

IN THE STATE COURT OF RICHMOND COUNTY  
STATE OF GEORGIA

MOISES SALAZAR BLANCAS,  
Individually, and as Natural Parent of HUGO  
SALAZAR BLANCAS, Deceased; and  
AMANDA M. BUZO, as Administrator of  
the Estate of HUGO SALAZAR BLANCAS,  
Deceased,

Plaintiffs,

v.

JACOBSON TRANSPORTATION  
COMPANY, INC.; JOEL M. NEWMAN;  
STAR LEASING CO.; and TREVIER L.  
CAULEY.

Defendants.

Civil Action File  
No. \_\_\_\_\_

JURY TRIAL DEMANDED

**COMPLAINT FOR DAMAGES**

COME NOW Moises Salazar Blancas, individually, and as surviving parent of Hugo Salazar Blancas, deceased; and Amanda M. Buzo, Administrator of the Estate of Hugo Salazar Blancas, by and through their counsel of record, and file their Complaint for Damages, showing this Honorable Court as follows:

**SUMMARY STATEMENT**

1.

This is an action for personal injuries to and wrongful death of HUGO SALAZAR BLANCAS, who was catastrophically injured and died on July 14, 2008, as a result of the negligent conduct of Defendants. This is also an action for negligent infliction of emotional distress to MOISES SALAZAR BLANCAS, father of HUGO SALAZAR BLANCAS, who had to endure watching his son killed before his eyes.

**PARTIES, JURISDICTION, AND VENUE**

2.

Hugo Salazar Blancas sustained personal injuries and died after being struck by a wheel and tire that came off of a moving trailer on Interstate 520 in Richmond County, Georgia, at approximately 2:14 P.M. on July 14, 2008.

3.

MOISES SALAZAR BLANCAS is the father of HUGO SALAZAR BLANCAS, deceased. Since HUGO died without spouse or child, MOISES is the proper party to bring this wrongful death action for the value of HUGO's life. MOISES also has his own claim for negligent infliction of emotional pain.

4.

Plaintiff AMANDA M. BUZO is the Administrator of the Estate of HUGO SALAZAR BLANCAS and is therefore the proper party to bring this action for all damages recoverable by the Estate of HUGO SALAZAR BLANCAS.

5.

Defendant JACOBSON TRANSPORTATION, INC., (hereinafter Defendant "JACOBSON") is a foreign corporation, operating for profit and gain in the State of Georgia. Defendant JACOBSON can be served through its registered agent for service of process, National Registered Agents, Inc., 3675 Crestwood Parkway, Suite 350, Duluth, Gwinnett County, Georgia 30096. Defendant JACOBSON has an office in Richmond County, Georgia where the incident that forms the basis of this complaint occurred. Once served with process, Defendant JACOBSON is subject to the jurisdiction and venue of this Court.

6.

Defendant JOEL M. NEWMAN, (hereinafter Defendant “NEWMAN”) resides at 4522 Vickie Court, Evans, Columbia County, Georgia 30809 where he may be served with process. Once served, Defendant NEWMAN is subject to the jurisdiction and venue of this Court as a joint tortfeasor.

7.

Defendant STAR LEASING CO. (hereinafter “Defendant STAR LEASING”) is a foreign corporation, operating for profit and gain in the State of Georgia. Defendant STAR LEASING can be served through its registered agent for service of process, National Registered Agents, Inc., 3675 Crestwood Parkway, Suite 350, Duluth, Gwinnett County, Georgia 30096. Once served, Defendant STAR LEASING is subject to the jurisdiction and venue of this Court as a joint tortfeasor.

8.

Defendant TREVIER L. CAULEY (hereinafter “Defendant CAULEY”) resides at 4603 Dunbarton Drive, Hephzibah, Richmond County, Georgia, 30815 where he may be served with process. Once served, Defendant CAULEY is subject to the jurisdiction and venue of this Court.

#### **FACTS**

9.

On July 14, 2008, at approximately 2:14 P.M., Hugo Salazar Blancas was lawfully and carefully performing roadside maintenance on the shoulder of Interstate 520 in Augusta, Richmond County, Georgia.

10.

On the same date and at the same time, Defendant NEWMAN was operating a commercial tractor-trailer southbound on Interstate 520 in Augusta, Richmond County, Georgia.

11.

As Defendant NEWMAN approached where Hugo Salazar Blancas was working, a wheel came off the trailer he was hauling and struck and mortally wounded Hugo Salazar Blancas.

12.

The injury to and death of Hugo Salazar Blancas was witnessed by Hugo's father, Moises Salazar Blancas, who was working nearby his son.

**COUNT ONE – NEGLIGENCE OF JOEL M. NEWMAN**

13.

Plaintiffs incorporate by reference all of the preceding paragraphs of this Complaint.

14.

Defendant NEWMAN, as the driver of a commercial motor vehicle, owed a duty to operate his tractor-trailer in a safe and reasonable manner, and to properly inspect and maintain the trailer to ensure that it could be operated safely.

15.

Defendant NEWMAN breached the above-referenced duties and was therefore negligent.

16.

Defendant NEWMAN violated state and federal statutes and regulations, including but not limited to O.C.G.A. § 40-8-7 and 49 CFR §§ 350-399, which violations constitute negligence *per se* under Georgia law.

17.

Defendant NEWMAN'S negligence was a direct and proximate cause of the injuries sustained by HUGO SALAZAR BLANCAS which resulted in his suffering and death.

18.

By virtue of his negligence, Defendant NEWMAN is liable to Plaintiff MOISES SALAZAR BLANCAS for the full value of the life of HUGO SALAZAR BLANCAS and for negligent infliction of emotional distress; and to Plaintiff AMANDA M. BUZO, as Administrator of the Estate of HUGO SALAZAR BLANCAS, for all damages recoverable by the Estate and for all other damages recoverable under the law.

**COUNT TWO – VICARIOUS LIABILITY OF JACOBSON TRANSPORTATION COMPANY, INC.**

19.

Plaintiffs incorporate by reference all of the preceding paragraphs of this Complaint.

20.

At all times relevant to this action, Defendant NEWMAN was an employee and/or agent of Defendant JACOBSON.

21.

At all times relevant to this action, Defendant NEWMAN was acting within the course and scope of his employment/agency with Defendant JACOBSON.

22.

Defendant JACOBSON is vicariously liable for the negligent acts and omissions of Defendant NEWMAN and for the damages proximately caused thereby as outlined in Count One above.

23.

Defendant JACOBSON is liable is liable to Plaintiff MOISES SALAZAR BLANCAS for the full value of the life of HUGO SALAZAR BLANCAS and for negligent infliction of emotional distress; and to Plaintiff AMANDA M. BUZO, as Administrator of the Estate of

HUGO SALAZAR BLANCAS, for all damages recoverable by the Estate and for all other damages recoverable under the law.

**COUNT THREE – NEGLIGENCE OF JACOBSON TRANSPORTATION COMPANY, INC.**

24.

Plaintiffs incorporate by reference all of the preceding paragraphs of this Complaint.

25.

Defendant JACOBSON had a statutory and regulatory non-delegable duty to properly inspect, repair and maintain the trailer involved in the subject incident.

26.

Defendant JACOBSON breached its duty to properly inspect, repair and maintain the trailer involved in the subject incident and was therefore negligent and negligent *per se*.

27.

Defendant JACOBSON also had a duty to act reasonably in hiring and retaining Defendant NEWMAN and to promulgate and enforce rules and regulations to ensure its drivers and vehicles were reasonably safe.

28.

Defendant JACOBSON failed in the above-mentioned duties and was therefore negligent.

29.

Defendant JACOBSON's negligence was a direct and proximate cause of HUGO SALAZAR BLANCAS's injuries and death.

30.

Defendant JACOBSON is liable is liable to Plaintiff MOISES SALAZAR BLANCAS for the full value of the life of HUGO SALAZAR BLANCAS and for negligent infliction of emotional distress; and to Plaintiff AMANDA M. BUZO, as Administrator of the Estate of HUGO SALAZAR BLANCAS, for all damages recoverable by the Estate and for all other damages recoverable under the law.

**COUNT FOUR – NEGLIGENCE OF STAR LEASING CO.**

31.

Plaintiffs incorporate by reference all of the preceding paragraphs of this Complaint.

32.

Defendant STAR LEASING owned the trailer involved in the subject incident and leased the subject trailer to Defendant JACOBSON.

33.

Defendant STAR LEASING had a statutory, regulatory and contractual duty to properly inspect, repair and maintain the trailer at issue.

34.

Defendant STAR LEASING breached its duty to properly inspect, repair and maintain the trailer at issue and was therefore negligent and negligent *per se*.

35.

Defendant STAR LEASING had a duty to ensure that whomever it contracted with to perform inspection, maintenance and repair services was reasonably competent to perform those services.

36.

Defendant STAR LEASING breached the above-mentioned duties and was therefore negligent.

37.

Defendant STAR LEASING is vicariously liable for the negligence of Trevier L. Cauley, who was an employee or agent of STAR LEASING, and who was negligent in inspection, maintenance and/or repair of the subject trailer.

38.

Defendant STAR LEASING'S negligence was a direct and proximate cause of HUGO SALAZAR BLANCAS's injuries and death.

39.

Defendant STAR LEASING is liable is liable to Plaintiff MOISES SALAZAR BLANCAS for the full value of the life of HUGO SALAZAR BLANCAS and for negligent infliction of emotional distress; and to Plaintiff AMANDA M. BUZO, as Administrator of the Estate of HUGO SALAZAR BLANCAS, for all damages recoverable by the Estate and for all other damages recoverable under the law.

**COUNT FIVE – NEGLIGENCE OF TREVIER L. CAULEY**

40.

Plaintiffs incorporate by reference all of the preceding paragraphs of this Complaint.

41.

Defendant CAULEY was involved in the inspection, maintenance and repair of the trailer at issue in this action.



42.

Defendant CAULEY had a duty to properly inspect, repair and maintain the trailer at issue.

43.

Defendant CAULEY breached the above referenced duties and was therefore negligent.

44.

Defendant CAULEY'S negligence was a direct and proximate cause of HUGO SALAZAR BLANCAS's injuries and death.

45.

Defendant CAULEY is liable to Plaintiff AMANDA M. BUZO, as surviving spouse of HUGO SALAZAR BLANCAS, for the full value of the life of HUGO SALAZAR BLANCAS, and to Plaintiff AMANDA M. BUZO, as Administrator of the Estate of HUGO SALAZAR BLANCAS, for all damages recoverable by the Estate, and to Plaintiff MOISES SALAZAR BLANCAS, for his emotional damages; and for all other damages recoverable under the law.

**COUNT SIX – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

46.

Plaintiffs incorporate by reference all of the preceding paragraphs of this Complaint.

47.

Plaintiff MOISES SALAZAR BLANCAS was the father of Decedent HUGO SALAZAR BLANCAS.

48.

Plaintiff MOISES SALAZAR BLANCAS was in close proximity to Hugo when he was injured and killed as a result of Defendants' individual and collective negligence.

49.

As a direct and proximate result of the negligence of Defendants, Plaintiff MOISES SALAZAR BLANCAS, has suffered mental and emotional pain, trauma and distress from witnessing his son's injuries and death, and will incur these damages into the future.

50.

By virtue of their negligence, Defendants are each liable to Plaintiff MOISES SALAZAR BLANCAS for negligent infliction of emotional distress as determined by the jury at the trial of this case.

**COUNT SEVEN – PUNITIVE DAMAGES AGAINST DEFENDANTS JACOBSON,  
NEWMAN, STAR LEASING AND CAULEY**

51.

Plaintiffs incorporate by reference all of the preceding paragraphs of this Complaint.

52.

The acts of each Defendant show a reckless disregard for the safety of others, malice, or that entire want of care that would raise the presumption of conscious indifference to consequences which warrants the imposition of punitive damages under Georgia law.

53.

Accordingly, each Defendant is liable to Plaintiffs for punitive damages to punish, penalize and deter Defendants from similar conduct in the future.

WHEREFORE, Plaintiffs demand and pray as follows:

- (a) That process be issued and service be had upon Defendants as provided by law;

- (b) That judgment be entered against each Defendant in favor of Plaintiff MOISES SALAZAR BLANCAS, for the full value of the life of HUGO SALAZAR BLANCAS;
- (c) That judgment be entered against each Defendant in favor of Plaintiff AMANDA M. BUZO, as Administrator of the Estate of HUGO SALAZAR BLANCAS, Deceased, for compensation for HUGO SALAZAR BLANCAS's conscious pain and suffering, funeral, burial and other necessary expenses incurred;
- (d) That judgment be entered against each Defendant in favor of Plaintiff MOISES SALAZAR BLANCAS in an amount determined to be fair and reasonable by the trier of fact;
- (e) That judgment be entered against each Defendant for punitive damages pursuant to O.C.G.A. § 51-12-5.1;
- (f) For a jury trial as to all issues so triable;
- (g) For all costs of this action; and
- (h) For such other and further relief as the Court may deem just and proper.

Respectfully submitted, this 30<sup>th</sup> day of July, 2009.

**FRIED ROGERS GOLDBERG LLC**

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JOSEPH A. FRIED  
GEORGIA STATE BAR NUMBER 277251

***ATTORNEYS FOR PLAINTIFF***

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