

CHRISTOPHER L. GIDDINGS, P.C.

By: Richard F. Corbin, Esquire
Attorney Identification No. 92167
3000 Market Street, Suite 201
Philadelphia, PA 19104
(215) 243-3450

**THIS IS AN ARBITRATION MATTER.
AN ASSESSMENT OF DAMAGES
HEARING IS NOT REQUIRED.**

ATTORNEY FOR PLAINTIFF

EDUARDO LARA

3808 N. 9th Street
Philadelphia, PA 19140

plaintiff,

v.

STEPHANIE LOGGINS

3204 Newpark Circle
Lansdale, PA 19446

and

BEVERLY LOGGINS

4200 Merchant Sq.PL.
Lansdale, PA 19446

defendants,

**COURT OF COMMON PLEAS
MONTGOMERY COUNTY**

JANUARY TERM, 2007

No.

**COMPLAINT-CIVIL ACTION
NEGLIGENCE 2V - MOTOR VEHICLE ACCIDENT**

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your attorney at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Montgomery County Bar Association
Lawyer Referral and Information Service
100 West Airy Street
Norristown, Pennsylvania 19404
(610) 279-9660 ext. 201

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

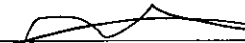
Lleva esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

Asociacion de Licenciados de Montgomery County
Servicio de Referencia e Informacion Legal
100 West Airy Street
Norristown, Pennsylvania 19404
(610) 279-9660 ext. 201

NOTICE TO PLEAD

To: Defendants:

You are hereby notified to file a written response to the enclosed Complaint within twenty (20) days from the date of service hereof or a judgment may be entered against you.



Attorney for Plaintiff

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4200 Merchant Square Place
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defendants,

**COURT OF COMMON PLEAS
MONTGOMERY COUNTY**

JANUARY TERM, 2007



2007-01185-0000
1/17/2007 12:32:31 PM
Complaint Civil Action
William E. Donnelly
Montgomery County Prothonotary

**COMPLAINT-CIVIL ACTION
NEGLIGENCE 2V - FACTS MOTOR VEHICLE ACCIDENT**

ALLEGATIONS COMMON TO ALL COUNTS

Plaintiff, Eduardo Lara, by and through counsel, hereby brings in civil action for damages sustained, and upon information and belief, against defendants, Stephanie Loggins and Beverly Loggins, and he avers as follows:

1. Plaintiff, Eduardo Lara, is an adult individual who resides at the address set forth in the caption above.

2. Defendant, Stephanie Loggins, is an adult individual whose last known residence addresses is at the address set forth in the caption above.

3. Defendant, Beverly Loggins, is an adult individual whose last known residence addresses is at the address set forth in the caption above.

THE MOTOR VEHICLE ACCIDENT

4. On or about May 24, 2005, at approximately 6:55am, plaintiff was traveling on Welsh Road near Vernon Court in Hatfield Township, Pennsylvania.

5. At said time and place, defendant, Stephanie Loggins, was the operator of a motor vehicle attempting to make an illegal U-turn on Welsh Road near Vernon Court in Hatfield Township, Pennsylvania.

6. At all times material hereto defendant, Stephanie Loggins, was a permissive user of defendant, Beverly Loggins's vehicle.

7. At said time and place the defendants' vehicle collided with the plaintiff's vehicle.

8. At the time and place set forth herein, defendant, Stephanie Loggins, was operating her vehicle in a careless, reckless and/or negligent manner, when suddenly and without warning, while driving without a license and attempting to make an illegal U-turn, she broadsided the plaintiff's vehicle, thus causing the plaintiff to sustain severe bodily injuries.

9. As a result of this accident, the plaintiff has suffered injuries which are serious and permanent, which include but are not limited to cervical spine strain and sprain;

lumbo-sacral strain and sprain; right foot and ankle strain and sprain; post concussive headaches; multiple contusions; and various other ills and injuries, all of which may continue for an indefinite period of time in the future.

10. As a further result of this accident, plaintiff has been or will be obliged to receive and undergo medical attention and care and to expend various sums of money or incur various expenses which expenses have or may exceed the sum recoverable under the limits of 75 P.S. 1711, and may be obliged to continue to expend such sums or incur such expenditures for an indefinite time in the future.

11. As a further result of this accident, plaintiff has suffered a severe loss of earnings and an impairment of earning capacity and power, which such loss of income and/or impairment of earning capacity or power has or may exceed the sum recoverable under the limits in 75 P.S. 1711.

12. As a further result of this accident, plaintiff has suffered severe physical pain, mental anguish and humiliation and loss of life's pleasures and may continue to suffer the same for an indefinite time into the future.

13. This accident resulted solely from the negligence and recklessness of the defendant, Stephanie Loggins, herein, and was due in no manner whatsoever to any act or failure to act on the part of plaintiff.

**COUNT I – PLAINTIFF v. DEFENDANT, STEPHANIE LOGGINS –
NEGLIGENCE**

14. Plaintiff repeats the allegations contained in paragraphs one (1) through thirteen (13) of the Complaint and incorporates them by reference herein as if pleaded at length.

15. The negligence and recklessness of defendant, Stephanie Loggins, consisted of the following:

(a) The defendant for some unknown reason attempted to make an illegal U-Turn.

(b) The defendant failed to maintain proper and adequate control over its motor vehicle at the time of the accident;

(c) The defendant operated said motor vehicle in a negligent, careless and/or reckless manner, without due regard for the rights, safety and position of the plaintiff at the time and place of the accident;

(d) The defendant failed to yield the right of way;

(e) The defendant failed to give the plaintiff timely, proper and sufficient warning of the collision;

(f) The defendant violated the various ordinances of the city and county of Philadelphia and the statutes of the Commonwealth of Pennsylvania concerning the operation of motor vehicles on the highways and streets, including but not limited to 75 Pa. C.S. 3714 (Careless Driving), 75 Pa. C.S. 3736 (reckless driving), and 75 Pa. C.S. 3332 (limitations on turning around);

(g) The defendant failed to keep an adequate and proper lookout; and

(h) The defendant was otherwise negligent, careless and/or reckless in the operation of its motor vehicle.

WHEREFORE, plaintiff respectfully requests that judgment be entered in his favor and against the defendant, Stephanie Loggins, jointly, severally, separately and/or in the alternative, on this count alone in an amount not in excess of fifty thousand dollars (\$50,000.00), together with interest and costs according to law.

COUNT II – PLAINTIFF v. DEFENDANT, STEPHANIE LOGGINS –
RES IPSA LOQUITUR

16. Plaintiff repeats the allegations contained in paragraphs one (1) through fifteen (15) of the Complaint and incorporates them by reference herein as if pleaded at length.

17. It may be inferred that harm suffered by the plaintiff is caused by negligence of the defendant, Stephanie Loggins, when:

- (a) the event is of a kind which ordinarily does not occur in the absence of negligence;
- (b) other responsible causes, including the conduct of the plaintiff and third persons, are sufficiently eliminated by the evidence; and
- (c) the indicated negligence is within the scope of the defendant's duty to the plaintiff.

18. It is the function of the court to determine whether the inference may reasonably be drawn by the arbitrators, or whether it must necessarily be drawn.

19. It is the function of the arbitrators to determine whether the inference is to be drawn in any case where different conclusions may reasonably be reached.

WHEREFORE, plaintiff respectfully requests that judgment be entered in his favor and against the defendant, Stephanie Loggins, jointly, severally, separately and/or in the alternative, on this count alone in an amount not in excess of fifty thousand dollars (\$50,000.00), together with interest and costs according to law.

COUNT III – PLAINTIFF v. DEFENDANT, BEVERLY LOGGINS –
NEGLIGENCE ENTRUSTMENT

20. Plaintiff repeats the allegations contained in paragraphs one (1) through nineteen (19) of the Complaint and incorporates them by reference herein as if pleaded at length.

21. The aforesaid collision was caused by the negligence, carelessness and/or recklessness of the defendant, Beverly Loggins, which consisted of the following:

(a) Entrusting a motor vehicle to the defendant, Stephanie Loggins, she knew or should have known was incapable of operating said motor vehicle in a safe and lawful manner; and

(b) Entrusting a motor vehicle without undertaking adequate measures to ensure that the defendant, Stephanie Loggins, was capable of operating said motor vehicle in a safe and lawful manner.

WHEREFORE, plaintiff respectfully requests that judgment be entered in his favor and against the defendant, Beverly Loggins, jointly, severally, separately and/or in the alternative, on this count alone in an amount not in excess of fifty thousand dollars (\$50,000.00), together with interest and costs according to law.

COUNT IV – PLAINTIFF v. DEFENDANT, BEVERLY LOGGINS –
RES IPSA LOQUITUR

22. Plaintiff repeats the allegations contained in paragraphs one (1) through twenty-one (21) of the Complaint and incorporates them by reference herein as if pleaded at length.

23. It may be inferred that harm suffered by the plaintiff is caused by negligence of the defendant, Beverly Loggins, when:

(a) the event is of a kind which ordinarily does not occur in the absence of negligence;

(b) other responsible causes, including the conduct of the plaintiff and third persons, are sufficiently eliminated by the evidence; and

(c) the indicated negligence is within the scope of the defendant's duty to the plaintiff.

24. It is the function of the court to determine whether the inference may reasonably be drawn by the arbitrators, or whether it must necessarily be drawn.

25. It is the function of the arbitrators to determine whether the inference is to be drawn in any case where different conclusions may reasonably be reached.

WHEREFORE, plaintiff respectfully requests that judgment be entered in his favor and against the defendant, Beverly Loggins, jointly, severally, separately and/or in the alternative, on this count alone in an amount not in excess of fifty thousand dollars (\$50,000.00), together with interest and costs according to law.

CHRISTOPHER L. GIDDINGS, P.C.

Dated: 1-11-07

By: 

Richard F. Corbin
Attorney for Plaintiff

VERIFICATION

EDUARDO LARA hereby states that he is the plaintiff in this action and verifies that the statements made in the foregoing pleading are true and correct to the best of his knowledge, information, and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: 1-11-07



EDUARDO LARA
Plaintiff