

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

JACKIE CARDIN AS SURVIVING SPOUSE
OF MICHAEL LEE CARDIN, deceased, and
JACKIE CARDIN AS ADMINISTRATOR
OF THE ESTATE OF MICHAEL LEE
CARDIN, deceased

Plaintiff,

vs.

T AND ASSOCIATES CORPORATION, and
ODYSSEY REINSURANCE COMPANY
D/B/A/ HUDSON INSURANCE COMPANY

Defendants.

JURY TRIAL DEMANDED

CIVIL ACTION

FILE NO. _____

COMPLAINT

COMES NOW Plaintiff Jackie Cardin, as Surviving Spouse and Administrator of the Estate of Michael Lee Cardin, deceased, (hereinafter “Plaintiff,” “Jackie Cardin,” or “Mrs. Cardin”) and files this Complaint against Defendants T and Associates Corporation (hereinafter “Defendant T and Associates”) and Odyssey Reinsurance Company D/B/A Hudson Insurance Company (hereinafter “Defendant Odyssey Reinsurance Company D/B/A Hudson Insurance Company” or “Defendant Hudson Insurance”) and shows the Court as follows:

PARTIES, SERVICE, AND JURISDICTION

1.

Plaintiff Jackie Cardin is the Surviving Spouse of Michael Lee Cardin, deceased. In addition, Jackie Cardin will be appointed as Administrator of the Estate of Michael Lee Cardin. Accordingly, Jackie Cardin is the proper party to bring an action for the wrongful death of her

husband and she is the proper party to bring an action on behalf of the Estate of Michael Lee Cardin.

2.

Defendant T and Associates Corporation is a domestic for-profit corporation and motor carrier existing under the laws of the State of Georgia, with its principal place of business, as of the date of the filing of this Complaint, located at 3032 Perimeter Trace, Atlanta, DeKalb County, Georgia 30346. Defendant T and Associates Corporation may be served with a Summons and Complaint, via O.C.G.A. § 14-2-504, through its Registered Agent, as of the date of the filing of this Complaint, Tiwonge Mhango, located at 8 Perimeter Center, Apartment 1220, DeKalb County, Atlanta, Georgia 30346. Defendant T and Associates Corporation is a proper party to this action and venue is proper as to it in this Court.

3.

Defendant Odyssey Reinsurance Company D/B/A Hudson Insurance Company is a foreign, Connecticut-based, for-profit corporation, which is authorized to transact business in Georgia. Defendant Odyssey Reinsurance Company D/B/A Hudson Insurance Company has transacted business within the state of Georgia and within the venue of this Court, currently transacts business within the state of Georgia and within the venue of this Court, and has an office within the venue of this Court. Defendant Odyssey Reinsurance Company D/B/A Hudson Insurance Company was the insurer/surety for Defendant T and Associates Corporation on and before the date of the collision at issue. Therefore, pursuant to Georgia's Direct Action Statute, O.C.G.A. § 40-1-112, Defendant Odyssey Reinsurance Company D/B/A Hudson Insurance Company is a proper party in this action. Defendant Odyssey Reinsurance Company D/B/A Hudson Insurance Company may be served with a Summons and Complaint via its Registered

Agent, CT Corporation System, 289 S Culver Street, Gwinnett County, Lawrenceville, GA 30046.

4.

Venue as to Defendant Odyssey Reinsurance Company D/B/A Hudson Insurance Company is proper in this Court because such Defendant has transacted business within the state of Georgia and within the venue of this Court and currently transacts business within the state of Georgia and within the venue of this Court, and has an office within the venue of this Court.

BACKGROUND & FACTS

5.

On or around June 2, 2017 at approximately 2:10 a.m., Michael Lee Cardin was lawfully driving a CKS Packaging, Inc. tractor trailer west on Interstate 24 in Marion County, Tennessee. CKS Packaging, Inc. is a Georgia based company which makes interstate deliveries of products.

6.

At that same date and time, Lackson Chidule, was driving a tractor trailer for and on behalf of Defendant T and Associates Corporation, a Georgia-based interstate motor carrier, east on Interstate 24 in Marion County, Tennessee. Mr. Lackson caused his truck to travel off of the roadway, through cable barriers, and into west bound traffic on Interstate 24. As a result, Lackson Chidule caused a number of collisions, including with the tractor trailer that Michael Lee Cardin was operating. The collision between Lackson Chidule's truck and Michael Lee Cardin's truck resulted in a severe impact and massive fire, which consumed the truck that Mr. Cardin occupied. As a result of the collision and resulting fire, Michael Lee Cardin was killed. Lackson Chidule, the at-fault driver and employee of T and Associates Corporation, was also killed.

7.

Lackson Chidule's speeding, inattentiveness, distracted driving, failure to maintain lane, and/or otherwise negligent and/or reckless driving caused the fatal collision between the truck owned and operated by and on behalf of Defendant T and Associates and the truck being driven by Michael Lee Cardin.

8.

Defendant T and Associates driver, Lackson Chidule, was, at least, negligent in crossing over the highway into opposite lanes of travel and striking the tractor trailer operated by Michael Lee Cardin.

9.

At the time of this incident, Lackson Chidule was operating the tractor trailer truck for, and within the course and scope of, his employment with Defendant T and Associates.

COUNT I – NEGLIGENCE OF DEFENDANT

10.

Plaintiff realleges and incorporates herein the allegations contained in the prior paragraphs as if fully restated.

11.

Defendant T and Associates' employee, Lackson Chidule, was negligent and/or reckless in the operation of the tractor trailer truck in, among ways: speeding, driving while distracted, failing to maintain lane, causing his tractor trailer truck to strike Michael Lee Cardin's truck, and in failing to maintain a proper lookout for Michael Lee Cardin's truck.

12.

Defendant's negligence and/or recklessness is the proximate cause of the collision and proximate cause of the injuries to, and death of, Michael Lee Cardin.

COUNT II – IMPUTED LIABILITY

13.

Plaintiff realleges and incorporates herein the allegations contained in prior paragraphs as if fully restated.

14.

At the time of the subject collision, Lackson Chidule was under dispatch for, and/or driving within the course and scope of his employment with, Defendant T and Associates.

15.

At the time of the subject collision, Lackson Chidule was operating his truck on behalf of Defendant T and Associates.

16.

Defendant T and Associates is a Georgia based interstate trucking corporation operating a fleet of trucks. Defendant T and Associates is registered with the United States Department of Transportation, hauling general freight, for hire. Pursuant to federal and state laws, and under the doctrines of lease liability, agency, or apparent agency, Defendant T and Associates is responsible for the actions of Lackson Chidule for the collision described in this Complaint.

**COUNT III – NEGLIGENT HIRING, TRAINING, & SUPERVISION
BY DEFENDANT T AND ASSOCIATES CORPORATION**

17.

Plaintiff realleges and incorporates herein the allegations contained in the prior paragraphs above as if fully restated.

18.

Defendant T and Associates was negligent in hiring Lackson Chidule and entrusting him to drive a commercial vehicle.

19.

Defendant T and Associates was negligent in failing to properly train Lackson Chidule.

20.

Defendant T and Associates was negligent in failing to properly supervise Lackson Chidule.

21.

Defendant T and Associates' negligence in hiring Lackson Chidule, entrusting him to drive a commercial vehicle, and failing to train and supervise him properly were the proximate cause of the collision at issue and the injuries to, and death of, Michael Lee Cardin.

COUNT IV – DAMAGES

22.

Plaintiff realleges and incorporates herein the allegations contained in the prior paragraphs as if fully restated.

23.

As a result of Defendant's negligence, Plaintiff's husband, Michael Lee Cardin, was fatally injured.

24.

As a result of Defendant's negligence, Plaintiff, as Surviving Spouse of Michael Lee Cardin and as Administrator of the Estate of Michael Lee Cardin, is entitled to recover all damages allowable under by law, including but not limited to: the full value of the life of

Michael Lee Cardin; lost wages; pain and suffering; funeral bills; and any other items of special and general damages allowed by law.

COUNT V - DIRECT ACTION

25.

Plaintiff realleges and incorporates herein the allegations contained in the prior paragraphs as if fully restated.

26.

Defendant Odyssey Reinsurance Company D/B/A Hudson Insurance Company is subject to a direct action as the insurer for Defendant T and Associates pursuant to Georgia's Direct Action statute, O.C.G.A. § 40-1-112.

27.

Defendant Odyssey Reinsurance Company D/B/A Hudson Insurance Company was the insurer of Defendant T and Associates at the time of the subject incident and issued a liability policy to comply with the filing requirements under Georgia law.

28.

Defendant Odyssey Reinsurance Company D/B/A Hudson Insurance Company is subject to the filing requirements outlined in O.C.G.A. § 40-1-112 and properly named as a Defendant herein.

29.

Defendant Odyssey Reinsurance Company D/B/A Hudson Insurance Company is responsible for any judgment rendered against Defendant T and Associates.

WHEREFORE, Plaintiff prays that she have a trial by jury on all issues and judgment against Defendants as follows:

- a. That Plaintiff, as Surviving Spouse of Michael Lee Cardin, recovers for the full value of the life of Michael Lee Cardin;
- b. That Plaintiff, as Administrator of the Estate of Michael Lee Cardin, recovers for his pain and suffering, funeral expenses, medical expenses, and all other claims held by his Estate;
- c. That Plaintiff recovers such other and further relief as this Court deems just and proper; and,
- d. That all issues be tried before a jury.

THIS 24TH DAY OF AUGUST, 2017.

RESPECTFULLY SUBMITTED,

LAW OFFICES OF ANDREW E. GOLDNER, LLC

/s/ ANDREW E. GOLDNER

ANDREW E. GOLDNER
GEORGIA STATE BAR NO. 297329

1050 CROWN POINTE PARKWAY
SUITE 340
ATLANTA, GA 30338
(404)869-1580 OFFICE
(404)393-1099 FAX
ANDY@GOLDNERLEGAL.COM

ATTORNEY FOR PLAINTIFF