

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

ROBERT KELLY

PLAINTIFF

VS.

CIVIL ACTION NO. 21-85

JERRY L. GARLAND

DEFENDANT

COMPLAINT WITH DISCOVERY ATTACHED
JURY TRIAL REQUESTED

COMES NOW Robert Kelly, by and through counsel, and for cause of action against the defendant, Jerry L. Garland, states and alleges the following:

1.

Robert Kelly is an adult resident citizen of Bolton, Hinds County, Mississippi.

2.

Jerry L. Garland is an adult resident citizen of Jackson, Hinds County, Mississippi, and may be served with process at 4836 N. Westhaven Drive, Jackson, Hinds County, Mississippi 39309.

3.

This Court has jurisdiction over this matter pursuant to the Mississippi Constitution and the laws of the State of Mississippi. Venue is proper in this Honorable Court as the defendant resides in Hinds County, Mississippi.

4.

On or about May 4, 2020, Robert Kelly was laying asphalt in Florence, Mississippi. While doing so, he walked in front of a stopped vehicle being operated by Jerry L. Garland. At such time, Jerry L. Garland operated the air horn on his stopped vehicle while Robert Kelly was directly in front of his vehicle.

5.

Jerry L. Garland was negligent in operating the air horn on his stopped vehicle while Robert Kelly was in front of his vehicle.

6.

Robert Kelly was acting in a lawful and prudent manner at the time of the incident and was not negligent.

7.

The resulting damages to Robert Kelly were directly and proximately caused by the negligence of Jerry L. Garland in operating the air horn on his stopped vehicle while Robert Kelly was directly in front of his vehicle.

8.

As a result of Jerry L. Garland's negligent acts and/or omissions, Robert Kelly has suffered past, present, and future medical expenses; past, present, and future loss of wages or wage earning capacity; and, past, present, and future pain and suffering and resulting emotional distress and mental anguish.

9.

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

1. past, present, and future pain and suffering and resulting emotional distress and mental anguish;
2. past, present, and future loss of wages or wage earning capacity;
3. past medical expenses;
4. future medical expenses;
5. Pre-judgment interest;

6. Post-judgment interest; and,
7. All costs of court.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Robert Kelly, demands judgment against Jerry L. Garland in an amount in excess of the jurisdictional minimum of this court and to be determined by a jury to adequately compensate the plaintiff for his injuries; pre-judgment and post-judgment interest; his costs in pursuing this lawsuit; and any other relief to which he may be entitled under Mississippi Law.

RESPECTFULLY SUBMITTED, this the 11th day of February, 2021.

ROBERT KELLY

BY: 

OF COUNSEL

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