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IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF WASHINGTON

JOUBRAN YOUNES,)	Case No.
)	
Plaintiff,)	COMPLAINT
)	(Negligence/Negligence Per Se)
v.)	
)	Damages in the amount of \$; filing fee per
ALEXANDRIA KROPF (minor/driver of)	ORS §21.160(1)(c)
automobile) and)	
KIMBERLY GODDARD-KROPF,)	NOT SUBJECT TO MANDATORY
(mother/owner of automobile))	ARBITRATION
)	
Defendants.)	

COMPLAINT

Plaintiff, Joubran Younes (hereafter “Plaintiff”), through counsel, alleges as follows:

1.

On or about May 2nd, 2017, in Washington County, Oregon, Plaintiff was injured in a collision directly due to negligence of Defendant Alexandria Kropf (hereafter “Defendant Alexandria”) when his vehicle was struck from behind by Defendant Alexandria’s automobile.

2.

Plaintiff is an adult resident of Washington County, Oregon.

3.

On information and belief, Defendant Alexandria is a minor resident of Washington County Oregon. On information and belief, Defendant Kimberly Goddard-Kropf (hereafter

1 “Defendant Mother”) is an adult resident of Washington County, Oregon and Defendant
2 Alexandria’s mother.

3 4.

4 On information and belief, Defendant Mother owns the automobile that Defendant
5 Alexandria was driving when she rear-ended Plaintiff. On information and belief, Defendant
6 Alexandria resides at the same residence as Defendant Mother.

7 5.

8 On or about May 2, 2017, Plaintiff was stopped at a red light at the intersection of NW
9 Cornell Road and NW 143rd Avenue in Washington County, Oregon, when he was violently
10 rear-ended by Defendant Alexandria, who was driving in the same lane behind him.

11 6.

12 Plaintiff sustained serious injuries due to the collision with Defendant Alexandria, and
13 received medical care directly due to those injuries sustained in the collision with Defendant
14 Alexandria.

15 7.

16 The subject collision as described in paragraph 5 above was solely the result of
17 Defendant Alexandria’s negligence and illegal actions.

18 8.

19 Being a minor driving her mother’s vehicle, Defendant Alexandria’s negligence and
20 illegal actions are imputed to the family member who is the owner of the vehicle under the
21 Family Purpose Doctrine. Under this doctrine, Defendant Mother is liable for negligence of her
22 minor daughter while driving Defendant Mother’s automobile.

23 9.

24 As a direct result of the above-described incident, Plaintiff suffered bodily injuries.
25 Plaintiff’s economic damages, incurred through medical examinations, tests, evaluations, and

1 other appointments, totaled in excess of \$16,000 to date. He also has future medical treatments
2 necessitated by the injuries sustained in the above-described incident. Plaintiff missed time at
3 work or worked less due to the collision. He also suffered loss to his property, with only part of
4 his property damages being reimbursed to-date. Plaintiff is therefore, entitled to economic
5 damages in the amount which a jury determines to be reasonable, but not to exceed \$40,000.

6 10.

7 As a direct result of the above-described incident, Plaintiff sustained injuries that
8 caused him pain, anxiety, suffering, and inconvenience. He also suffered decreased mobility,
9 isolation, and interference with normal and usual activities. He experienced significant
10 inconvenience having to attend numerous medical appointments. Plaintiff is, therefore, entitled
11 to non-economic damages in the amount which a jury determines to be reasonable, but not to
12 exceed \$80,000.

13 11.

14 Plaintiff reserves the right to amend this complaint pursuant to ORS §31.725.

15
16 **FIRST CLAIM FOR RELIEF**

17 (Negligence Against Defendant Alexandria)

18 12.

19 Plaintiff re-alleges paragraphs 1-11 above as though fully set forth herein.

20 13.

21 Defendant Alexandria was negligent in one or more of the following particular
22 manners:

- 23 a. In operating the vehicle in an unsafe, unreasonable, careless or indiscriminate
24 manner without due regard for the safety of others;
25 b. In driving while distracted;

- 1 c. In failing to keep a proper lookout for other vehicles and traffic;
2 d. In failing to maintain safe and adequate control of her vehicle; and
3 e. In failing to comply with the Basic Speed Rule.

4 14.

5 These breaches of duty by Defendant Alexandria described in paragraph 13 led directly
6 and foreseeably to the injuries suffered by Plaintiff as described above in paragraphs 9 & 10.

7
8 **SECOND CLAIM FOR RELIEF**

9 (Negligence Per Se Against Defendant Alexandria)

10 15.

11 Plaintiff re-alleges paragraphs 1 through 14 above as though fully set forth herein.

12 16.

13 Defendant Alexandria violated one or more of the following *Oregon Revised Statutes*
14 (ORS) in the following manners:

- 15 a. In operating the vehicle in a careless manner without due regard for the safety of
16 others in violation of ORS §811.135; and
17 b. In failing to comply with the Basic Speed Rule as required by ORS §811.100.

18 17.

19 Defendant Alexandria was, at all times material to this lawsuit, required to comply with
20 the foregoing laws enumerated in paragraph 16.

21 18.

22 Plaintiff, as a person directly injured by the collision, was a member of the class
23 intended to be protected by such laws, and the harms suffered were of the type and kind such
24 laws were intended to protect against.

25 19.

1 As a direct and foreseeable result of Defendant Alexandria's conduct, Plaintiff
2 sustained bodily injuries and other damages as described above in paragraphs 9 & 10.

3
4 **THIRD CLAIM FOR RELIEF**

5 (Negligence Against Defendant Mother)

6 20.

7 Plaintiff re-alleges paragraphs 1-19 above as though fully set forth herein.

8 21.

9 Under the Family Purpose Doctrine, if an "automobile is maintained by the owner for
10 the pleasure or convenience of his family, a member of the family who uses it for his own
11 pleasure or convenience with the knowledge and consent of the owner is the agent of the owner
12 and the latter is responsible for his negligence." *Kraxberger v. Rogers*, 231 Or. 440, 450
13 (1962).

14 22.

15
16 Defendant Mother was negligent because:

- 17 a. The automobile Defendant Alexandria drove at the time of the collision was a family
18 vehicle, owned and maintained by Defendant Mother for the pleasure or convenience of
19 her family;
- 20 b. Defendant Alexandria is Defendant Mother's daughter and is, therefore, a member of
21 the family who used the automobile for her own pleasure and purposes;
- 22 c. Defendant Alexandria used the automobile with the knowledge and consent of
23 Defendant Mother, the owner of the vehicle;
- 24 d. Therefore, Defendant Alexandria was an agent of Defendant Mother; and
- 25 e. Defendant Mother is responsible for Defendant Alexandria's negligence.

1 23.

2 Negligent actions of Defendant Alexandria in paragraph 13, imputed to Defendant
3 Mother under the Family Purpose Doctrine, led directly and foreseeably to the injuries suffered
4 by Plaintiff as described above in paragraphs 9 & 10.

5
6 **FOURTH CLAIM FOR RELIEF**

7 (Negligence Per Se Against Defendant Mother)

8 24.

9 Plaintiff re-alleges paragraphs 1 through 23 above as though fully set forth herein.

10 25.

11 Defendant Mother is responsible for all negligent acts of Defendant Alexandria in
12 paragraph 16 as they are imputed to Defendant Mother under the Family Purpose Doctrine as
13 described in paragraphs 21 & 22.

14 26.

15 Plaintiff, as a person directly injured by the collision, was a member of the class
16 intended to be protected by laws in paragraph 16, and the harms suffered were of the type and
17 kind such laws were intended to protect against.

18 27.

19 Negligent actions of Defendant Alexandria in paragraph 16, imputed to Defendant
20 Mother under the Family Purpose Doctrine, led directly and foreseeably to the injuries suffered
21 by Plaintiff as described above in paragraphs 9 & 10.

22
23 **DEMAND FOR JURY TRIAL**

24 28.

25 Plaintiff hereby demands a jury trial on all issues.

1
2 **PRAYER FOR RELIEF**

3 29.

4 **WHEREFORE**, Plaintiff prays for judgment against Defendants as follows:

- 5 a) Economic damages in the amount to be determined by the trier of fact to fairly
6 compensate Plaintiff in accordance with Oregon law, and not to exceed
7 \$40,000;
- 8 b) Non-economic damages in the amount to be determined by the trier of fact to
9 fairly compensate Plaintiff in accordance with Oregon law, and not to exceed
10 \$80,000;
- 11 c) Costs and disbursements incurred herein; and
- 12 d) Other relief as the Court deems just and equitable.

13
14 Dated: February 11, 2018

Respectfully submitted,

15
16 **STEVENS & LEGAL, LLC**

17
18 /s/ Michael O. Stevens
19 Michael O. Stevens, OSB No. 095198
Attorney for Plaintiff

20 Trial Attorney:
21 Michael O. Stevens, OSB No. 095198