

IN THE COUNTY COURT OF LAMAR COUNTY, MISSISSIPPI

CHARLOTTE GILBERT and
ROGER BOUDREAUX, JR.

PLAINTIFFS

vs.

CAUSE NO.: 2015-0172A

JERRY GOFORTH, JR. and
HD MACHINES, LLC.

DEFENDANTS

COMPLAINT

NOW INTO COURT, through undersigned counsel, come the Plaintiffs, Charlotte Gilbert and Roger Boudreaux, who files this Complaint against Defendants Jerry Goforth, Jr. and HD Machines, LLC. and shows this honorable Court that:

I.

Plaintiffs Charlotte Gilbert and Roger Boudreaux, Jr., are persons of majority, who reside in La.

II.

Defendant Jerry Goforth, Jr., upon information and belief, is an adult resident citizen of Lauderdale County, Mississippi, who may be served with process at 245 Murphy Road, Meridian, MS 39301, or wherever he may be found.

III.

Defendant HD Machines, LLC. is a Mississippi company licensed to do business in the State of Mississippi who may be served through its registered agent and/or pursuant to the Mississippi Rules of Civil Procedure.

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IV.

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This cause of action occurred or accrued in Lamar County, Mississippi; and pursuant to the provisions of Mississippi Code Section 11-11-3, as amended, venue is proper in this Court.

COUNT ONE: NEGLIGENCE OF DEFENDANT JONES

V.

That on or about November 25, 2014, at approximately 6:01 P.M., and at all times hereinafter mentioned, Plaintiffs Charlotte Gilbert and Roger Boudreaux, Jr. were traveling in a vehicle being operating by Boudreaux traveling in the right lane, north on Interstate 59 in Lamar County, Mississippi.

VI.

At approximately the same time and place, Defendant Jerry Goforth, Jr. was operating a 2007 International 440, owned by HD Machines, LLC., also traveling south on I59. Mr. Goforth was traveling in the left lane, and attempted to merge into the right lane hitting the Plaintiffs' vehicle, causing the collision and subsequent injuries upon which this lawsuit is based.

VII.

The aforesaid collision was the fault of, and was proximately caused by, the negligence of Jerry Goforth, Jr. in the following, non-exclusive respects:

- a. By failing to maintain reasonable and proper control of said vehicle upon a public road;
- b. In operating the vehicle in an improper, unsafe, and negligent manner;
- c. In Improper lane usage;
- d. In failing to yield to the right of way;
- e. By failing to see what should have been seen;
- f. In violating the Revised Statutes of the State of Mississippi, all of which are pleaded as if copied herein in extenso; and
- g. All other acts of negligence that were the cause of the collision and will be shown at the trial of this matter.

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VIII.

That, as a result of the aforesaid collision, Plaintiff Charlotte Gilbert has sustained injuries, including, but not limited to her neck, head, shoulders, and back.

IX.

As a result thereto, Plaintiff Charlotte Gilbert has suffered the following damages: bills for medical treatment, past and future; physical pain and suffering, including loss of enjoyment of life; and mental and emotional distress, past and future.

X.

That, as a result of the aforesaid collision, Plaintiff Roger Boudreaux has sustained injuries, including, but not limited to his neck, back, and chest.

XI.

As a result thereto, Plaintiff Roger Boudreaux has suffered the following damages: bills for medical treatment, past and future; physical pain and suffering, including loss of enjoyment of life; loss of wages, and mental and emotional distress, past and future.

XII.

That Jerry Goforth, Jr. was an employee and in the course and scope of employment with HD Machines, and as such, HD Machines is vicariously liable for actions and inactions of its employee. HD Machines may likewise be liable for improper training or supervision.

XIII.

Plaintiffs show that they are entitled to a trial by jury on all issues raised herein, and pray for a trial by jury on all issues raised herein.

WHEREFORE, Plaintiffs CHARLOTTE GILBERT and ROGER BOUDREAUX pray that JERRY GOFORTH, JR., and HD MACHINES, LLC. be served with a copy of this

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Complaint, and after being duly cited to appear and answer hereto, and after the expiration of all legal delays and due proceedings are had, that there be a judgment rendered herein in favor of Plaintiff Plaintiffs CHARLOTTE GILBERT and ROGER BOUDREAUX and against Defendants JERRY GOFORTH, JR., and HD MACHINES, LLC., as alleged, together with legal interest, and for all costs of these proceedings, including expert witness fees to be taxed as costs of court, and for all legal and equitable relief this honorable court shall deem appropriate.

Further, a **TRIAL BY JURY** is requested on all issues raised herein.

RESPECTFULLY SUBMITTED, this the 6th day of April, 2015.

MORRIS BART, LTD.
1712 15TH ST., SUITE # 300
GULFPORT, MS 39501
TEL: (228) 276-0312
FAX: (866)851-7331
EMAIL: rcanon@morrisbart.com

BY:



RYAN J. CANON (MSB 103296)

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PLAINTIFF'S ELECTION FORM FOR SERVICE OF PROCESS

Plaintiff, through undersigned counsel, hereby select service of process on Defendants by the method indicated below:

- A. By the Sheriff of the county in which the Defendant(s) reside for service under subparagraph (c)(2) of Rule 4 of the Mississippi Rules of Civil Procedure.
- B. By a Process Server selected by the plaintiff who is not a party and is not less than 18 years of age for service under subparagraphs (c)(1) of Rule 4 of the Mississippi Rules of Civil Procedure.
- C. By Mail as provided by (c)(3) or (c)(5) Rule 4 of the Mississippi Rules of Civil Procedure.
- D. By Publication as authorized under subparagraph (c)(4) of Rule 4 of the Mississippi Rules of Civil Procedure.
- E. Do not issue Summons in this case as it is my intention to get a waiver from the defendant(s). The waiver will be filed as soon as it is secured.

Submitted on the 6th day of April, 2015.

MORRIS BART
1712 15TH STREET , SUITE 300
GULFPORT, MS 39501
(228) 276-0312

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RYAN J. CANON (MSB# 103296)