

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

PLAINTIFFS

V. CIVIL ACTION NO.

DEFENDANTS

AMENDED COMPLAINT

COME NOW plaintiffs and , through counsel, and file this Amended Complaint against and and in support thereof set forth the following:

1. is an adult resident citizen of County, Mississippi, residing at .
2. is an adult resident citizen of County, Mississippi, residing at .
3. , whose home office is located in , is licensed to sell insurance in the State of Mississippi. is a real party in interest under Rule 17(b), Miss. Rules Civ. Pro., due to its subrogation lien for medical payments.
4. Defendant is a Mississippi Corporation, licensed and doing business in the State of Mississippi, who may be served with process through its agent, .
5. Defendant was the agent, servant and employee of defendant .
6. During all the times herein mentioned, defendant was the owner of an , which at the time of the accident hereinafter described was being driven by , an employee of defendant , during the course and scope of his/her employment for , with the express permission and consent and for the benefit of .
7. As a result, defendant is responsible both for 's actions and conduct pursuant to the doctrine of respondent superior and for any negligence of its own.
8. On , at about A.M./P.M., the plaintiff was operating an automobile owned by him/her in a direction on in County, Mississippi, approaching the on ramp for .
9. At said intersection is a traffic control signal. As plaintiff approached, it turned red and he/she brought his/her car to a stop.
10. Defendant approached the plaintiff's car from behind and failed to stop, suddenly and violently striking the plaintiffs' car from the rear.

11. Said collision was the proximate cause of property damage to plaintiff _____'s car, temporary injuries to plaintiff, _____ and serious and permanent injuries to plaintiff _____.

12. Plaintiff _____ at all times during the occurrence hereinbefore set forth used due care and caution and was completely free from any and all negligence in any manner contributing to his/her injuries and damages as herein complained of.

13. Said collision was due to defendant _____'s negligence in that he/she was not keeping a reasonable lookout, did not have his/her automobile under proper control and was otherwise guilty of carelessness and negligence in the operation of that motor vehicle.

14. Plaintiffs allege that the proximate cause of the aforementioned collision was the negligence of defendant _____ for which negligence he/she must stand responsible together with his/her employer, jointly and severally, said negligence including, but not limited to, the following acts and omissions:

- a. Failure to keep a proper lookout;
- b. Failure to maintain a safe speed;
- c. Any and all other negligent acts and/or omissions which may be shown during the course of these proceedings.

15. Plaintiffs allege that the proximate cause of the aforesaid collision was the negligence of defendant _____ and for which negligence it must stand responsible, said negligence including, but not limited to, the following acts and omissions:

- a. Negligent entrustment of an oversized motor _____ vehicle; and
- b. Any and all other negligent acts and/or omissions _____ which may be shown during the course of these _____ proceedings.

16. As a result of the aforesaid collision, plaintiff _____ suffered physical injuries requiring medical treatment, and plaintiff _____ suffered _____ and _____.

17. As a result of the aforesaid collision, plaintiff _____ suffered emotional trauma and distress and incurred expenses and lost income.

18. As a result of the aforesaid collision, plaintiff _____ will continue to suffer the aforesaid damages and, further, will continue to incur medical expenses in the future.

19. Because of the injuries suffered in the collision by his/her husband/wife, plaintiff _____ has lost and been deprived of the services of his/her husband/wife, including loss of society, companionship, consortium, and he/she will continue to be permanently so deprived of _____ as a result of the injuries suffered by plaintiff _____.

20. _____ is plaintiff's med-pay insurance carrier and has placed plaintiff on notice of its subrogation lien in the amount of \$ _____, to date. It is joined as a real party in interest pursuant to Rule 17(b), Miss. Rules Civ. P.

WHEREFORE, PREMISES CONSIDERED, plaintiffs pray that defendants, _____ and _____ each be served with process of this Court, to appear and answer same, and that after due proceedings be had there be judgment herein in favor of plaintiffs and against defendants, jointly and severally, in the amount of _____ (\$ _____) with interest from the date of judicial demand until paid, for all costs of these proceedings and for any and all other legal and equitable relief to which they may be entitled.

And, plaintiffs pray for general relief.

Respectfully submitted this the _____ day of _____, 20____.

By: _____

Attorney for

SUBMITTED BY:

Telephone:
MSB #
ATTORNEYS FOR

CERTIFICATE OF SERVICE

I, _____, do hereby certify that I have this day mailed, by United States mail, postage prepaid, a true and correct copy of the above and foregoing Amended Complaint to:

DATED, this the _____ day of _____, 20____.
