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Jay C. Stephenson  
Clerk of Superior Court Cobb County

IN THE STATE COURT OF COBB COUNTY

STATE OF GEORGIA

JOHN PHILLIP GINGREY, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
FRANK WILLIAM DAVIDSON, )  
 )  
Defendant. )

CIVIL ACTION  
FILE NO. 04-15463-05

**COMPLAINT FOR DAMAGES**

COMES NOW, JOHN PHILLIP GINGREY, Plaintiff in the above-styled civil action, and hereby files his Complaint for Damages, showing this Court as follows:

1.

Defendant Frank William Davidson is, and at all times relevant to this matter was, a resident of Cobb County, Georgia, residing at 3591 Paul Samuel Road, N.W., Kennesaw, Cobb County, Georgia 30152, and is subject to the jurisdiction of this Court. He may be served with process at his residence.

2.

Jurisdiction and venue are proper in this Court.

**FACTS**

3.

On or about October 16, 2002, three vehicles were completely stopped in a row on Tower Road near its intersection with Roselane Street in Cobb County, Georgia. Plaintiff hereinabove was the last and third vehicle in this row.

4.

On this same date and time, Defendant was operating his 1985 Ford pickup truck on Tower Road. Most importantly, Defendant was operating his vehicle under the influence of alcohol when he violently collided with the rear of Plaintiff's vehicle without slowing the speed of his truck.

5.

This impact caused a chain reaction wherein Plaintiff's vehicle lurched forward and struck the rear of the vehicle in front of him, then this vehicle lurched forward and struck the rear of the vehicle in front of it.

COUNT I

NEGLIGENCE

6.

Plaintiff realleges and reaffirms the allegations contained in paragraphs 1 through 5 as if fully set forth herein, and states the following:

7.

Acting with a total and complete lack of concern for his own health and safety, Defendant consumed alcohol prior to operating his motor vehicle to the extent that he was a less safe driver and did so willfully, wantonly, maliciously and with conscious disregard for the rights and safety of other drivers on the public roadway.

8.

Defendant negligently operated his vehicle, including but not limited to, failing to drive at a safe speed, driving too fast for conditions, driving recklessly, failing to keep a

proper lookout, failing to yield to the vehicle in front, misjudging the distance between Defendant's vehicle and Plaintiff's upcoming vehicle, following too close, driving under a suspended/revoked driver's license, and, most importantly, driving under the influence of alcohol.

9.

Defendant was cited for numerous violation of law, including driving under a suspended/revoked license, following too close, leaving the scene of an accident, and driving under the influence of alcohol.

10.

Defendant's actions are in violation of the laws of the State of Georgia and, as such, constitute negligence per se.

11.

As a direct and proximate result of Defendant's negligence, Plaintiff has suffered physical injuries in and about his body and extremities, suffered and continues to suffer physical and mental pain therefrom, has incurred medical expenses in the past and future, and has incurred property damage and other damages.

DAMAGES

12.

Plaintiff realleges and reaffirms the allegations of the paragraphs 6 through 11 above as if fully set forth herein, and states the following:

13.

As a direct and proximate cause of Defendant's negligence, Plaintiff was injured and has incurred special damages in the form of past, present, and future, medical and hospitalization expenses, and property damages in amounts to be proven upon the trial of this matter.

14.

Plaintiff is entitled to recover these special damages from Defendant.

15.

As a direct and proximate result of Defendant's negligence, Plaintiff was injured grievously, has experienced conscious physical and mental pain, suffering, fright and distress in the past, and will continue to suffer the same in the future, for which he is entitled to recover general damages from the Defendant in amounts to be determined by a jury.

16.

Plaintiff seeks and is entitled to recover punitive damages from Defendant in amounts to be determined by the enlightened conscience of fair and impartial jurors.

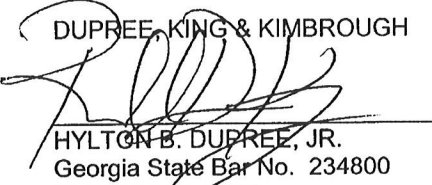
17.

Plaintiff seeks recovery of said damages from Defendant in amounts to be determined by a jury.

WHEREFORE, based on the foregoing, Plaintiff prays as follows:

- (a) That Summons and Process be issued and served upon Defendant as required by law;
- (b) For trial by Jury;
- (c) That Plaintiff be awarded the past and future special damages sought herein, including property damage, against Defendant in amounts to be proven at trial;
- (d) That Plaintiff be awarded general damages for past and future physical and mental pain and suffering sought herein against Defendant in amounts to be determined by a jury;
- (e) That plaintiff be awarded punitive damages from Defendant in amounts to be determined by the enlightened conscience of fair and impartial jurors, and
- (f) For such other and further relief as the court deems just and proper in the premises.

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