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

CATHRYN RICHARD,)	Case No.
)	
Plaintiff,)	COMPLAINT
)	(Negligence/Negligence Per Se)
v.)	
)	Damages in the amount of \$53,000;
JOHN STEPHEN MITCHEM,)	filing fee per ORS §21.160(1)(c)
)	
Defendant.)	NOT SUBJECT TO MANDATORY
_____)	ARBITRATION

COMPLAINT

Plaintiff, CATHRYN RICHARD (hereafter “Plaintiff”), through counsel, alleges as follows:

1.

On or about Friday, February 10, 2017, Plaintiff was injured by three separate collisions that occurred in Multnomah County, Oregon, which were both due to the actions and or inactions of Defendant JOHN STEPHEN MITCHEM (hereafter “Defendant”).

2.

Plaintiff is an adult resident of Washington County, Oregon.

3.

On information and belief, Defendant is an adult residing in Multnomah County, Oregon.

1 4.

2 On or about February 10, 2017, Plaintiff and four minor passengers were travelling
3 westbound in her vehicle near the 2800 block of Southeast Stark Street in Multnomah County,
4 Oregon.

5 5.

6 At that time Defendant was driving directly behind Plaintiff and failed to stop before
7 colliding with the rear-end of Plaintiff's vehicle, causing property damage to Plaintiff's
8 vehicle.

9 6.

10 After the collision, Plaintiff exited her vehicle and approached Defendant's vehicle on
11 foot to obtain his insurance information, which he refused to provide, causing an argument.

12 7.

13 While Plaintiff was attempting to photograph the license plate of Defendant's stopped
14 vehicle, Defendant suddenly and without warning accelerated his vehicle forward, hitting
15 Plaintiff. He then stopped again, but after a moment accelerated out into the oncoming traffic
16 lane to pass Plaintiff's stopped vehicle in front of him, hitting Plaintiff again before proceeding
17 to flee the scene.

18 8.

19 While fleeing from the scene of the collision described in paragraphs 4-7, Defendant
20 struck Plaintiff with his vehicle a second time, but this time she was on foot.

21 9.

22 Plaintiff suffered bodily injuries as a result of being struck twice by Defendant's
23 vehicle and sought medical care for the injuries sustained from the collisions.

24 10.

25 The rear-end collision described in paragraphs 4-5 and the pedestrian collision

1 described in paragraphs 6-9 occurred as the result of Defendant's negligence and illegal
2 actions, which Defendant has a long history of prior traffic violations.

3 11.

4 As a direct result of the two above-described collisions, Plaintiff suffered bodily
5 injures. Plaintiff's economic damages, incurred through numerous medical examinations, tests,
6 evaluations, and other appointments total in excess of \$6,576.22 to date. She has also had to
7 work additional hours to make up for time lost attending medical appointments. Plaintiff is,
8 therefore, entitled to economic damages in the amount a jury determines to be reasonable, but
9 not to exceed \$20,000.

10 12.

11 As a direct result of the two above-described collisions, Plaintiff sustained injuries that
12 caused her pain, anxiety, suffering, emotional distress, and inconvenience. She also suffered
13 decreased mobility, isolation, and interference with normal and usual activities. She further
14 experienced significant inconvenience having to attend numerous medical appointments.
15 Plaintiff is, therefore, entitled to non-economic damages in the amount a jury determines to be
16 reasonable, but not to exceed \$30,000.

17 13.

18 As a direct result of the two above described collisions, Plaintiff incurred property
19 damages to her vehicle at her economic detriment, which resulted in economic damages in an
20 amount to be determined by the jury to fairly and justly compensate her in accordance with
21 Oregon law, not to exceed \$3,000.

22 14.

23 Plaintiff reserves the right to amend this complaint pursuant to ORS §31.725, including
24 the addition of punitive damages.
25

1
2
3 **FIRST CLAIM FOR RELIEF**

4 (Negligence)

5 15.

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

7 16.

8 Defendant was negligent in one or more of the following particular manners:

- 9 a. In operating a vehicle in an unsafe, unreasonable, careless or indiscriminate
10 manner without due regard for the safety of others;
11 b. In driving while distracted;
12 c. In failing to keep a proper lookout; and
13 d. In failing to maintain safe and adequate control of his vehicle.

14 17.

15 These breaches of duty by Defendant described in paragraph 16 led directly and
16 foreseeably to the injuries and damages suffered by Plaintiff as described in paragraphs 11-13.

17
18 **SECOND CLAIM FOR RELIEF**

19 (Negligence Per Se)

20 18.

21 Plaintiff re-alleges paragraphs 1-17 above as though fully set forth herein.

22 19.

23 Defendant violated one or more of the following *Oregon Revised Statutes* (ORS) in the
24 following manners:

- 25 a. In failing to exercise due care while operating a vehicle, in violation of ORS

1 §811.005;

- 2 b. In causing vehicular assault, in violation of ORS §811.060;
- 3 c. In failing to comply with the Basic Speed Rule, in violation of ORS §811.100;
- 4 d. In operating his vehicle in a careless manner without due regard for the safety of
- 5 others, in violation of ORS §811.135;
- 6 e. In operating his vehicle in a reckless manner without due regard for the safety of
- 7 others, in violation of ORS §811.140;
- 8 f. In making an unlawful or unsignaled change of lanes, in violation of ORS
- 9 §811.375;
- 10 g. In failing to use appropriate signaling for turning or changing lanes, in violation of
- 11 ORS §811.405;
- 12 h. In making an unsafe pass on the left, in violation of ORS §811.410;
- 13 i. In following another vehicle more closely than is reasonable and prudent, in
- 14 violation of ORS §811.485;
- 15 j. In causing the dangerous movement of a stopped, standing, or parked vehicle, in
- 16 violation of ORS §811.565;
- 17 k. In failing to perform the duties of a driver when property is damaged, in violation of
- 18 ORS §811.700;
- 19 l. In failing to perform the duties of a driver when a person is injured, in violation of
- 20 ORS §811.705; and
- 21 m. In failing to perform the duties of a witness to an accident, in violation of ORS
- 22 §811.715.

23 20.

24 Defendant was, at all times material to this lawsuit, required to comply with the

25 foregoing laws enumerated in paragraph 19.

Complaint: Page 5 of 7

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21.

Plaintiff, as a person directly injured by the two above described collisions, was a member of the class intended to be protected by such laws, and the harms suffered were of the type and kind such laws were intended to protect against.

22.

As a direct and foreseeable result of Defendant's conduct, Plaintiff sustained injuries and other damages as described in paragraphs 11-13.

DEMAND FOR JURY TRIAL

23.

Plaintiff hereby demands a jury trial on all issues.

PRAYER FOR RELIEF

24.

WHEREFORE, Plaintiff prays for judgment against defendants as follows:

- a) Economic damages in the amount to be determined by the trier of fact to fairly compensate Plaintiff in accordance with Oregon law, and not to exceed \$20,000;
- b) Non-economic damages in the amount to be determined by the trier of fact to fairly compensate Plaintiff in accordance with Oregon law, and not to exceed \$33,000;
- c) Costs and disbursements incurred herein; and
- d) Other relief as the Court deems just and equitable.

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Dated: February 11, 2019

Respectfully submitted,

STEVENS & LEGAL, LLC

/s/ Michael O. Stevens

Michael O. Stevens, OSB No. 095198
Attorney for Plaintiff

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