

IN THE SUPERIOR COURT OF WALTON COUNTY
STATE OF GEORGIA

CLIFTON MARTIN and
VALERIE BOWIE,

Plaintiffs,

v.

TIMOTHY A. JOHNSON,

Defendant.

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CIVIL ACTION FILE NO.

COMPLAINT

COME NOW Plaintiffs Clifton Martin and Valerie Bowie (hereinafter “Plaintiffs”) in the above-styled action, and hereby file their Complaint against the above-named Defendant and show the Court as follows:

1.

Defendant Timothy A. Johnson (hereinafter “Defendant”) is subject to the jurisdiction and venue of this Court. Service may be made personally upon Defendant Timothy A. Johnson at his residence at 1015 Meadow Walk Dr, Monroe GA 30656.

2.

Jurisdiction is proper as to Defendant Timothy A. Johnson.

3.

Venue is proper as to Defendant Timothy A. Johnson.

4.

Service and service of process is proper as to Defendant Timothy A. Johnson.

5.

On October 19, 2019 Plaintiff Clifton Martin was operating a vehicle in which Valerie Bowie was a passenger.

6.

On October 19, 2019 at 2:41 a.m. Defendant Timothy A. Johnson operated his vehicle in a negligent, reckless and willful manner resulting in a collision with the vehicle driven by Plaintiff Clifton Martin in which Plaintiff Valerie Bowie was a passenger (hereinafter “the collision”).

7.

At the time of the collision, Plaintiffs were traveling west on Highway 78 through a green light at the intersection of Highway 78 and Unisa Drive in Monroe, GA.

8.

The collision occurred on October 19, 2019 when Defendant ran his red light at the intersection and collided with Plaintiffs’ vehicle.

9.

At the time of the October 19, 2019 collision, Defendant was driving while under the influence of alcohol and/or drugs.

10.

Defendant was legally intoxicated and/or under the influence of drugs at the time of the collision at issue.

11.

Following the collision Defendant fled the scene thereby committing a hit-and-run.

12.

The collision was caused by the negligence, recklessness and willfulness of Defendant in multiple manners including but not limited to: failure to stop for a traffic control device, negligently creating an accident in the roadway, driving under the influence of drugs and alcohol, negligently failing to maintain his vehicle under proper control, negligently failing to keep a proper lookout, negligently failing to make timely and proper application of brakes, negligently failing to

yield, fleeing the scene of the collision and any other acts of negligence, recklessness, and willfulness that may be proven at trial.

13.

Defendant failed to operate his vehicle with due care exercised by individuals in like or similar circumstances and operated his vehicle in a manner showing a disregard for the safety of others, including Plaintiffs.

14.

Defendant's negligence and violation of Georgia's motor vehicle laws constitute negligence per se and negligence as a matter of law.

15.

At all times mentioned herein, Plaintiffs acted with reasonable care under the conditions and circumstances then existing.

16.

Defendant's actions constituted negligence in operating his vehicle contrary to the reasonable and safe conditions and circumstances then existing.

17.

Defendant's actions constituted negligence by engaging in a driving manner which was ill-timed and improper, causing injuries, damages, losses, physical pain and emotional distress to Plaintiffs.

18.

But for the negligence, recklessness and willfulness of Defendant, Plaintiffs would not have suffered serious injury, physical pain, mental and psychological suffering, inconvenience, and other injuries as proven at the trial of this matter, all of which were directly and proximately caused by Defendant's actions.

19.

As a result of Defendant's negligence, recklessness and willfulness, Plaintiffs incurred reasonable, necessary, and continuing medical and healthcare expenses along with lost wages from the injuries, all of which was and will be a proximate cause of the collision and which will continue into the future in an amount to be proven at trial.

20.

Plaintiffs are entitled to recover for their injuries and pain and suffering sustained, and all other elements of damages allowed under Georgia law, including but not limited to all compensatory, general, special, incidental, consequential, punitive, and/or other damages permitted. Plaintiffs state their intention to seek all compensatory, special, economic, consequential, general, punitive and all other damages permissible under Georgia Law, including, but not limited to:

Personal injuries;

Past, present and future pain and suffering;

Disability;

Disfigurement;

Mental anguish;

Loss of the capacity for the enjoyment of life;

Incidental expenses;

Past, present and future medical expenses;

Lost wages;

Diminished capacity to labor;

Permanent injuries; and

Consequential damages to be proven at trial.

21.

Plaintiffs also seek punitive damages, of which Defendant is placed on notice thereto, uncapped based upon the willful and wanton nature of same and further, due to the actions based upon Defendant driving under the influence of alcohol and drugs, resulting in the collision at issue, and fleeing the scene.

22.

Defendant's actions have been and are stubbornly litigious and have caused Plaintiff undue and unnecessary trouble and expense such that Plaintiff is entitled to recover her necessary expenses of litigation, including an award of reasonable attorneys' fees and expenses required by this action. (O.C.G.A. § 13-6-11). Furthermore, Plaintiff is entitled to all expenses of litigation and attorneys' fees pursuant to all other Georgia statutory and common laws.

WHEREFORE, Plaintiffs demand:

- a) that process issue and the Defendant be served as provided by law;
- b) that Plaintiffs have judgment against Defendant in an amount the jury finds will adequately compensate Plaintiffs for their injuries and damages, general, compensatory, consequential and special, which have been sustained;
- c) that all costs be taxed against the Defendant;
- d) that this Court grant such other and further relief as it deems just and proper;
- e) Plaintiffs hereby demand a jury trial for all issues so triable.

SIGNATURE ON NEXT PAGE

This 20th day of January, 2021.

JAMES A. RICE, JR., P.C

/s/ Rebecca D. Clements

Rebecca D. Clements

Georgia Bar Number 411059

Attorney for Plaintiffs

563 Spring Street, NW
Atlanta, GA 30308
404-255-4448 (phone)
404-842-7710 (facsimile)