

STATE OF NORTH CAROLINA
COUNTY OF LINCOLN

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
12-CVS-_____

LINCOLN CO., C.S.C.

DAVID KEITH GEORGE,
Plaintiff,

BY _____

12CV 01518

v.

COMPLAINT

DERRICK DALE COOPER, JR
and DEBORAH BROWN COOPER,
Defendants.

This action is a re-filed action within one year of the Voluntarily Dismissed (without prejudice) predecessor action entitled DAVID KEITH GEORGE, Plaintiff, v. DERRICK DALE COOPER, JR, and DEBORAH BROWN COOPER, Defendants, Lincoln County case number 10-CVS-00995. The Plaintiff therefore, in complaining of the Defendants alleges and states the following:

PARTIES

1. Plaintiff David Keith George (hereinafter referred to as "Plaintiff") is a citizen and resident of Lincoln County, North Carolina.
2. Upon information and belief Defendant Derrick Dale Cooper Jr. (hereinafter referred to as "Defendant Derrick Cooper") is a citizen and resident of Lincoln County, North Carolina.
3. Upon information and belief Defendant Deborah Brown Cooper (hereinafter referred to as "Defendant Deborah Cooper") is a citizen and resident of Lincoln County, North Carolina.

JURISDICTION AND VENUE

4. Plaintiff incorporates by reference paragraphs 1 through 3 as if fully set forth herein:
5. Personal jurisdiction over Defendants is proper in Lincoln County, North Carolina in that the cause of action complained of herein accrued in Lincoln County.
6. Venue of this action in Lincoln County is proper in that both the Plaintiff and Defendants reside in Lincoln County.

FACTUAL ALLEGATIONS

7. Plaintiff incorporates by reference paragraphs 1 through 6 as if fully set forth herein.
8. On July 9, 2007, Plaintiff was the owner and operator of a 1990 Eagle vehicle and was traveling west on RP1373 in Denver, Lincoln County, North Carolina.
9. At the same time and place on the same occasion referenced herein above, Defendant Derrick Cooper was the operator of a 1999 Chrysler vehicle and was traveling east on RP1373 in Denver, Lincoln County, North Carolina.
10. At the same time and place on the same occasion referenced hereinabove, Defendant Derrick Cooper operated the aforesaid automobile with express or implied permission of its owner Defendant Deborah Cooper. Plaintiff further alleges that Defendant Derrick Cooper had lawful possession of the vehicle.
11. At the same time and place on the same occasion referenced hereinabove, Defendant Derrick Cooper operated the vehicle with the express knowledge and consent and as an agent of Defendant Deborah Cooper.
12. At the same time and place on the same occasion referenced hereinabove, Plaintiff was driving his vehicle west on RP 1373, suddenly and without warning Defendant Derrick Cooper turned left in front of Plaintiff causing a violent collision, and further causing Plaintiff to sustain serious injuries as a result of said collision.
13. As a direct and proximate result of the aforesaid collision, Plaintiff suffered severe and painful injuries to and about his person.
14. As a direct and proximate result of the aforesaid collision, Plaintiff has become obligated for the payment of substantial sums of money for medical attention and treatment.
15. At the time of the aforesaid collision, Plaintiff had an automobile insurance policy with State Farm Insurance, Policy Number 809 6109-D07-20C. All of the Plaintiff's premiums were paid and up-to-date with said policy being in force and effect at the time of the collision. Said policy contained underinsured motorist benefits.

NEGLIGENCE ALLEGATIONS

16. Plaintiff incorporates by reference paragraphs 1 through 15 as if fully set forth herein.


17. All of Plaintiff's aforesaid injuries and damages were caused by the negligence of the Defendants, the acts and omissions of Defendant Derrick Cooper's negligence consisting of the following:
 - a. Defendant Derrick Cooper failed to keep and maintain a reasonably careful and proper lookout in his direction of travel, in violation of the North Carolina General Statutes;
 - b. Defendant Derrick Cooper failed to keep the vehicle which he was operating under reasonable and proper control, in violation of the North Carolina General Statutes;
 - c. Defendant Derrick Cooper drove his vehicle without due caution and circumspection and in a manner such as to endanger or be likely to endanger others using said street, in violation of North Carolina General Statute, Section 20-140(b);
 - d. Defendant Derrick Cooper turned left into the path of oncoming traffic without first seeing to do so safely, in violation of the North Carolina General Statutes;
 - e. While entering or crossing a highway from an intersecting road, Defendant Derrick Cooper failed to yield right-of-way to an approaching vehicle on the highway, in violation of the North Carolina General Statutes; and;
 - f. Defendant Derrick Cooper exercised an unsafe movement with his vehicle in violation of the North Carolina General Statutes.
18. The negligence of Defendant Derrick Cooper is in all respects imputed to Defendant Deborah Cooper.
19. As a direct and proximate result of the aforesaid acts of negligence of the Defendants, Plaintiff is informed, believes and therefore alleges that he has been injured and damaged in a sum in excess of Ten Thousand (\$10,000.00) Dollars.

WHEREFORE, the Plaintiff prays the Court for the following relief:

1. That Plaintiff have and recover a judgment against Defendants in a sum in excess of Ten Thousand (\$10,000.00) Dollars;
2. The costs of this action be taxed against the Defendants including prejudgment interest from the date this lawsuit was instituted;

3. That Plaintiff be granted reasonable attorney's fees to the extent allowed by North Carolina General Statute, Section 6-21.1; and
4. For such other and further relief as the Court may deem just and proper.

This the 29th day of November, 2012.



David W. Gilpin
Attorney for Plaintiff

OF COUNSEL:
GILPIN LAW OFFICES, PLLC.
126 North McDowell Street
Charlotte, North Carolina 28204
(704) 375-3641

NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

LINCOLN COUNTY

2012 DEC 10 AM 9:05

12 Cvs 1518

David Keith George, LINCOLN CO, C.D.C.

Plaintiff,

v.

Derrick Dale Cooper, Jr. and
Deborah Brown Cooper,

Defendants.

ANSWER

The defendants, answering the Complaint of the plaintiff,
aver:

PARTIES

- 1. Admitted.
- 2. Admitted.
- 3. Admitted.

JURISDICTION AND VENUE

4. The defendants hereby repeat, reallege and incorporate herein by reference each and all of their answers to paragraphs one through three of the complaint, as if fully set out herein.

5. Admitted.

6. As to the allegations contained in paragraph number six of the complaint, the defendants are without sufficient knowledge or information thereof upon which to form a belief, and, therefore, the allegations contained therein are denied and proof thereof demanded.

FACTUAL ALLEGATIONS

7. The defendants hereby repeat, reallege and incorporate herein by reference each of their answers to paragraphs one through six of the complaint, as if fully set out herein.

- 8. Admitted.
- 9. Admitted.
- 10. Admitted.

11. As to the allegations contained in paragraph number eleven of the complaint, it is admitted that on the occasion and at the time in question, the defendant Derrick Dale Cooper, Jr. was operating the vehicle with the knowledge and consent of the defendant Deborah Brown Cooper.

Except as herein admitted, the remaining allegations contained in paragraph number eleven of the complaint are denied.

12. Denied.

13. As to the allegations contained in paragraph number thirteen of the complaint, the defendants are without sufficient knowledge or information thereof upon which to form a belief and, therefore, the allegations contained therein are denied and proof thereof demanded.

14. As to the allegations contained in paragraph number fourteen of the complaint, the defendants are without sufficient knowledge or information thereof upon which to form a belief and, therefore, the allegations contained therein are denied and proof thereof demanded.

15. As to the allegations contained in paragraph number fifteen of the complaint, the defendants are without sufficient knowledge or information thereof upon which to form a belief and, therefore, the allegations contained therein are denied and proof thereof demanded.

NEGLIGENCE ALLEGATIONS

16. The defendants hereby repeat, reallege and incorporate herein by reference each of their answers to paragraphs one through fifteen of the complaint, as if fully set out herein.

17. Denied.

18. Denied.

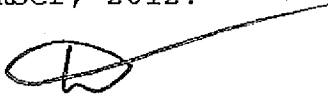
19. Denied.

FURTHER ANSWERING THE COMPLAINT OF THE PLAINTIFF AND AS A REQUEST FOR A WRITTEN STATEMENT OF THE AMOUNT OF MONETARY RELIEF BEING SOUGHT, THE DEFENDANTS AVER:

1. Pursuant to Rule 8(a)(2) of the North Carolina Rules of Civil Procedure, the defendants request that the plaintiff provide a written statement of the amount of monetary relief being sought within thirty (30) days of the date of service of this pleading.

WHEREFORE, having answered the Complaint of the plaintiff, the defendants pray that the plaintiff have and recover nothing of them and that this cause of action against them be dismissed with prejudice; that the costs of this action be taxed against the plaintiff; and that the Court grant unto the defendants such other and further relief as to the Court may seem just and proper.

This the 6 day of December, 2012.



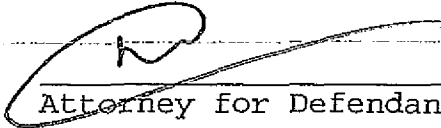
Walter K. Burton, Attorney for Defendants

OF COUNSEL:

Burton, Sue & Anderson, L.L.P.
Post Office Box 20083
Greensboro, NC 27420
Telephone: (336) 275-0512
Facsimile: (336) 378-1390

DEMAND FOR JURY TRIAL

The defendants hereby demand a trial by jury on all issues raised by the pleadings in this case.



Attorney for Defendants

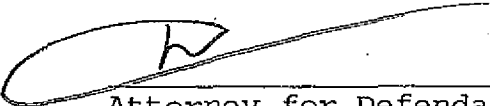
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer was served upon all counsel of record by mailing a copy thereof by first-class mail, postage prepaid, and addressed as follows:

David W. Gilpin
Gilpin Law Offices, PLLC
301 S. McDowell Street, Ste. 1204
Charlotte, NC 28204

Attorney for Plaintiff

This the 6 day of December, 2012.



Attorney for Defendants

STATE OF NORTH CAROLINA
LINCOLN COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
12-CVS-1518

DAVID KEITH GEORGE,
Plaintiff,

vs.

DERRICK DALE COOPER, JR., and
DEBORAH BROWN COOPER,
Defendants.

ANSWER OF UNNAMED DEFENDANT

State Farm Mutual Automobile Insurance Company, appearing as an unnamed defendant pursuant to N.C.G.S. § 20-279.21, hereby responds to the Complaint of the plaintiff as follows:

1. The allegations of paragraph 1 are admitted upon information and belief.
2. The allegations of paragraph 2 are admitted upon information and belief.
3. The allegations of paragraph 3 are admitted upon information and belief.
4. With respect to the allegations of paragraph 4, the unnamed defendant realleges and incorporates by reference its responses to paragraphs 1 through 3 above.
5. The allegations of paragraph 5 are admitted upon information and belief.
6. The allegations of paragraph 6 are admitted upon information and belief.
7. With respect to the allegations of paragraph 7, the unnamed defendant realleges and incorporates by reference its responses to paragraph 1 through 6 above.
8. The allegations of paragraph 8 are admitted upon information and belief.
9. The allegations of paragraph 9 are admitted upon information and belief.
10. The allegations of paragraph 10 are denied for lack of knowledge or information sufficient to form a belief.

11. The allegations of paragraph 11 are denied for lack of knowledge or information sufficient to form a belief.

12. The allegations of paragraph 12 are denied for lack of knowledge or information sufficient to form a belief.

13. The allegations of paragraph 13 are denied for lack of knowledge or information sufficient to form a belief.

14. The allegations of paragraph 14 are denied for lack of knowledge or information sufficient to form a belief.

15. The allegations of paragraph 15 are admitted upon information and belief. The terms and conditions of said policy of insurance speak for themselves.

16. With respect to the allegations of paragraph 16, the unnamed defendant realleges and incorporates by reference its responses to paragraphs 1 through 15 above.

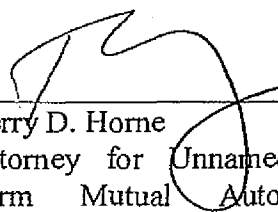
17. The allegations of paragraph 17 are denied for lack of knowledge or information sufficient to form a belief.

18. The allegations of paragraph 18 are denied for lack of knowledge or information sufficient to form a belief.

19. The allegations of paragraph 19 are denied for lack of knowledge or information sufficient to form a belief.

WHEREFORE, the unnamed defendant, having fully responded to the Complaint of the plaintiff, prays that the unnamed defendant have such relief as the Court may deem just and proper.

This the 20th day of January, 2013.


Terry D. Horne
Attorney for Unnamed Defendant State
Farm Mutual Automobile Insurance
Company

OF COUNSEL:
STILES BYRUM & HORNE, L.L.P.
325 Arlington Avenue, Suite 650
Charlotte, NC 28203
704-332-2830

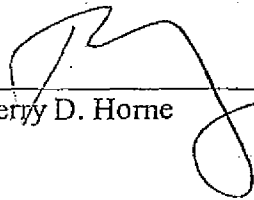
CERTIFICATE OF SERVICE

I, Terry D. Horne, do hereby certify that I have this day served a copy of the foregoing **Answer of Unnamed Defendant** upon all counsel of record by placing a copy of the same, addressed to such counsel, in the U.S. Mail, postage prepaid.

Mr. David W. Gilpin
Gilpin Law Offices
301 S. McDowell Street, Suite 1204
Charlotte, NC 28204

Mr. Walter K. Burton
Burton & Sue
P.O. Box 20083
Greensboro, NC 27420

This the 20th day of January, 2013.



Terry D. Horne