

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY  
STATE OF \_\_\_\_\_

_____	)	
	)	
	)	
<b>Petitioner/Plaintiff,</b>	)	
	)	
<b>Vs.</b>	)	<b>NO.</b> _____
	)	
_____	)	
<b>Respondent/Defendant</b>	)	
	)	

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**PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT  
PURSUANT TO RULE \_\_\_\_\_**

Comes the Plaintiff, \_\_\_\_\_, Administrator of the Estate of \_\_\_\_\_, Deceased, and files this her Motion for Partial Summary Judgment against the Defendants \_\_\_\_\_, a Minor and \_\_\_\_\_, on the issue of negligence and proximate causation as to the wreck and the death of \_\_\_\_\_, pursuant to Rule \_\_\_\_ of the \_\_\_\_\_ Rules of Civil Procedure. Plaintiff charges and will show that there exists no genuine issue of material fact as to the liability of the Defendants as to the cause of the wreck and the death of \_\_\_\_\_ being a proximate result of the wreck which is the subject of this action.

In support of her Motion for Partial Summary Judgment, Plaintiff specifies the following undisputed facts:

1. That \_\_\_\_\_ died as a direct result of the wreck which occurred on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, when her \_\_\_\_\_ Automobile

was collided with by the \_\_\_\_\_ Pickup Truck being driven by the Defendant, \_\_\_\_\_, a minor, on \_\_\_\_\_ road, \_\_\_\_\_, \_\_\_\_\_. (Answer of Defendants to Complaint Paragraph 4)

2. That the collision which caused the death of \_\_\_\_\_ occurred entirely within the lane of travel of \_\_\_\_\_. (Answer of Defendants to Complaint, Paragraph 4).

3. That the collision with \_\_\_\_\_'s vehicle occurred entirely within the lane of travel for northbound traffic on \_\_\_\_\_ road, which was the lane of travel in which \_\_\_\_\_ was traveling before the Collision. (Response to Plaintiff's Request for Admission No.5 Admitted.)

4. That immediately before the collision \_\_\_\_\_ crossed the centerline of \_\_\_\_\_, which at said point there was a solid double yellow line. (Response of Defendants to Plaintiff's Request for Admission No. 4, Admitted).

5. That \_\_\_\_\_'s vehicle was struck by \_\_\_\_\_'s vehicle while \_\_\_\_\_ was entirely in her proper lane of travel. (Defendants' Response to Plaintiff's Request for Admission No.13, Admitted.)

6. That \_\_\_\_\_, \_\_\_\_\_'s natural father, signed \_\_\_\_\_'s application for \_\_\_\_\_ Driver's License agreeing to be responsible for \_\_\_\_\_'s negligence until \_\_\_\_\_ reached his seventeenth (17th) birthday. (Defendant's Response to Plaintiff's Request for Admission No. 11, Admitted).

7. Plaintiff's Interrogatory Number 4 to the Defendants reads: "State in specific factual detail how you contend the collision between the \_\_\_\_\_ pickup truck driven

by \_\_\_\_\_ and the \_\_\_\_\_ automobile driven by \_\_\_\_\_ occurred, and state the reasons why the collision occurred."

Defendants' Response: "Just before the accident happened I remember seeing the car coming toward me dim its lights. As I was coming up to that curve I remember touching my brakes and the rear tires started sliding to the left. That's the last thing I remember."

Plaintiff submits that the sole proximate cause of the collision and the death of \_\_\_\_\_ is as a matter of law, the negligence of \_\_\_\_\_ in failing to have his vehicle under control, driving it over across a double yellow line and into the lane of travel for \_\_\_\_\_, causing the collision to occur entirely within her lane of travel. That the negligence of \_\_\_\_\_, a minor under the age of 17 years is chargeable to the Defendant, \_\_\_\_\_, pursuant to law and the \_\_\_\_\_ Drivers License Application signed by \_\_\_\_\_ for \_\_\_\_\_.

Wherefore, Plaintiffs Move the Court to grant unto them a Partial Summary Judgment that the sole proximate cause of the wreck was the negligence of \_\_\_\_\_, for which the Defendant, \_\_\_\_\_ is responsible, and that the death of \_\_\_\_\_ proximately resulted from the collision and the negligence of the Defendant, \_\_\_\_\_.

This the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Respectfully submitted,

Dated: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Attorney No.: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I, \_\_\_\_\_, do hereby certify that I have this day mailed,  
U.S. Mail, postage prepaid, a true and correct copy of the above and foregoing to  
\_\_\_\_\_, at the following address;

\_\_\_\_\_

THIS the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_