

# **EXHIBIT 1**

IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

*Richard T. Alexander, Jr.*  
CLERK OF STATE COURT

NORMAN ROBINSON

CIVIL ACTION  
NUMBER: 19-C-07515-S5

PLAINTIFF

VS.

BIRD RIDES INC.

DEFENDANT

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

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

*EUFEMIA CABRERA-D'AMOUR  
5180 CHATTANOOGA WAY  
DOUGLASSVILLE, GA 30135*

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 14TH day of OCTOBER, 2019.

Richard T. Alexander, Jr.,  
Clerk of State Court

By *Nartifa Stone*  
Deputy Clerk

INSTRUCTIONS: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.

*Robert J. Williams*  
CLERK OF STATE COURT

IN THE STATE COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

NORMAN ROBINSON,	:	
	:	
Plaintiff,	:	CIVIL FILE NO. <u>19-C-07515-S5</u>
	:	
v.	:	
	:	
BIRD RIDES, INC.,	:	
	:	
Defendant.	:	

**COMPLAINT FOR DAMAGES**

NOW COMES the Plaintiff and files this Complaint for Damages for personal injury against the Defendant and hereby avers the following;

**NATURE OF THE CLAIM**

1.

Plaintiff brings this action to obtain complete relief and to redress the negligence of Defendant under law.

2.

This action seeks compensatory and actual damages for Defendant's breach of duty of care to Plaintiff.

**JURISDICTION AND VENUE**

3.

Defendant Bird Rides, Inc. is a registered foreign corporation in the state of Georgia. Defendant may be served with process through its registered agent for service of process National Registered Agents, Inc., 289 S. Culver Street, Lawrenceville, Georgia 30046

4.

Plaintiff is a resident of Georgia.

**FACTUAL ALLEGATIONS**

5.

On or around September 12, 2018 Plaintiff was operating his bicycle on Lee Street in Atlanta, Georgia around 8:30pm when, unknown to him, a Bird scooter had been left in the right of way; adjacent to which was a group of minors; as the scooter was black in color and without blinking warning lights or reflectors Plaintiff was unable to see it in time to avoid any collision.

6.

As a result of colliding with the scooter Plaintiff lost control of his bicycle and struck the pavement on his hip.

7.

Plaintiff was taken to surgery for a broken hip on or about the same evening of the crash; subsequently Plaintiff engaged in months of rehabilitation for his injury.

**CLAIM FOR RELIEF I**

**NEGLIGENCE- FAILURE TO EQUIP SCOOTERS WITH WARNING LIGHTS OR REFLECTORS**

8.

Plaintiff re-alleges the preceding paragraphs as if set forth fully herein.

9.

The Defendant breached its duty of care to vehicle operators lawfully using roadways by failing to equip its products with warning lights or reflectors should those products be left in roadways by lessors.

10.

The Defendant should have foreseen that lessors of its products could reasonably be expected to leave the Defendant's property in roadways used by vehicle operators. By failing to properly foresee and prepare for this risk of harm Plaintiff has suffered a significant injury.

11.

Plaintiff did not contribute to his own harm as he was operating his bicycle properly and in a safe manner for conditions. Plaintiff had no way to avoid the accident.

**CLAIM FOR RELIEF II**

**NEGLIGENCE- FAILURE TO PREVENT SCOOTERS FROM REMAINING IN ROADWAYS**

12.

Plaintiff re-alleges the preceding paragraphs as if set forth fully herein.

13.

The Defendant breached its duty of care to the Plaintiff by failing to prevent scooters from remaining in roadways; it is reasonably foreseeable that scooters will be left upon roadways by lessors.

14.

As a result of Defendant's breach of duty Plaintiff has suffered a serious injury.

**CLAIM FOR RELIEF III**

**NEGLIGENCE- FAILURE TO PREVENT MINORS FROM HANDLING SCOOTERS**

15.

Plaintiff re-alleges the preceding paragraphs as if set forth fully herein.

16.

The Defendant breached its duty of care by failing to prevent the foreseeable result of minors handling scooters and thus leaving them in roadways.

17.

As a result of Defendant's breach of its duty of care Plaintiff suffered a serious injury.

WHEREFORE Plaintiff prays for judgment as follows:

- 1) Trial by jury as to all issues;
- 2) Damages for negligence in an amount which shall be proven at trial;
- 3) Reasonable attorney's fees and expenses of litigation; and
- 4) All other relief to which he may be entitled.

This 14<sup>th</sup> day of October, 2019

*/s/ Eufemia Cabrera D'Amour*  
EUFEMIA CABRERA D'AMOUR #450498  
Attorney for Plaintiff  
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Douglasville, Georgia 30135  
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