

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JIM HENRY REDD,

Plaintiff,

CASE NO.

HON:

vs.

**COMPLAINT
PLAINTIFF DEMANDS TRIAL
BY JURY**

PTS OF AMERICA, LLC,

Defendant.

PATRICK A. ROONEY (P51969)
Attorney for Plaintiff
42490 Garfield Road, Suite 210
Clinton Township, MI 48038
(586) 286-1500

THERE IS NO OTHER PENDING OR RESOLVED CIVIL ACTION ARISING OUT OF THE TRANSACTION
OR OCCURRENCE ALLEGED IN THE COMPLAINT.

/s/Patrick A. Rooney
ATTORNEY FOR PLAINTIFF

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES the Plaintiff JIM HENRY REDD, by and through his attorney, and for his cause of action against the Defendant states:

1. Plaintiff, JIM HENRY REDD, is a resident of the City of Detroit, County of Wayne, State of Michigan. His current address is 16196 Ohio Street, Detroit, Michigan 48221. At all pertinent times, Plaintiff was a resident of the State of Michigan and residing within the Eastern District of Michigan Federal Court Jurisdiction (Southern Division).

2. Defendant PTS OF AMERICA, LLC, is a limited liability company with its principal office located at 1854 Air Lane Drive, Suite #20, Nashville, Tennessee 37210. Further, Defendant PTS OF AMERICA, LLC, is a private company that engages in the transportation of prisoners for various law enforcement agencies.

3. There is diversity of citizenship between the parties.

4. On or about December 30, 2011, Plaintiff JIM HENRY REDD, was a passenger in the back of one of Defendant's vans. Plaintiff was being transferred from the State of Michigan to the State of Georgia so as to serve out a period of incarceration in Georgia for a probation violation which stemmed from a possession of marijuana charge.

5. On or about December 30, 2011, while the van was traveling in the County of Richmond, North Carolina, the driver of the Defendant's van did make a sudden lane change, thereby causing another vehicle traveling in that lane to rear-end the Defendant's van. As a result of this, Plaintiff JIM HENRY REDD, was thrown violently and struck the inside of the vehicle, thereby injuring his neck, back, and left leg.

6. Plaintiff JIM HENRY REDD was taken to Sandhills Regional Medical Center, in Hamlet, North Carolina, where he was treated for complaints of lower back and knee pain. Records from this facility reflect that he was accompanied by a prison guard.

7. Plaintiff at present cannot provide additional information regarding the collision as he does not have access to the police report. Plaintiff's counsel has requested this of the Defendant and has not been provided with the report.

8. Defendant PTS OF AMERICA, LLC, was negligent through its agent, servants and or employees, and is directly and vicariously liable for the injuries sustained to Plaintiff. Further, the Defendant did breach its duties to the Plaintiff in the following, but not limited to the following, particulars:

a. In the Defendant PTS OF AMERICA, LLC, having a driver that violated the laws of the State of North Carolina, by making a sudden and improper lane change.

b. In the Defendant PTS OF AMERICA, LLC, having a driver that violated the laws of the State of North Carolina, by impeding traffic in entering a lane that was already occupied making a sudden and improper lane change.

c. In the Defendant PTS OF AMERICA, LLC, having a driver that violated the laws of the State of North Carolina, by failing to make proper observations of the then existing conditions and in entering a lane that was already occupied making a sudden and improper lane change.

d. In the Defendant PTS OF AMERICA, LLC, transporting passengers in a manner that was unsafe, in that the passengers were not provided a restraint system so as to help prevent injury in the event of a collision.

9. To the extent that a choice of laws allows, Defendant PTS OF AMERICA, LLC also breached the common law and statutory duties imposed by the State of Michigan in transporting a Michigan prisoner, to include:

a. In the Defendant PTS OF AMERICA, LLC, having a driver that violated the laws of the State of Michigan, by making a sudden and improper lane change.

b. In the Defendant PTS OF AMERICA, LLC, having a driver that violated the laws of the State of Michigan, by impeding traffic in entering a lane that was already occupied making a sudden and improper lane change.

c. In the Defendant PTS OF AMERICA, LLC, having a driver that violated the laws of the State of Michigan, by failing to make proper observations of the then existing conditions and in entering a lane that was already occupied making a sudden and improper lane change.

d. In the Defendant PTS OF AMERICA, LLC, transporting passengers in a manner that was unsafe, in that the passengers were not provided a restraint system so as to help prevent injury in the event of a collision.

10. Following the collision, Plaintiff JIM HENRY REDD, experienced neck pain radiating into his left arm and hand. He also had associated numbness and weakness to his left upper extremity. In addition, his lower back continued to hurt.

11. Following discharge from the Clayton County Detention Facility in Jonesboro, Georgia, Plaintiff returned to Michigan. On December 15, 2010, Plaintiff JIM HENRY REDD underwent an MRI of his neck, which demonstrated a, "very small left paracentral disc herniation at the C3-C4 disc space."

12. Plaintiff maintains that as a direct and proximate result of the Defendant's negligence and breaches of statutory duty, he sustained a cervical disc herniation, and lower back injury, that constitute serious and permanent injuries. Further, these injuries have caused Plaintiff pain and suffering, loss of earning capacity, loss of social pleasures, and have affected his ability to lead his normal life. The injuries sustained in the collision will in the future cause Plaintiff pain and suffering, loss of earning capacity, loss of social pleasures, and will affect his ability to lead his normal life.

13. As a direct and proximate result of Defendant's negligence and breaches of statutory duty, medical expenses were incurred for the care and treatment of the injuries previously alleged, and additional expenses will in the future be incurred for treatment of these injuries.

14. As a result of the visible nature of Plaintiff JIM HENRY REDD'S injuries, Plaintiff has suffered humiliation and embarrassment and will in the future suffer humiliation and embarrassment.

15. Plaintiff JIM HENRY REDD is hereby claiming any and all damages allowable under the applicable law, to include, but not be limited to both economic and non-economic losses.

16. This Court has jurisdiction as a result of the injuries and damages sustained by the Plaintiff as there is diversity of citizenship amongst the parties and the amount in controversy exceeds Seventy-five Thousand Dollars (\$75,000.00), exclusive of interest and cost.

WHEREFORE, your Plaintiff herein prays for a judgment against the Defendant, in whatever amount the jury or court determines to be fair, just and adequate compensation for the injuries and damages sustained, together with interest, court costs and attorney fees.

PLAINTIFF HEREIN DEMANDS A TRIAL BY JURY

Respectfully submitted,

By: /s/ Patrick A. Rooney
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Dated: December 16, 2011