

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
13 CVS 12345

SANDRA JOHNSON

Plaintiff,

CHRIS WILLIAMS

Defendant.

COMPLAINT

NOW COMES the Plaintiff, by and through counsel, complaining of the Defendant, and alleging the following:

PARTIES AND JURISDICTION

1. That the Plaintiff, Sandra Johnson, (the "Plaintiff") is a citizen and resident of Charlotte, North Carolina.
2. That, at all times pertinent to this matter, the Plaintiff was the owner of a white Toyota Corolla, NC License Number, ABX 314 (the "Plaintiff's vehicle").
3. That the Defendant, Chris Williams, (the "Defendant") is a citizen and permanent resident of Las Vegas, Nevada.
4. That, at all times pertinent to this matter, the Defendant was the owner of a gray Ford pickup truck, NV License Number, MNB 1986 (the "Defendant's vehicle").
5. The jurisdiction of the matter is properly set in Charlotte, North Carolina.

FACTS

6. Plaintiff repeats and alleges each allegation set forth in Paragraphs 1 through 5 as though the same were fully set forth herein.
7. Plaintiff and Defendant were involved in a car accident (the "Collision") at the intersection of Elm Street and Maple Street, in Charlotte, North Carolina, on November 1, 2013, at approximately 6:00 p.m.
8. Plaintiff was alone in Plaintiff's Vehicle, and Defendant was alone in Defendant's Vehicle at the time of the Collision.
9. Plaintiff was travelling north on Elm Street in Plaintiff's Vehicle, and Defendant was travelling west on Maple Street in Defendant's Vehicle. In the intersection of Elm Street and Maple Street, Plaintiff's Vehicle ran into Defendant's Vehicle.
10. On November 1, 2013, at 6:00 p.m., it was past sunset, visibility was low, and it was "dark" out. Plaintiff's Vehicle had headlights on, whereas Defendant's Vehicle did not have headlights on.

11. Plaintiff was driving at 25 mph, the speed limit in the neighborhood where the Collision occurred. Plaintiff's car was travelling "fast," and greater than the 25 mph residential speed limit.
12. There were no traffic signs at the corner of Maple Street on the date of the Collision.
13. Plaintiff witnessed no other cars, approaching the intersection from any direction, as Plaintiff approached the middle of the Elm Street and Maple Street intersection.
14. When Plaintiff reached the middle of the intersection, Defendant's Vehicle, travelling westbound on Elm Street, "flashed" in front of Plaintiff's Vehicle. Plaintiff's Vehicle hit the left side of Defendant's Vehicle.
15. Plaintiff was driving with a seatbelt on. The impact caused Plaintiff's head to strike against the support column between the windshield and the driver side window. The impact "dazed" Plaintiff, and caused pain in Plaintiff's forehead above the left eye.
16. Plaintiff's Vehicle was towed from the scene of the Collision at 6:30 p.m., on November 1, 2013, by City Towing. City Towing charged Plaintiff \$150 for its towing services.
17. At the Collision, Defendant provided Plaintiff with a note that stated Defendant's particulars and insurance company, Allstate Insurance.
18. Johnson Motors repaired Plaintiff's Vehicle. On November 11, 2013, Johnson Motors invoiced Plaintiff \$3,015 for work completed repairing Plaintiff's Vehicle.
19. From November 4, 2013, to November 17, 2013, Plaintiff rented a car from Hertz. Hertz invoiced Plaintiff \$1,658.88, for the rental car.
20. The Charlotte Mecklenburg Police Department reporting officer Mr. T. Wilson wrote a Vehicular Accident Report (the "Report"). The Report states that the lighting at the time of the Collision was "dark." Mr. T. Wilson issued Defendant a "driving without lights after dark" ticket.
21. The Report stated that Plaintiff was "in obvious pain, seemed dazed, spoke weakly." The Report also stated that an ambulance arrived at 6:18 p.m., and removed Plaintiff to County Memorial Emergency Room.
22. Mr. T. Wilson interviewed a witness W. Jacobson (the "Witness"), who lives on the Northeast corner of Elm Street and Maple Street. The Report states that the Witness was on the front porch of her house, "saw the whole thing," and called 911. The Witness stated, "[Claimant's Vehicle] had headlights on, [Defendant's Vehicle] did not. [Defendant's Vehicle] was going pretty fast, 35-40 m.p.h."
23. On the evening of the Collision, the Plaintiff was taken to County Memorial Hospital. The pain in Plaintiff's head was "intense." The doctor responsible for Plaintiff, Erica Mueller, ("Dr. Mueller") diagnosed Plaintiff with a concussion following the Collision.
24. The Collision has caused Plaintiff to suffer significant physical, emotional, and economic injury.
25. Dr. Mueller did not prescribe Plaintiff any pain relief medication while Plaintiff was under observation. Dr. Mueller kept Plaintiff in observation for two days. Between November 1,

2013, and November 3, 2013, Plaintiff suffered from severe headaches, dizziness, and a continuous “dull” aching and swelling on Plaintiff’s left forehead.

26. Dr. Mueller discharged Plaintiff from County Memorial Hospital on November 3, 2013. Plaintiff was taken home and Dr. Mueller instructed Plaintiff to rest for at least two weeks.
27. County Memorial Hospital invoiced Plaintiff \$3,750, for all hospital services from the night of the Collision to Plaintiff’s discharge on November 3, 2013.
28. On the day Plaintiff was discharged, Dr. Mueller prescribed Plaintiff a prescription pain relief medication. Plaintiff filled Dr. Mueller’s prescription and took the medication in accordance with the Dr. Mueller’s directions. The prescription was ineffective.
29. Rexall Pharmacy invoiced Plaintiff \$94, for the cost of the pain relief medication prescribed by Dr. Mueller.
30. Dr. Mueller instructed Plaintiff to gradually resume normal activities only when Plaintiff felt up to them. Plaintiff did nothing but rest, eat, and sleep, during the first two days following discharge. Plaintiff’s dizziness, throbbing, and swelling slowly lessened in severity over those two days, but the headaches continued.
31. Plaintiff has suffered from periodic headaches since the Collision. The periodic headaches have interfered with Plaintiff’s work as an accountant and with Plaintiff’s family life. Plaintiff missed six weeks of work following the Collision.
32. In November 2013, Dr. Mueller prescribed Tylenol with Codeine. Plaintiff filled the prescription once, and used it at night. When Dr. Mueller’s prescription was empty, Plaintiff used over-the-counter pain relief medication. The over-the-counter pain relief medication was mostly ineffective.
33. Dr. Mueller required Plaintiff to visit, and Plaintiff visited, the County Memorial out patient clinic three times: November 10, 2013, November 24, 2013, and December 28, 2013. At each visit, Dr. Mueller examined Plaintiff to check on Plaintiff’s progress.
34. On December 28, 2013, Dr. Mueller ordered a full lab test, which included x-rays and an EEG. Dr. Mueller stated that it was normal for soft tissue injuries to not show up on lab tests. Plaintiff informed Dr. Mueller that the headaches have persisted since the Collision, usually coming once or twice a day.
35. Dr. Mueller invoiced Plaintiff \$1,660, for all services related to Plaintiff’s damages caused by the Collision.
36. In mid-December, six weeks after the accident, Plaintiff returned to work. Plaintiff was not paid during Plaintiff’s six-week medical leave.
37. When Plaintiff returned to work, Plaintiff suffered from at least one headache each day. The severity of Plaintiff’s headaches forced Plaintiff to lie down for one or two hours until they subsided. Plaintiff’s headaches have affected Plaintiff substantially at work, and will likely affect Plaintiff’s future evaluations, and chances for promotion.
38. As of the date of this Complaint, Plaintiff still suffers from headaches several times each week. The severity of Plaintiff’s headaches force Plaintiff to stop work and rest. Plaintiff

takes over-the-counter pain relief medication for the headaches. The over-the-counter pain relief medication is mostly ineffective.

39. Plaintiff and Dr. Mueller periodically connect on the telephone. Dr. Mueller has stated that no medication can treat Plaintiff's symptoms. Dr. Mueller recommended avoiding stressful situations.
40. The Collision has affected Plaintiff's home life substantially. Plaintiff is less willing to engage in outdoor activities with Plaintiff's spouse and children because Dr. Mueller has recommended avoiding stress, and it is likely that such activities will trigger headaches. As a result, the quality of Plaintiff's home life and relationships to Plaintiff's husband and children, have suffered. Plaintiff's "private" marital relationship with Plaintiff's husband has diminished.

**FIRST CAUSE OF ACTION
(Negligence of Defendant)**

1. Plaintiff repeats and alleges each allegation set forth in Paragraphs 1 through 40 as though the same were fully set forth herein.
2. According to North Carolina General Statute § 20-129 (1), Required Lighting Equipment of Vehicles, ". . . every vehicle . . . shall be equipped with lighted headlamps . . . during the period from sunset to sunrise . . . or, when there is not sufficient light to render clearly discernible any person on the highway at a distance of 400 feet ahead."
3. According to North Carolina General Statute § 20-141, Speed Restrictions, "No person shall drive a vehicle on a highway or in a public vehicular area at a speed greater than is reasonable and prudent under the conditions then existing."
4. On the night of the Collision, according the N.C.G.S. § 20-129, N.C.G.S § 20-141 (1), Mr. Williams had a duty to drive with his headlights on; and, (2) Mr. Williams had a duty to drive at a reasonable and prudent speed. The Defendant acted in a reckless and careless disregard for the safety of other persons using the roads of Charlotte, North Carolina, including the Plaintiff. At the time of the Accident, Defendant did not have his headlights on and was driving unreasonably fast in violation of both N.C.G.S. § 20-129 and N.C.G.S § 20-141.
5. As a direct and proximate cause of Defendant's negligent acts, the Collision happened, and Plaintiff was injured. As a direct and proximate cause of Defendant's negligent acts, Plaintiff suffered severe and painful injuries, which injuries caused great physical pain and mental anguish. Plaintiff's doctor, Dr. Mueller, has alleged that these injuries may be of permanent nature and that Plaintiff may continue to suffer great physical pain and mental anguish for the rest of Plaintiff's life.
6. That as a direct and proximate cause of Defendant's negligence, the Plaintiff has sustained injuries and damages in a sum greater than Seventeen Thousand Five Hundred Dollars (\$17,500.00).

WHEREFORE, Plaintiff demands judgment against the Defendant as follows:

1. That Plaintiff have, and recover from the Defendant, a sum greater than Seventeen Thousand Five Hundred Dollars (\$17,500.00);
2. That all issues of fact be tried by a jury;

3. That the costs of this action including interest from the date of filing of this Complaint be taxed against the Defendant; and
4. For such other and further relief that the court may find just and proper.

This the 20th day of March 2016.

Matthew Stiles

Matthew Stiles
N.C Bar # 11111

Attorney for Plaintiff

OF COUNSEL