

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

DEBORAH COTTRILL,)	
)	
Plaintiff,)	
)	
v.)	
)	
TWENTIETH CENTURY FOX TELEVISION,)	
TWENTIETH CENTURY FOX FILM)	Civil Action No. _____
CORPORATION, a/k/a 20th Century Fox,)	
TWENTY-FIRST CENTURY FOX, INC., d/b/a)	
21st Century Fox, SKETCH FILMS, K/O)	
PRODUCTIONS, INC., d/b/a K/O Paper)	JURY TRIAL DEMANDED
Products, RUSSELL LEE FINE, PETER)	
WELLER, DAVID BLAKE HARTLEY,)	
RICHARD COAD, MICHAEL A. WILLIAMS,)	
BING SOKOLSKY, JAN RICHTER-FRIIS,)	
NANCY HAECKER, MICHAEL FREEMAN,)	
JERRY CARTER, JOSEPH BEECO, LINDA)	
BARRETT, JOEL DESHON KYLE, JD KYLE)	
TRUCKING, INC. and JOHN DOE)	
TRANSPORTATION COMPANY,)	
)	
Defendants.)	

COMPLAINT

Plaintiff Deborah Cottrill brings this action for personal injury against Defendants Twentieth Century Fox Television, Twentieth Century Fox Film Corporation a/k/a 20th Century Fox, Twenty-First Century Fox, Inc. d/b/a 21st Century Fox, Sketch Films, K/O Productions, Inc. d/b/a K/O Paper Products, Russell Lee Fine, Peter Weller, David Blake Hartley, Richard Coad, Michael A. Williams, Bing Sokolsky, Jan Richter-Friis, Nancy Haecker, Michael Freeman, Jerry Carter, Joseph Beeco, Linda Barrett, Joel Deshon Kyle, JD Kyle Trucking, Inc., and John Doe Transportation Company, showing the Court as follows.

I. PARTIES, JURISDICTION, AND VENUE

1.

Plaintiff Deborah Cottrill is a resident of DeKalb County, Georgia. Plaintiff submits to the jurisdiction and venue of this Court.

2.

Plaintiff served as a Second Camera Assistant on the “Whispers In The Dark” episode of the television series *Sleepy Hollow*. The 18-episode third season of *Sleepy Hollow*, of which “Whispers In The Dark” was a part, was filmed primarily in Conyers, Georgia and Lawrenceville, Georgia.

3.

Defendant Twentieth Century Fox Television (“Fox Television”) is a television production company that produces television programming throughout Georgia and, at all times relevant to the events made the basis of this Complaint, was involved in the production of *Sleepy Hollow*. Fox Television is subject to the jurisdiction of this Court pursuant to O.C.G.A. § 9-10-91. Fox Television may be served with process by delivering a summons and a copy of this Complaint to Dana Walden or Gary Newman, Chairmen-CEOs of Fox Television Group, at their place of business, 10201 W. Pico Blvd., Los Angeles, California 90064.

4.

Defendant Twentieth Century Fox Film Corporation, a/k/a 20th Century Fox (“20th Century Fox”), is a Delaware corporation with its principal office in California and is registered to do business in Georgia. 20th Century Fox produces filmed entertainment throughout Georgia and is the parent company of Fox Television. 20th Century Fox is subject to the jurisdiction of this Court pursuant to O.C.G.A. § 9-10-91. 20th Century Fox may be served with process by

delivering a summons and a copy of this Complaint to its registered agent for service of process, CT Corporation System, 289 South Culver Street, Lawrenceville, Gwinnett County, Georgia 30046.

5.

Defendant Twenty-First Century Fox, Inc., d/b/a 21st Century Fox (“21st Century Fox”), is a Delaware Corporation with its principal office in New York. 21st Century Fox is a mass-media corporation that produces, distributes, and broadcasts filmed entertainment throughout Georgia and is the parent company of Fox Television and 20th Century Fox. 21st Century Fox is subject to the jurisdiction of this Court pursuant to O.C.G.A § 9-10-91. 21st Century Fox may be served with process by delivering a summons and copy of this Complaint to its registered agent for service of process, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

6.

Defendant Sketch Films (“Sketch”) is a California corporation. Sketch produces television programming in Georgia and, at all times relevant to the events made the basis of this Complaint, was involved in the production of *Sleepy Hollow*. Sketch is subject to the jurisdiction of this Court pursuant to O.C.G.A § 9-10-91. Sketch may be served with process by delivering a summons and a copy of this Complaint to its registered agent for service of process, Warren Grant, 9100 Wilshire Boulevard, Suite 1000 West, Beverly Hills, California 90212.

7.

Defendant K/O Productions, Inc., d/b/a K/O Paper Products (“K/O”), is a California corporation. K/O produces television programming in Georgia and, at all times relevant to the events made the basis of this Complaint, was involved in the production of *Sleepy Hollow*. K/O

is subject to the jurisdiction of this Court pursuant to O.C.G.A. § 9-10-91. K/O may be served with process by delivering a summons and a copy of this Complaint to its registered agent for service of process, Brandy Davis, 2029 Century Park E., Suite 1500, Los Angeles, California 90067.

8.

Defendant Russell Lee Fine (“Fine”) served as a Co-Executive Producer of *Sleepy Hollow* and the Director of “Whispers In The Dark” and multiple other episodes of the third season of *Sleepy Hollow*. Fine may be served with process by delivering a summons and a copy of this Complaint to him at his place of residence, 410 E. 118th St., New York, New York 10035-4316. Fine is subject to the jurisdiction of this Court pursuant to O.C.G.A § 9-10-91.

9.

Defendant Peter Weller (“Weller”) served as the Director of the “I, Witness” episode of *Sleepy Hollow* and was working on the *Sleepy Hollow* set during the filming of “Whispers In The Dark.” Weller may be served with process by delivering a summons and a copy of this Complaint to him at his place of residence, 37 Riverside Drive, #16B, New York, New York 10023-8027. Weller is subject to the jurisdiction of this Court pursuant to O.C.G.A § 9-10-91.

10.

Defendant David Blake Hartley (“Hartley”) served as a Co-Producer and the Unit Production Manager of “Whispers In The Dark” and multiple other episodes of the third season of *Sleepy Hollow*. Hartley may be served with process by delivering a summons and a copy of this Complaint to him at his place of residence, 1727 Tearthumb Court, Wilmington, North Carolina 28403-4451. Hartley is subject to the jurisdiction of this Court.

11.

Defendant Richard Coad (“Coad”) served as a First Assistant Director of “Whispers In The Dark” and multiple other episodes of the third season of *Sleepy Hollow*. Coad may be served with process by delivering a summons and a copy of this Complaint to him at his place of residence, 2612 Alma Avenue, Manhattan Beach, California 90266-2130. Coad is subject to the jurisdiction of this Court pursuant to O.C.G.A § 9-10-91.

12.

Defendant Michael A. Williams (“Williams”) served as a First Assistant Director of the “I, Witness” episode and multiple other episodes of the third season of *Sleepy Hollow*. Williams was working on the *Sleepy Hollow* set during the filming of “Whispers In The Dark.” Williams may be served with process by delivering a summons and a copy of this Complaint to him at his place of residence, 4822 Premiere Avenue, Long Beach, California 90808-1145. Williams is subject to the jurisdiction of this Court.

13.

Defendant Bing Sokolsky (“Sokolsky”) served as Director of Photography of “Whispers In The Dark” and multiple other episodes of the third season of *Sleepy Hollow*. Sokolsky may be served with process by delivering a summons and a copy of this Complaint to him at his place of residence, 4654 Cartwright Avenue, North Hollywood, California 91602-1451. Sokolsky is subject to the jurisdiction of this Court pursuant to O.C.G.A § 9-10-91.

14.

Defendant Jan Richter-Friis (“Richter-Friis”) served as Director of Photography of the “I, Witness” episode of *Sleepy Hollow* and was working on the *Sleepy Hollow* set during the filming of “Whispers In The Dark.” Richter-Friis may be served with process by delivering a summons

and a copy of this Complaint to him at his place of residence, 170 Boulevard SE, Apartment C404, Atlanta, Fulton County, Georgia 30312-2331. Richter-Friis is subject to the jurisdiction of this Court.

15.

Defendant Nancy Haecker (“Haecker”) served as the Location Manager of “Whispers In The Dark” and multiple other episodes of the third season of *Sleepy Hollow*. Haecker may be served with process by delivering a summons and a copy of this Complaint to her at her place of residence, 2185 Forestglade Dr. # 8D, Stone Mountain, DeKalb County, Georgia 30087-1318. Haecker is subject to the jurisdiction and venue of this Court.

16.

Defendant Michael Freeman (“Freeman”) served as the Transportation Coordinator for “Whispers In The Dark” and multiple other episodes of the third season of *Sleepy Hollow*. Freeman may be served with process by delivering a summons and a copy of this Complaint to him at his place of residence, 1230 Silverwood Court, Lawrenceville, Gwinnett County, Georgia 30043-3905. Freeman is subject to the jurisdiction of this Court.

17.

Defendant Jerry Carter (“Carter”) served as the Transportation Captain for “Whispers In The Dark.” Carter may be served with process by delivering a summons and a copy of this Complaint to him at his place of residence, 140 Wells Road, Jenkinsburg, Butts County, Georgia 30234. Carter is subject to the jurisdiction of this Court.

18.

Defendant Joseph Beeco (“Beeco”) served as the Co-Captain of Transportation for “Whispers In The Dark.” Beeco may be served with process by delivering a summons and a

copy of this Complaint to him at his place of residence, 601 Meadow Lane #D, Monroe, Walton County, Georgia 30655-5812. Beeco is subject to the jurisdiction of this Court.

19.

Defendant Linda Barrett (“Barrett”) served as the DOT Coordinator/Dispatcher for “Whispers In The Dark.” Barrett may be served with process by delivering a summons and a copy of this Complaint to her at her place of residence, 582 Roberts Dr., Apt. 24, Riverdale, Clayton County, Georgia 30274-2924. Barrett is subject to the jurisdiction of this Court.

20.

At the time of the events made the basis of this Complaint, Ms. Cottrill was working as an independent contractor on *Sleepy Hollow*, alongside Fox Television, 20th Century Fox, 21st Century Fox, Sketch, K/O, Fine, Weller, Hartley, Coad, Williams, Sokolsky, Richter-Friis, Haecker, Freeman, Carter, Beeco, and Barrett (referred to collectively as the “*Sleepy Hollow* Defendants”).

21.

Entertainment Partners (“EP”) issued Ms. Cottrill’s paycheck, withholding any applicable taxes or deductions. EP maintained Ms. Cottrill’s workers’ compensation insurance.

22.

The *Sleepy Hollow* Defendants operated as independent contractors of each other.

23.

Each of the *Sleepy Hollow* Defendants was actively involved in the day-to-day activities pertaining to, and was individually and independently responsible for, the filming and production of *Sleepy Hollow*.

24.

Defendant Joel Deshon Kyle (“Kyle”) is a resident of Meriwether County, Georgia. Kyle served as a fuel truck operator for “Whispers In The Dark.” Kyle may be served with process by delivering a summons and a copy of this Complaint to him at his home address, 17750 Highway 85, Gay, Meriwether County, Georgia 30218. Kyle is subject to the jurisdiction of this Court.

25.

Defendant JD Kyle Trucking, Inc. is an administratively dissolved Georgia corporation and an active intrastate motor carrier, USDOT Number 1191513. Pursuant to O.C.G.A. § 14-4-161, JD Kyle Trucking, Inc. may be served with process by delivering a summons and a copy of this Complaint to its registered agent, CEO, and CFO at the time of its dissolution, Joel Deshon Kyle, 17750 Highway 85, Gay, Meriwether County, Georgia 30218. JD Kyle Trucking, Inc. is subject to the jurisdiction of this Court.

26.

John Doe Transportation Company is a not-yet-identified company in Georgia that is owned and/or operated by Defendant Kyle and performs hauling and transportation services.

27.

Upon information and belief, JD Kyle Trucking, Inc. and/or John Doe Transportation Company contracted with one or more of the Defendants to provide its services for the production of “Whispers In The Dark” and other episodes of the third season of *Sleepy Hollow*. JD Kyle Trucking, Inc. and John Doe Transportation Company are referred to collectively herein as “JD Kyle Trucking.”

28.

Venue is proper as to all Defendants residing, domiciled, organized, existing under, or authorized to do business in Georgia pursuant to O.C.G.A. § 9-10-31.

29.

Venue is proper as to all nonresident Defendants pursuant to O.C.G.A. § 9-10-93.

II. FACTUAL ALLEGATIONS

30.

Plaintiff re-alleges and incorporates the preceding paragraphs as if set forth fully herein.

31.

Ms. Cottrill served as a Second Camera Assistant on “Whispers In The Dark.” At the time of the filming described herein, she was 52 years old.

32.

As an assistant camera operator, Ms. Cottrill’s duties included setting up cameras, keeping the cameras loaded with film, and helping track and transport equipment.

33.

On July 27, 2015, Ms. Cottrill reported to the *Sleepy Hollow* set in Conyers, Rockdale County, Georgia.

34.

At the direction of Defendant Sokolsky, Defendant Fine, and/or other *Sleepy Hollow* Defendants, the *Sleepy Hollow* crew prepared to film scenes for “Whispers In The Dark.” Ms. Cottrill assisted in preparation for this day’s filming.

35.

Despite the fact that cast and crew members were in the area and many crew members were moving equipment, none of the *Sleepy Hollow* Defendants, or their agents, representatives,

contractors, or employees, properly closed the portion of the set where Ms. Cottrill and other members of the crew were working.

36.

Despite the fact that the cast and crew members were moving about, the *Sleepy Hollow* Defendants, or their agents, representatives, contractors, or employees, failed to take reasonable, minimum safety precautions.

37.

Specifically, among other things, the *Sleepy Hollow* Defendants, or their agents, representatives, contractors, or employees failed to properly close the area of the set where Ms. Cottrill and other members of the crew were working, failed to properly secure filming in a safe manner, failed to have any safety meetings or trainings, and failed to properly train those working on the set.

38.

By committing these acts, or failures to act, the *Sleepy Hollow* Defendants operated without minimum safety precautions.

39.

In preparation for filming, Ms. Cottrill was unloading a cart full of equipment from a parked truck. The truck was parked on a road that should have been closed and appeared to be closed.

40.

As Ms. Cottrill was unloading the cart, she was hit by a truck driven by Defendant Kyle. Defendant Kyle was hauling a large generator.

41.

Ms. Cottrill's right leg became trapped under the trailer driven by Defendant Kyle. Defendant Kyle then backed up and ran over Ms. Cottrill's leg again.

42.

As a result of the incident, Ms. Cottrill's leg and ankle were broken and she sustained additional injuries to her shoulder. Ms. Cottrill has undergone more than three surgeries and procedures to attempt to remedy the injuries caused to her on July 27, 2015.

43.

According to supervisors, vehicles should not have been on the road at the time Ms. Cottrill was injured.

44.

The Transportation Department of the *Sleepy Hollow* production was responsible for the delivery of the generator.

45.

The truck driven by Defendant Kyle in the incident was owned by JD Kyle Trucking.

46.

At all relevant times, Kyle was an agent, servant, or employee of JD Kyle Trucking and was acting in the course and scope of such agency or employment.

47.

As producers and ultimate decision-makers for *Sleepy Hollow*, Defendants Fox Television, 20th Century Fox, 21st Century Fox, Sketch, K/O, Fine, and Hartley were each independently and ultimately responsible for ensuring set safety during the filming of *Sleepy Hollow*.

48.

As Directors, Defendants Fine and Weller were responsible for ensuring set safety during the filming of *Sleepy Hollow*.

49.

As Unit Production Manager, Defendant Hartley was responsible for all administrative requirements of film production.

50.

As First Assistant Directors, Defendants Coad and Williams were responsible for holding safety meetings for the cast and crew, inspecting the set for safety concerns, and reporting any unsafe conditions or other safety issues.

51.

As Directors of Photography, Defendants Sokolsky and Richter-Friis were responsible for overseeing the operation and safety of the camera operators, including Ms. Cottrill.

52.

As Location Manager, Defendant Haecker was responsible for selecting and overseeing the use of various locations on the set.

53.

As Transportation Coordinator, Defendant Freeman was responsible for safe transportation operations on set, including those of Defendant Kyle and JD Kyle Trucking.

54.

As Transportation Captain and Co-Captain, respectively, Defendants Carter and Beeco were responsible for overseeing transportation on set, including Defendant Kyle and JD Kyle Trucking.

55.

As DOT/Dispatcher, Defendant Barrett was responsible for dispatching individual drivers on and off of the set, including Defendant Kyle and JD Kyle Trucking.

56.

Defendant Kyle had a duty to drive in a safe and reasonable manner.

57.

Defendant Kyle drove in an unsafe, unreasonable, and reckless manner when he drove the truck over Ms. Cottrill's leg, backed up, and ran over her leg again.

58.

Defendant JD Kyle Trucking is vicariously liable for the actions and inactions of Defendant Kyle.

59.

Each of the *Sleepy Hollow* Defendants had knowledge, actual or constructive, that the area where the incident occurred on July 27, 2015 had not been properly closed and secured.

60.

Despite this knowledge, and as set forth above, each of the *Sleepy Hollow* Defendants breached their duties to conduct the July 27 filming in a safe manner, and each *Sleepy Hollow* Defendant is independently liable to Plaintiff for her injuries and the resulting damages.

61.

Each of the Defendants' acts and omissions described in this Complaint constitutes an independent act of negligence on the part of Defendants, and one or more of all of the acts or failures to act described herein were a proximate cause of Ms. Cottrill's injuries. As a result, Defendants are joint tortfeasors, and their individual and combined negligence renders them liable to Plaintiff for her injuries and all damages recoverable under Georgia law.

III. CAUSES OF ACTION

COUNT ONE

NEGLIGENCE OF THE *SLEEPY HOLLOW* DEFENDANTS

62.

Plaintiff re-alleges and incorporates the preceding paragraphs as if set forth fully herein.

63.

Each of the *Sleepy Hollow* Defendants owed an independent duty to Ms. Cottrill to take reasonable safety precautions on the set of “Whispers In The Dark.”

64.

Each of the *Sleepy Hollow* Defendants breached the duty owed to Ms. Cottrill by failing to exercise ordinary care on and leading up to July 27, 2015 to protect the filming cast and crew and failing to take reasonable safety precautions, including but not limited to the following:

- a. failing to properly close the area of the set where the incident occurred;
- b. failing to properly secure filming in a safe manner;
- c. failing to conduct any safety meetings or trainings for the *Sleepy Hollow* cast and crew;
- and
- d. failing to properly train those working on the set.

65.

Each of the *Sleepy Hollow* Defendants had knowledge, both actual and constructive, of the dangers presented by failing to properly close the portion of the set on which the incident occurred.

66.

Each of the *Sleepy Hollow* Defendants failed to warn the cast and crew that the set had not been properly closed and of the dangers presented by the failure to properly close the set.

67.

Each of the *Sleepy Hollow* Defendants' failures, individually and as a whole, amounted to a negligent breach of the duty to exercise reasonable care.

68.

Defendants' negligence actually and proximately caused Ms. Cottrill's injuries, rendering Defendants liable to her for her injuries, past and future medical expenses, pain and suffering, lost wages, lost earning capacity, and all other elements of damages allowed under the laws of the State of Georgia.

COUNT TWO

NEGLIGENCE OF KYLE AND JD KYLE TRUCKING

69.

Plaintiff re-alleges and incorporates the preceding paragraphs as if set forth fully herein.

70.

Kyle had a duty to exercise due care and to act reasonably so as not to cause injury to others while operating his vehicle.

71.

Kyle failed to act reasonably, breached his duty, and was negligent in the operation of his vehicle, including but not limited to one or more of the following actions or inactions:

- a. Driving while distracted;
- b. Failing to yield to pedestrians;

- c. Failure to keep a proper lookout for pedestrians; and/or
- d. Operating a vehicle at an unreasonable speed.

72.

Kyle's negligence directly and proximately caused the contact with Ms. Cottrill's person.

73.

Kyle's negligence directly and proximately caused Ms. Cottrill's injuries and damages, including but not limited to past, present, and future medical expenses, lost wages, lost earning capacity, and pain and suffering.

74.

At all times material hereto, Kyle was an actual or ostensible employee, servant, and/or agent of JD Kyle Trucking, was under the direction and control of JD Kyle Trucking, and was acting within the course and scope of such employment or agency. JD Kyle Trucking is vicariously liable to Ms. Cottrill for the negligence and/or recklessness of Kyle.

75.

In addition or in the alternative, at all times material hereto, Kyle was an actual or ostensible employee and/or agent of one or more of the *Sleepy Hollow* Defendants, was under the direction and control of one or more of the *Sleepy Hollow* Defendants, and was acting within the course and scope of such employment or agency. One or more of the *Sleepy Hollow* Defendants are vicariously liable to Plaintiff for the negligence and/or recklessness of Kyle.

76.

Ms. Cottrill is entitled to recover from the Defendants for her injuries and damages, including but not limited to past and future medical expenses, pain and suffering, lost wages, lost

earning capacity, and all other elements of damages allowed under the laws of the State of Georgia.

COUNT THREE

NEGLIGENCE *PER SE* OF KYLE AND JD KYLE TRUCKING FOR VIOLATION OF GEORGIA RULES OF THE ROAD

77.

Plaintiff re-alleges and incorporates the preceding paragraphs as if set forth fully herein.

78.

Kyle was under a duty to follow the Georgia Rules of the Road, the violation of which constitutes negligence *per se*.

79.

Kyle was negligent *per se* for violating rules of the road intended to protect persons such as Ms. Cottrill from injury, including but not limited to the following:

- a. Engaging in actions which distracted him from safe operation of the vehicle, O.C.G.A. § 40-6-241;
- b. Failing to yield to pedestrians, O.C.G.A. § 40-6-93;
- c. Operating a vehicle at an unreasonable speed, O.C.G.A. § 40-6-49; and/or
- d. Reckless driving, O.C.G.A. § 40-6-390.

80.

Kyle's negligence *per se* directly and proximately caused the contact with Ms. Cottrill's person.

81.

Kyle's negligence *per se* directly and proximately caused Ms. Cottrill's injuries and damages, including but not limited to past, present, and future medical expenses, lost wages, lost earning capacity, and pain and suffering.

82.

At all times material hereto, Kyle was an actual or ostensible employee, servant, and/or agent of JD Kyle Trucking, was under the direction and control of JD Kyle Trucking, and was acting within the course and scope of such employment or agency. JD Kyle Trucking is vicariously liable to Ms. Cottrill for the negligence *per se* of Kyle.

83.

In addition or in the alternative, at all times material hereto, Kyle was an actual or ostensible employee and/or agent of one of more of the *Sleepy Hollow* Defendants, was under the direction and control of one or more of the *Sleepy Hollow* Defendants, and was acting within the course and scope of such employment or agency. One or more of the *Sleepy Hollow* Defendants are vicariously liable to Plaintiff for the negligence *per se* of Kyle.

84.

Ms. Cottrill is entitled to recover from the Defendants for her injuries and damages, including but not limited to past and future medical expenses, pain and suffering, lost wages, lost earning capacity, and all other elements of damages allowed under the laws of the State of Georgia.

COUNT FOUR

**NEGLIGENCE *PER SE* OF KYLE AND JD KYLE TRUCKING FOR VIOLATION OF
FEDERAL MOTOR CARRIER SAFETY REGULATIONS**

85.

Plaintiff re-alleges and incorporates the preceding paragraphs as if set forth fully herein.

86.

At all times relevant hereto, Kyle and JD Kyle Trucking were subject to the minimum standards established by the Federal Motor Carrier Safety Regulations, 49 C.F.R. pts. 300-399, either directly or as adopted by Ga. Comp. R. and Regs. 515-16-4-.01, the violation of which constitutes negligence *per se*.

87.

Kyle and JD Kyle Trucking were negligent *per se* for violating rules and regulations applicable to commercial motor vehicles that are intended to protect persons such as Ms. Cottrill from injury, including but not limited to:

- a. Failure to operate a commercial motor vehicle in accordance with the laws of Georgia, 49 C.F.R. § 392.2; and/or
- b. Failure to inspect and/or use service brakes, horn, or other equipment, 49 C.F.R. § 392.7.

88.

Kyle's and JD Kyle Trucking's negligence *per se* directly and proximately caused the contact with Ms. Cottrill's person.

89.

Kyle's and JD Kyle Trucking's negligence *per se* directly and proximately caused Ms. Cottrill's injuries and damages, including but not limited to past, present, and future medical expenses, lost wages, lost earning capacity, and pain and suffering.

90.

At all times material hereto, Kyle was an actual or ostensible employee, servant, and/or agent of JD Kyle Trucking, was under the direction and control of JD Kyle Trucking, and was acting within the course and scope of such employment or agency. JD Kyle Trucking is vicariously liable to Ms. Cottrill for the negligence *per se* of Kyle.

91.

In addition or in the alternative, at all times material hereto, Kyle and JD Kyle Trucking were actual or ostensible employees and/or agents of one or more of the *Sleepy Hollow* Defendants, were under the direction and control of one or more of the *Sleepy Hollow* Defendants, and were acting within the course and scope of such employment or agency. One or more of the *Sleepy Hollow* Defendants are vicariously liable to Plaintiff for the negligence *per se* of Kyle and JD Kyle Trucking.

92.

Ms. Cottrill is entitled to recover from the Defendants for her injuries and damages, including but not limited to past and future medical expenses, pain and suffering, lost wages, lost earning capacity, and all other elements of damages allowed under the laws of the State of Georgia.

COUNT FIVE
PUNITIVE DAMAGES

93.

Plaintiff re-alleges and incorporates the preceding paragraphs as if set forth fully herein.

94.

Each of the Defendants' respective wrongful actions and/or inactions showed willful misconduct, wantonness, oppression, or that entire want of care which raises the presumption of a conscious indifference to consequences.

95.

Punitive damages should be imposed in an amount sufficient to penalize the Defendants and to deter such willful, wanton, and reckless conduct in the future.

96.

Ms. Cottrill is entitled to an award of punitive damages pursuant to O.C.G.A § 51-12-5.1.

IV. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

1. That summons and process issue and Defendants be served with this Complaint as required by law and that Defendant be required to appear and answer;
2. That Plaintiff receive a **TRIAL BY JURY**;
3. That judgment be entered against Defendants and in favor of Plaintiff;
4. That Plaintiff be awarded all past and future medical bills, lost wages, lost earning capacity, past and future pain and suffering, and other economic and non-economic damages in an amount determined by the enlightened conscience of the jury;

5. That Plaintiff be awarded compensatory, general, special, and all other damages allowable by law in an amount determined by the enlightened conscience of the jury;
6. That Plaintiff be awarded punitive damages in an amount determined by the enlightened conscience of the jury;
7. That Plaintiff be awarded all attorneys' fees, costs, expenses, and interest attributable to this action; and
8. That Plaintiff be granted such other and further relief as the Court deems just and proper.

Respectfully submitted this 14th day of July, 2017.

HARRIS LOWRY MANTON LLP

/s/ Jed D. Manton

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