

IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI  
FIRST JUDICIAL DISTRICT

VINCENT M. LEWIS

PLAINTIFF

VS.

CIVIL ACTION NO. 18-343

ROBERT B. BLAKENEY;  
FIXIT REFRIGERATION & APPLIANCE, INC.;  
AND JOHN AND JANE DOES 1-10

DEFENDANTS

COMPLAINT  
(JURY TRIAL REQUESTED)

COMES NOW, Plaintiff Vincent M. Lewis (hereinafter "Vincent" or "Plaintiff"), by and through Counsel, and files this action against Defendants, Robert B. Blakeney (hereinafter "Robert" or "Defendant Blakeney"), Fixit Refrigeration & Appliance, Inc. (hereinafter "Defendant Appliance"), collectively "Defendants," and John and Jane Does 1-10. In support thereof, Plaintiff would show unto this Court the following:

PARTIES

1.

Plaintiff Vincent M. Lewis is an adult resident citizen of Hinds County, Mississippi, residing at 100 View Pointe Drive, Clinton, Mississippi 39056.

2.

Defendant Robert B. Blakeney is an adult resident citizen of Rankin County, Mississippi and may be served with process of this Court at his residential address of 2007 Red Oak Drive, Brandon, Mississippi 39042.

3.

Defendant Fixit Refrigeration & Appliance, Inc. is a Mississippi Corporation registered to do business in the State of Mississippi with its principal place of business located at 2043 South

Cobblestone Cove, Brandon, Mississippi 39042. Defendant Appliance can be served with process of this Court through its registered agent, Charles Jonathan Lamb, located at 3219 Crafton Street, Pearl, Mississippi 39208.

4.

Defendants John and Jane Doe 1-10 are fictitious Defendants, the true identity of each is unknown to Plaintiff, and who are parties herein pursuant to Rule 9(h) of the Mississippi Rules of Civil Procedure. More specifically, John and Jane Doe(s) Defendants constitute the class of organizations, companies, or individuals unknown to Plaintiff at this time that through their negligence, conspiracy, concealment, or otherwise caused Plaintiff's damage or delayed Plaintiff's access to judicial relief. Plaintiff reserves the right to amend the Complaint when upon discovery of the true identity of each fictitious Defendant, with service of process to be executed on each party.

5.

At all times relevant to this action, Defendants' employees, including John and Jane Doe(s) 1-10, were acting in the scope of his/her agency and employment with the Defendants named herein. Accordingly, Defendants are vicariously responsible for the alleged acts and omissions of its employees, as well as any other employees, agents, individuals, or managers that were negligent while acting on behalf and for the Defendants named herein.

#### JURISDICTION AND VENUE

6.

Jurisdiction and venue are proper, pursuant to Mississippi Code of 1972, § 11-11-3(1)(a)(i), as all acts and/or omissions occurred in Clinton, Hinds County, Mississippi.

FACTS

7.

On or about March 2, 2016, Plaintiff was operating his automobile westbound in a lawful and prudent manner on Kickapoo Road in Clinton, Hinds County, Mississippi.

8.

At the same time, date, and approximate location, Defendant Blakeney was driving a 2009 Ford F-250, owned by Defendant Fixit Appliance, and was traveling southbound on Pinehaven Road in Clinton, Hinds County, Mississippi.

9.

As Plaintiff was driving westbound on Kickapoo Road near the intersection of Kickapoo Road and Pinehaven Road, and after stopping at the stop sign, he began to travel through the intersection. Plaintiff had the right of way.

10.

At the same intersection, Defendant Blakeney failed to yield the right of way or abide by the stop sign and subsequently crashed into the Plaintiff's vehicle.

11.

Defendant Blakeney was operating his vehicle in the course and scope of his employment with Defendant Appliance, the registered owner of the vehicle.

12.

Clinton Police Department arrived and investigated the incident. Defendant Blakeney was found to be at-fault for the subject collision and was cited on the accident report for having "faulty equipment."

13.

Plaintiff did not cause or contribute to the subject collision.

14.

The collision was caused by the recklessness, carelessness, and negligence of Defendant Blakeney, and the Plaintiff sustained significant injuries as a result thereof.

### CAUSES OF ACTION

#### I. NEGLIGENCE OF DEFENDANT BLAKENEY

15.

Plaintiff incorporates by reference each and every averment made in paragraphs 1-14 above.

16.

Defendant Blakeney owed the following duties to Plaintiff:

- (a) To exercise reasonable, ordinary care of his automobile;
- (b) To abide by all traffic signals and stop signs;
- (c) To exercise the same care of his automobile that a reasonably prudent person would under like circumstances;
- (d) To exercise reasonable, ordinary care to keep a proper lookout for other vehicles;
- (e) To bring the vehicle under control with sufficient distance for him to do so before colliding with another vehicle;
- (f) To maintain a proper lookout in the direction he was traveling;
- (g) To maintain control of his vehicle;
- (h) To maintain his lane of traffic; and
- (i) Other acts of negligence that will be shown at trial.

17.

Defendant Blakeney had a duty to act as a reasonably prudent person under like circumstances; he owed this duty to Plaintiff. Defendant Blakeney breached every duty as listed above, and by doing so caused harm to Plaintiff.

18.

The direct cause of Plaintiff's injuries was as a result of Defendant Blakeney's negligent acts. But for his negligent acts and/or omissions the harm suffered by Plaintiff could have been avoided.

II. NEGLIGENT ENTRUSTMENT/SUPERVISION/RETENTION OF FIXIT REFRIGERATION & APPLIANCE INC.

19.

Plaintiff incorporates by reference each and every averment made in paragraphs 1-18 above.

20.

Upon information and belief, Defendant Appliance was the owner of the vehicle that Defendant Blakeney was operating at the time of the subject collision. Defendant Appliance was negligent in the supervision, entrustment, and hiring of Defendant Blakeney.

21.

At all relevant times, Defendant Blakeney was acting within the course and scope of his employment with Defendant Appliance. Defendant Appliance is liable for any and all negligent conduct of its employee which caused harm to Plaintiff, under the theory of *respondeat superior*.

22.

This negligent supervision, entrustment, and hiring of Defendant Blakeney by Defendant Appliance proximately caused injury to Plaintiff. The direct and proximate causes of Plaintiff's injuries were because of Defendant Appliance's negligent acts. But for these negligent acts and/or

omissions the harm suffered by Plaintiff could have been avoided.

DAMAGES

23.

Plaintiff incorporates by reference each and every averment made in paragraphs 1-20 above.

24.

Based on the foregoing, the Plaintiff requests an award of damages for the following:

- (a) Past, present, and future pain and suffering;
- (b) Past, present, and future loss of wages or wage-earning capacity;
- (c) Past, present, and future medical expenses;
- (d) Permanent scarring and/or impairment, if any;
- (e) Permanent disability, if any;
- (f) Past, present, and future emotional distress and mental anguish;
- (g) Attorney's fees;
- (h) Pre-judgment interest;
- (i) Post-judgment interest; and
- (j) All costs of this Court.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands a trial by jury and seeks judgment of, from, and against the Defendants listed above to adequately compensate Plaintiff for his injuries, and for any other relief provided by law.

Respectfully submitted this the 20<sup>th</sup> day of June, 2018.

Vincent M. Lewis, Plaintiff



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