

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

Riccoh Hudson,

Plaintiff;

v.

Jason Cerbone,

Defendant.

Case No. STCV22-00118

COMPLAINT AND DEMAND FOR TRIAL BY JURY

Plaintiff Riccoh Hudson states this complaint against Defendant Jason Cerbone as follows:

Parties, Jurisdiction & Venue

1. This civil action arises from a motor vehicle collision that occurred on September 2, 2021, on Interstate 16 in Candler County, Georgia.
2. Plaintiff is a citizen and resident of Georgia
3. Defendant Cerbone resides at 302 E. Oglethorpe Avenue, Savannah, Chatham County, Georgia 31401.
4. Defendant Cerbone is a citizen and resident of Georgia.
5. Defendant is subject to the jurisdiction of this Court.
6. Venue is proper in this Court.

Facts

7. On September 2, 2021, Plaintiff was driving west on Interstate 16 in Candler County, Georgia,

8. At the same time, Defendant also was driving west on Interstate 16 a short distance behind Plaintiff's vehicle.
9. Interstate 16 has two westbound lanes at this location.
10. Defendant was driving in the left lane with two vehicles immediately in front of him, one in each lane.
11. Defendant unlawfully and without warning failed to maintain his lane and attempted to drive his vehicle between the two vehicles in front of him.
12. In doing so, Defendant struck the sides of each vehicle and lost control of his vehicle.
13. Defendant's vehicle continued traveling and stuck Plaintiff's vehicle.
14. At the time and place of the collision, Defendant violated Georgia traffic laws by
 - a. Failing to keep a proper lookout ahead;
 - b. Failing to maintain his vehicle under proper control;
 - c. Failing to maintain lane in violation of O.C.G.A. §40-6-48;
 - d. Unlawful passing in violation of O.C.G.A. § 40-6-42;
 - e. Reckless driving in violation of O.C.G.A. § 40-6-390; and
 - f. Any other acts of negligence that may be shown by the evidence.

Count I – Negligence & Negligence Per se

15. All preceding paragraphs are incorporated into this count as if fully set forth herein.
16. The negligence and negligence *per se* of Defendant was the sole proximate cause of the collision.
17. The negligence and negligence *per se* of Defendant caused Plaintiff to suffer personal injuries and other damages.
18. As a direct and proximate result of Defendant's negligence and negligence *per se*, Plaintiff incurred medical bills.

19. As a direct and proximate result of Defendant's negligence and negligence *per se*, Plaintiff endured, is enduring and will continue to endure in the future, pain and suffering, both physical and mental, loss of the enjoyment of life, diminished capacity to labor, bodily impairment and other injuries and damages.
20. Plaintiff claims all special, general, and punitive damages allowable by law, and Plaintiff claims attorneys' fees and expenses of litigation, against Defendants.
21. Under O.C.G.A. § 13-6-11, Plaintiff seeks attorney's fees and expenses of litigation because Defendant acted in bad faith, was stubbornly litigious, and caused the Plaintiff unnecessary trouble and expense.

Punitive Damages

22. Defendant's aggressive act of attempting to drive at a high speed between vehicles by straddling two lanes of travel shows willful misconduct and entire want of care that raises the presumption of conscious indifference to consequences.
23. In the alternative, to the extent Defendant at the time of the collision had a medical condition that caused an incapacitating seizure and Defendant knew of that condition, Defendant's actions in driving while knowing he was likely to become incapacitated shows willful misconduct and entire want of care that raises the presumption of conscious indifference to consequences.
24. Defendant's actions evince a willful misconduct, malice, fraud, wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to consequences, Therefore, Plaintiff is entitled to an award of punitive damages under O.C.G.A. § 51-12-5.1(b) in an amount sufficient to deter, penalize, or punish Defendant in light of the circumstances of the case.

WHEREFORE, Plaintiff requests a trial by jury and prays for judgment against Defendants as follows:

- a) All special damages recoverable by law and as shown by the evidence;
- b) General damages in an amount to be determined by the enlightened conscience of a jury;
- c) For all attorneys' fees and costs incurred;
- d) Costs of this action; and
- e) Such other further, general and equitable relief as this Court deems just.

Dated: January 24, 2022.

HALL & LAMPROS, LLP

/s/ Patrick Hannon
Patrick Hannon
Ga. Bar No. 074321

400 Galleria Parkway SE
Suite 1150
Atlanta, GA 30309
404/876-8100
Fax: 404/876-3477
patrick@hallandlampros.com

Attorneys for Plaintiff

General Civil and Domestic Relations Case Filing Information Form

☐ Superior or ☐ State Court of _____ County

For Clerk Use Only

Date Filed 1/25/2022
MM-DD-YYYYCase Number STCV22-00118

Plaintiff(s)

Last	First	Middle I.	Suffix	Prefix

Defendant(s)

Last	First	Middle I.	Suffix	Prefix

Plaintiff's Attorney _____ Bar Number _____ Self-Represented ☐

Check One Case Type in One Box

General Civil Cases

- ☐ Automobile Tort
☐ Civil Appeal
☐ Contract
☐ Garnishment
☐ General Tort
☐ Habeas Corpus
☐ Injunction/Mandamus/Other Writ
☐ Landlord/Tenant
☐ Medical Malpractice Tort
☐ Product Liability Tort
☐ Real Property
☐ Restraining Petition
☐ Other General Civil

Domestic Relations Cases

- ☐ Adoption
☐ Dissolution/Divorce/Separate Maintenance
☐ Family Violence Petition
☐ Paternity/Legitimation
☐ Support – IV-D
☐ Support – Private (non-IV-D)
☐ Other Domestic Relations

Post-Judgment – Check One Case Type

- ☐ Contempt
☐ Non-payment of child support, medical support, or alimony
☐ Modification
☐ Other/Administrative

- ☐ Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number _____

Case Number _____

- ☐ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

- ☐ Is an interpreter needed in this case? If so, provide the language(s) required. _____
Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.



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In The State Court of Chatham County

133 Montgomery Street, Room 501, Savannah, GA 31401

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STCV22-00118

Plaintiff

Case Number

Vs

Defendant

SUMMONS

TO THE ABOVE NAMED DEFENDANT: _____

Defendant's Address _____

You are hereby summoned and required to efile (<https://georgia.tylerhost.net/ofswweb/>) with the Clerk of said Court and serve upon Plaintiff's Attorney, whose name and address is:

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.

Brian K. Hart

CLERK OF COURT
State Court of Chatham County

/s/ Moneisha Green