKETT** is resident of the State of Georgia and brings this action sounding in tort against the above-named Defendant.

2.

Defendant **DANNY D. BOSWELL** is a resident of Barrow County, Georgia and may be served with the Summons and Complaint at 367 Cross Creek Place, Auburn, Barrow County, Georgia 30011. When served in the manner required by law, Defendant will be subject to the jurisdiction and venue of this Court.

3.

This being an action for damages based upon Defendant's negligence for a tort committed within the State of Georgia, this Court has jurisdiction over the subject matter of this lawsuit.

4.

Venue is proper in this Court in accordance with GA. CONST., Art. 6, § 2, ¶ 6, which states: "All other civil cases, . . . shall be tried in the county where the defendant resides..."

5.

It is well settled that in order to show the right to renew the suit within six months after the dismissal of a prior suit on the same cause of action, when such right is relied upon to relieve the plaintiff of the bar of the statute of limitation, it is necessary for the renewal petition to show affirmatively that the former petition was not a void suit, that it is such a valid suit as may be renewed under O. C. G. A §9-2-61, that it is based upon substantially the same cause of action, and that it is not a renewal of a previous action which was dismissed on its merits so that the dismissal would act as a bar to the re-bringing of the petition.

### **FACTS**

6.

On September 20, 2013, Defendant was traveling west on Hamilton Mill Road operating and driving a 2000 Ford Ranger in Buford, Gwinnett County, Georgia.

7.

At the same time, Plaintiff was also traveling west on Hamilton Mill Road directly in front of Defendant operating and driving a 2012 Ford F-150.

8.

Plaintiff was in the process of stopping when Defendant slammed into the rear of Plaintiff's vehicle, causing a collision.

9.

As a result of the collision, Plaintiff was seriously injured.

**NEGLIGENCE**

**DEFENDANT'S NEGLIGENCE**  
**CAUSED PLAINTIFF'S INJURIES**

10.

Defendant's negligent operation of a motor vehicle caused the collision, the injuries Plaintiff suffered and the damages Plaintiff sustained.

11.

Defendant owed Plaintiff a duty to exercise reasonable care in the driving of his vehicle.

12.

In the subject collision, Defendant committed the following negligent acts:

- a. Following too closely, in violation of O.C.G.A. § 40-6-49, the same being negligence as a matter of law;
- b. Driving a vehicle in a reckless disregard for the safety of persons or property lawfully upon the highway of this state in violation of O.C.G.A. § 40-6-390, the same being negligence as a matter of law;
- c. Failing to keep a vigilant lookout at the time and place complained of, the same being negligence as a matter of law;
- d. Failing to have one's vehicle under immediate control, the same being negligence as a matter of law; and
- e. Driving while distracted, the same being negligence as a matter of law.

13.

Defendant's acts of negligence were the proximate cause of Plaintiff's injuries.

14.

As a direct and proximate result of Defendant's negligence, Plaintiff experienced emotional distress, physical discomfort, and physical injury from the time of the collision up to and through the present.

15.

As a direct and proximate result of Defendant's negligence, Plaintiff has suffered severe personal injuries.

16.

Plaintiff has suffered pain and anguish from his injuries and, to a reasonable degree of probability, will continue to suffer pain and anguish in the future from his injuries.

17.

As a result of the above described injuries, Plaintiff has reasonably incurred medical expenses in an amount not less than \$41,290.24.

18.

As a result of the above described injuries, Plaintiff will reasonably incur significant medical expenses in the future.

**WHEREFORE** Plaintiff **WENDELL SCOTT PUCKETT** prays for the following:

- (a) That process and summons issue requiring Defendant to appear as provided by law and to answer the allegations of this Complaint;
- (b) A trial by jury;
- (c) Recovery for Plaintiff's pain and suffering of mind and body;

- (d) Recovery of general damages in an amount to be proven at trial;
- (e) Recovery of medical expenses in an amount to be proven at trial;
- (f) Recovery of the cost of Plaintiff's future medical expenses in an amount to be proven at trial;
- (g) Recovery of expenses of litigation, including attorney's fees;
- (h) That all costs be cast against Defendant; and
- (i) For such other relief as this Court deems just and appropriate.

Dated this 8th day of November, 2017.

Respectfully submitted,  
**LAW OFFICE OF NEIL FLIT**



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**PLAINTIFF DEMAND TRIAL BY JURY**