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

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

COMPLAINT

Plaintiff, David Holliday (hereafter referred to as “Plaintiff”) through counsel, alleges as follows:

1.

Plaintiff’s vehicle was damaged on or about September 15, 2017, in Portland, Oregon, due directly to the actions of Defendant Isaiah Roberts (“Defendant”) in the use of his motor vehicle.

2.

Plaintiff is an adult resident of Washington County, Oregon.

3.

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

1 4.

2 On or about September 15, 2017, Plaintiff's automobile was involved in a series of hit-
3 and-run crashes in Aloha, Oregon, that were caused by Defendant.

4 5.

5 Plaintiff followed Defendant's vehicle to a location about a mile and a half from the
6 original hit-and-run location where Defendant was arrested by the Washington County Sheriff
7 for the hit-and-run accidents.

8 6.

9 Actions by Defendant in the event outlined in paragraph 4 above occurred without any
10 fault or negligence attributable to Plaintiff.

11 7.

12 As a direct result of the above described incident, Plaintiff incurred property damages
13 resulting in diminished value to his almost-new, leased vehicle with under 15,000 miles.

14 8.

15 This diminished value was to his economic detriment and results in economic damages
16 in an amount to be determined by the jury to fairly and justly compensate him in accordance
17 with Oregon law, not to exceed \$10,000.

18 9.

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

21 10.

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

1 **FIRST CLAIM FOR RELIEF**

2 (Negligence)

3 11.

4 Plaintiff re-alleges paragraphs 1-10 above as though fully set forth herein.

5 12.

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 13.

14 These breaches of duty by Defendant described above in paragraph 12 led directly, and
15 foreseeably, to the injuries and damages suffered by Plaintiff as described above in paragraphs
16 7 & 8.

17 **SECOND CLAIM FOR RELIEF**

18 (Negligence Per Se)

19 14.

20 Plaintiff re-alleges paragraphs 1 through 13 above as though fully set forth herein.

21 15.

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 16.

5 Defendant was at all times material to this lawsuit required to comply with the foregoing
6 laws enumerated in paragraph 15.

7 17.

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 18.

12 As a direct and foreseeable result of Defendant's conduct, Plaintiff sustained bodily
13 injuries and other damages as described above in paragraphs 7 & 8.

14
15 **PRAYER FOR RELIEF**

16 19.

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 \$10,000;
20 b) Reasonable attorney's fees under ORS §20.080 for those amounts claimed by
21 Plaintiff;
22 c) Plaintiff's costs and disbursements incurred herein;
23 d) Other relief as the Court deems just and equitable.
24

1 Dated: October 3, 2018

Respectfully submitted,

2
3 /s/ Michael O. Stevens

4 Michael O. Stevens, OSB No. 095198
Attorney for Plaintiff

5 Trial Attorney:

6 Michael O. Stevens, OSB No. 095198

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