

COPY

IN THE STATE COURT OF CHEROKEE COUNTY, GEORGIA
90 NORTH STREET, CANTON GEORGIA 30114
TELEPHONE: (678) 493-6511

PATRICIA A. CARR

Plaintiff,

vs.

Civil Action File No. 16SC0684-MH

JENNY JUNG AH YIM, JOHN
YIM and BOK YIM

Defendants

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of said Court at the address above and serve upon Plaintiff's Attorney, whose name and address is:

James A. Neuberger
Neuberger Law, LLC
2100 Riveredge Parkway, Suite 700
Atlanta, Georgia 30328

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, Judgment by default will be taken against you for the relief demanded in the complaint.

This 2 day of September, 2016

PATTY BAKER
CLERK OF COURT
State Court of Cherokee County

By: Miriam Pagan Budetti
Deputy Clerk

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FILED IN OFFICE
CLERK OF STATE COURT
CHEROKEE COUNTY, GA

IN THE STATE COURT OF CHEROKEE COUNTY
STATE OF GEORGIA

2016 SEP -2 PM 3: 07

PATTY BAKER, CLERK

PATRICIA ANN CARR,)
)
)
Plaintiff,)
vs.)
)
)
JENNY JUNG AH YIM, JOHN YIM, and)
BOK YIM,)
)
Defendants.)

Civil Action File No. 16SC0684-MH

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff in the above-styled civil action files this Complaint against the defendants as follows:

1. Defendant Jenny Jung Ah Yim is a resident of Cherokee County Georgia, and is subject to the jurisdiction of this Court. The defendant may be served with the Summons and Complaint at 717 Waveland Drive, Woodstock, GA 30189.
2. Defendant John Yim is subject to the jurisdiction of this Court. The defendant may be served with the Summons and Complaint at 717 Waveland Drive, Woodstock, GA 30189.
3. Defendant Bok Yim is subject to the jurisdiction of this Court. The defendant may be served with the Summons and Complaint at 717 Waveland Drive, Woodstock, GA 30189.
4. Venue is proper in this Court and the Court has personal jurisdiction over the defendants.
5. On April 14, 2016, defendant Jenny Jung Ah Yim negligently caused a collision between the vehicle owned by defendants John Yim and Bok Yim and the vehicle being driven by Plaintiff. Specifically, defendant Jenny Yim was traveling west on West Paces Ferry,

attempting to turn left onto Andrews Drive and failed to allow Plaintiff's car, which was traveling east on West Paces Ferry, to clear the intersection before Defendant began her left turn. Defendant Jenny Yim thereby caused a collision between her vehicle and Plaintiff's vehicle.

COUNT I – NEGLIGENCE OF JENNY JUNG AH YIM

6. Plaintiff re-pleads and incorporates by reference paragraphs one to five above.
7. Defendant Jenny Yim owed a duty to plaintiff to exercise proper, ordinary, and reasonable care and to follow the laws of the State of Georgia in the operation of her vehicle.
8. Defendant Jenny Yim was negligent and breached this duty.
9. At the time of the collision, defendant Jenny Yim was negligent in the following particulars:
 - a. Failing to make reasonable and proper observations with regard to other traffic on the road and failing to act upon her observations;
 - b. Failing to yield when turning left in violation of O.C.G.A. §40-6-71;
 - c. Failing to make timely and proper application of her brakes in violation of O.C.G.A. § 40-6-241.
10. Defendant Jenny Yim's violation of the aforementioned duties of care constitutes *negligence per se*.
11. As a direct and proximate result of defendant Jenny Yim's breach of her duty of care, plaintiff suffered injuries, including, but not limited to, mental and physical pain and suffering, and incurred medical expenses, lost wages and other expenses of at least **\$427,544.60**.

12. By reason of the foregoing, Plaintiff is entitled to recover compensatory damages from defendant in an amount to be proven at trial.

**COUNT II – LIABILITY OF JOHN YIM AND BOK YIM PURSUANT TO THE
FAMILY PURPOSE DOCTRINE**

13. Plaintiff re-pleads and incorporates by reference paragraphs 1 to 12 of her complaint.
14. Upon information and belief, the vehicle being driven by Jenny Yim was owned by John Yim and Bok Yim.
15. Upon information and belief, at the time of the accident Jenny Yim was a member of John Yim's family and household.
16. Upon information and belief, at the time of the accident Jenny Yim was a member of Bok Yim's family and household.
17. Upon information and belief, at the time of the accident Jenny Yim was operating the accident vehicle with the permission of John Yim and/or Bok Yim, who also controlled Jenny Yim's use of the vehicle.
18. Upon information and belief, at the time of the accident Jenny Yim was driving the vehicle in furtherance of John Yim or Bok Yim's needs.
19. Defendants John Yim and Bok Yim are liable to Plaintiff pursuant to the family purpose doctrine.

**COUNT III – LIABILITY OF JOHN YIM AND BOK YIM PURSUANT TO
NEGLIGENT ENTRUSTMENT**

20. Plaintiff re-pleads and incorporates by reference paragraphs 1 to 12 of her complaint.
21. Upon information and belief, at the time of the collision defendants John Yim and Bok Yim knew defendant Jenny Yim to be an incompetent driver by reason of her age, inexperience, physical or mental condition, or her known habit of recklessness.

22. Defendants John Yim and/or Bok Yim negligently entrusted defendant Jenny Yim with the accident vehicle.
23. As a result of defendant John Yim's or Bok Yim's negligence plaintiff suffered injuries and damages at the hands of defendant Jenny Yim .
24. Defendants John Yim and/or Bok Yim are liable to plaintiff for her injuries and damages.

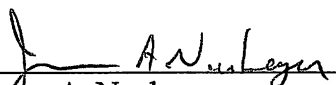
WHEREFORE, the plaintiff prays as follows:


1. That process issue and that the defendants be served according to law;
2. That the plaintiff have a verdict and judgment against the defendants to compensate her for special damages, including, but not limited to, medical expenses and lost wages, and for general damages, including, but not limited to, physical and mental pain and suffering;
3. That plaintiff have a trial by a jury of twelve; and
4. That the plaintiff have such other and further relief as this Court deems just and proper.

This 1st day of September, 2016.

NEUBERGER LAW, LLC

DWYER LAW GROUP


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