

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF WASHINGTON

MAHENDRA TADIKONDA,)	Case No.
)	
Plaintiff,)	COMPLAINT
)	(Negligence/Negligence Per Se)
v.)	
)	Damages in the amount of \$10,000; filing fee
HAYDEN FERGUS,)	per ORS §21.160(1)(a)
)	
Defendant.)	SUBJECT TO MANDATORY
_____)	ARBITRATION

COMPLAINT

Plaintiff, Mahendra Tadikonda (hereafter referred to as “Plaintiff”) through counsel, alleges as follows:

1.

Plaintiff’s vehicle was damaged on or about June 14, 2017, in Hillsboro, Oregon, due directly to the actions of Defendant Hayden Fergus (“Defendant”) in the use of their motor vehicle.

2.

Plaintiff is an adult resident of Washington County, Oregon.

3.

On information and belief, Defendant is an adult resident of Washington County, Oregon.

1 4.

2 On or about June 14, 2017, Plaintiff was driving in Hillsboro, Washington County,
3 Oregon, when he was rear-ended by Defendant.

4 5.

5 All of the above enumerated actions by Defendant demonstrate the event outlined in
6 paragraph 4 above occurred without any fault or negligence attributable to Plaintiff.

7 6.

8 As a direct result of these breaches of duty and law described in paragraphs 4 through 5,
9 and due directly to the behavior by Defendant, Plaintiff suffered bodily injuries. This includes
10 pain and suffering, anxiety, as well as inconvenience, all to their non-economic harm in an
11 amount to be determined by the jury to fairly and justly compensate them in accordance with
12 Oregon law, not to exceed \$2,163.17.

13 7.

14 As a direct result of the above described incident, Plaintiff incurred property damages to
15 his vehicle, all to his economic detriment and resulted in economic damages in an amount to be
16 determined by the jury to fairly and justly compensate them in accordance with Oregon law, not
17 to exceed \$7836.83.

18 8.

19 Plaintiff is entitled to recover attorney's fees incurred herein pursuant to ORS §20.080,
20 in addition to their damages and costs.

21 9.

22 Plaintiff reserves the right to amend this complaint pursuant to ORS §31.725.
23
24

1 **FIRST CLAIM FOR RELIEF**

2 (Negligence)

3 10.

4 Plaintiff re-alleges paragraphs 1-9 above as though fully set forth herein.

5 11.

6 Defendant was negligent in one or more of the following particular manners:

- 7 a. In operating the vehicle in an unsafe, unreasonable, careless or indiscriminate
8 manner without due regard for the safety of others;
- 9 b. In driving while distracted;
- 10 c. In failing to keep a proper lookout for other vehicles and traffic;
- 11 d. In failing to maintain safe and adequate control of his vehicle; and
- 12 e. In failing to comply with the Basic Speed Rule.

13 12.

14 These breaches of duty by Defendant described above in paragraph 11 led directly, and
15 foreseeably, to the injuries and damages suffered by Plaintiff as described above in paragraphs
16 6 & 7.

17 **SECOND CLAIM FOR RELIEF**

18 (Negligence Per Se)

19 13.

20 Plaintiff re-alleges paragraphs 1 through 12 above as though fully set forth herein.

21 14.

22 Defendant violated one or more of the following *Oregon Revised Statutes* (ORS) in the
23 following manners:
24

- 1 a. In operating the vehicle in a careless manner without due regard for the safety of
2 others in violation of ORS §811.135; and
3 b. In failing to comply with the Basic Speed Rule as required by ORS §811.100.

4 15.

5 Defendant was at all times material to this lawsuit required to comply with the foregoing
6 laws enumerated in paragraph 14.

7 16.

8 Plaintiff, as a person directly injured by the collision, was a member of the class intended
9 to be protected by such laws, and the harms suffered were of the type and kind such laws were
10 intended to protect against.

11 17.

12 As a direct and foreseeable result of Defendant's conduct, Plaintiff sustained bodily
13 injuries and other damages as described above in paragraphs 6 & 7.

14
15 **PRAYER FOR RELIEF**

16 18.

17 **WHEREFORE**, Plaintiff prays for judgment against Defendant as follows:

- 18 a) Economic damages in the amount to be determined by the jury to fairly
19 compensate Plaintiff in accordance with Oregon law, and not to exceed
20 \$7,836.83;
21 b) Non-economic damages in the amount to be determined by the jury to fairly
22 compensate Plaintiff in accordance with Oregon law, and not to exceed
23 \$2,163.17;
24 c) Reasonable attorney's fees under ORS §20.080 for those amounts claimed by

1 Plaintiff;

2 d) Plaintiff's costs and disbursements incurred herein;

3 e) Other relief as the Court deems just and equitable.

4
5 Dated: June 14, 2019

Respectfully submitted,

6
7 s/ Michael O. Stevens

Michael O. Stevens, OSB No. 095198

8 Attorney for Plaintiff

9 Trial Attorney:

Michael O. Stevens, OSB No. 095198