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CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA
JOJO SCHWARZAUER, CLERK

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

HAROLD A. THOMAS, III, as Personal Representative of the Estate of SAMANTHA ALISON THOMAS, deceased,

Plaintiff,

v. **CIVIL ACTION NO. CV2020- _____**

JONATHAN PISHOI NAKHLA, an individual; **DEFENDANT "A,"** the individual whose negligence and/or wantonness caused the injuries, death and damages of Samantha Alison Thomas on August 1, 2020, when an accident occurred on West I-65 Service Road in Mobile County, Alabama; **DEFENDANT "B,"** the partnership whose negligence and/or wantonness caused the injuries, death and damages of Samantha Alison Thomas on August 1, 2020, when an accident occurred on West I-65 Service Road in Mobile County, Alabama; **DEFENDANT "C,"** the corporation whose negligence and/or wantonness caused the injuries, death and damages of Samantha Alison Thomas on August 1, 2020, when an accident occurred West I-65 Service Road in Mobile County, Alabama; **DEFENDANT "D,"** the individual who was operating the motor vehicle that caused the single vehicular collision on August 1, 2020, when an accident occurred on West I-65 Service Road in Mobile County, Alabama; **DEFENDANT "E,"** the person or other legal entity who owned and/or entrusted the Audi R8 motor vehicle driven by Jonathan Pishoi Nakhla on August 1, 2020, when a single vehicular collision occurred on West I-65 Service Road in Mobile County, Alabama; **DEFENDANT "F,"** the person or other legal entity whose responsibility it was for maintaining and repairing the vehicle operated by Jonathan Pishoi Nakhla on August 1, 2020, when a single vehicular collision occurred on West I-65 Service Road in Mobile County, Alabama; **DEFENDANT "G,"** whether singular or plural, Plaintiff hereby intending to designate that entity or those entities, including persons who are liable to Plaintiff, as a principal for the negligent acts or omissions of its agent Jonathan Pishoi Nakhla; **DEFENDANT "H,"** whether singular or plural, Plaintiff hereby intending to designate that entity which is the correct legal description of that entity described and referred to as Jonathan Pishoi Nakhla's principal; **DEFENDANT "I,"** the person, firm, corporation or other legal entity who was the employer of Jonathan Pishoi Nakhla on August 1, 2020, when a single vehicular collision occurred on West I-65 Service Road in Mobile County, Alabama; **DEFENDANT "J,"** whether singular or plural, Plaintiff hereby intending to designate that entity or those entities, other than those entities described above who or which is a successor in interest of any of those entities described above; **DEFENDANT "K,"** whether singular or plural, being those individuals or entities who or which have liability to the Plaintiff for any causes of action or whose acts give rise to liability as it relates to the accident that occurred on August 1, 2020, on West I-65 Service Road in Mobile County, Alabama, whose true names and identities are unknown to Plaintiff at this time but will be added by amendment when ascertained,

Defendants.

COMPLAINT

COMES NOW the Plaintiff and brings a Complaint against the Defendants as follows:

FACTS COMMON TO ALL COUNTS

1. Plaintiff Harold A. Thomas, III, as Personal Representative of the Estate of Samantha Alison Thomas, deceased, is an adult resident citizen of Madison County, Alabama.

2. Plaintiff's decedent, Samantha Alison Thomas, deceased, was a resident citizen of Madison County, Alabama, on August 1, 2020, and at the time of her death. At all times relevant to this action, Plaintiff's decedent was a medical student at the University of South Alabama.

3. Defendant Jonathan Pishoi Nakhla, upon information and belief, is an adult resident citizen of Mobile County, Alabama.

4. Fictitious party Defendants "A" through "K" are individuals or entities who or which caused or contributed to the injuries, death and damages of Samantha Alison Thomas on August 1, 2020. Fictitious Party Defendants "A" through "K" are the individuals and/or entities who or which have liability to the Plaintiff for any causes of action and whose acts give rise to liability as it relates to the Plaintiff's claims. The content of the above caption listing the Fictitious Party Defendants is incorporated by reference.

5. Unless otherwise noted, when the word "Defendants" is used herein, it is meant to refer collectively to Jonathan Pishoi Nakhla and all fictitious defendants described in the style, body and caption of this Complaint.

6. The incident giving rise to this action is a single vehicle motor vehicle accident which occurred in the early morning hours on August 1, 2020, on West I-65 Service Road in the City of Mobile, Mobile County, Alabama.

7. At the aforesaid time and place, Defendant Jonathan Pishoi Nakhla and Fictitious Party Defendants "A" through "K" negligently and/or wantonly caused and/or allowed a singular vehicular accident to occur.

8. Prior to the subject accident, Defendant Nakhla became intoxicated as a result of consuming numerous alcoholic beverages, and he boasted that, because he had been issued a physician card by a police department, he could escape responsibility for driving in violation of the law.

9. At the time of the accident, Defendant Jonathan Pishoi Nakhla was drunk and operating his Audi R8 Spyder, high-performance Audi convertible motor vehicle at 138 miles per hour in a 45 mile per hour zone while under the influence of alcohol.

10. The wreck occurred around 12:41 am when Nakhla's vehicle ran off the road and collided with a concrete ditch dividing Interstate 65 from the service road. Nakhla's vehicle then struck the guardrail, rolling six times along the guardrail, striking a light pole and landing upside down and continuing from there before coming to an uncontrolled stop in a ditch.

11. As a proximate result of the Defendants' negligence and/or wantonness, the Plaintiff's decedent, twenty-four-year-old Samantha Alison Thomas, succumbed to fatal injuries inflicted in the accident.

12. Any and all of the aforedescribed acts and/or omissions are the direct and proximate cause of the death of the decedent, Samantha Alison Thomas.

13. Plaintiff's decedent, Samantha Alison Thomas, departed this life on August 1, 2020.

COUNT ONE
NEGLIGENCE/WANTONNESS
NEGLIGENCE PER SE

14. Plaintiff hereby realleges and adopts all of the foregoing paragraphs of the Complaint as if more fully set out herein.

15. Plaintiff brings this claim pursuant to Alabama's Wrongful Death Act, Alabama Code § 6-5-410 *et. seq.* (1975) for the wrongful death of Samantha Alison Thomas, deceased.

16. On or about August 1, 2020, on an Interstate 65 service road in Mobile County, Alabama, the Defendant Jonathan Pishoi Nakhla and Fictitious Party Defendants "A" through "K" negligently and/or wantonly caused and/or allowed a singular vehicular collision to occur.

17. As a proximate result of the Defendants' negligence and/or wantonness, the Plaintiff's decedent succumbed to fatal injuries inflicted in the accident.

18. Plaintiff alleges that Defendant Jonathan Pishoi Nakhla and/or Fictitious Party Defendants "A" through "K" were wanton, negligent and/or negligent per se in the operation of his vehicle as it relates to the accident of August 1, 2020.

19. Defendant Jonathan Pishoi Nakhla and/or Fictitious Party Defendants "A" through "K" is directly responsible for the injuries and death of decedent, Samantha Alison Thomas, among other things, in that he:

    a. Operated a motor vehicle while travelling in excess of 130 miles per hour in violation of Ala. Code §§ 32-5A-170 and 32-5A-171;

    b. Operated a motor vehicle while under the influence of alcohol in excess of the legal limit in violation of Ala. Code § 32-5A-191;

    c. Operated a vehicle in a careless and reckless manner;

    d. Failed to keep a proper lookout;

    e. Failed to maintain proper control of the vehicle; and

f. Operated a vehicle without exercising due care.

20. Plaintiff Harold A. Thomas, III, as Personal Representative of the Estate of Samantha Alison Thomas, deceased, claims against Defendants as Personal Representative of the Estate of Samantha Alison Thomas, deceased, pursuant to § 6-5-410 *et. seq.* (1975) *et seq.* for the wrongful death of Samantha Alison Thomas in that her death was caused by the unlawful and wrongful acts, omissions, negligence and/or wantonness of Defendant Jonathan Pishoi Nakhla and/or Fictitious Party Defendants "A" through "K."

WHEREFORE, Plaintiff demands judgment of punitive damages against Defendant Jonathan Pishoi Nakhla and/or Fictitious Party Defendants "A" through "K" in such amount as the jury deems just and proper, together with costs allowed by law.

COUNT TWO
FICTITIOUS DEFENDANTS

21. Plaintiff hereby realleges and adopts all of the foregoing paragraphs of the Complaint as if more fully set out herein.

22. On or about August 1, 2020, on West I-65 Service Road in Mobile County, Alabama, the Defendant Jonathan Pishoi Nakhla and Fictitious Party Defendants "A" through "K" negligently and/or wantonly caused and/or allowed a singular vehicular accident to occur.

23. As a proximate result of the Defendants' negligence and/or wantonness, the Plaintiff's decedent succumbed to fatal injuries inflicted in the accident.

24. This count of the Complaint is filed against fictitious party Defendants "A" through "K" more specifically described in the caption of the Complaint and is made against Defendants who or which have liability under any theory of law referenced in the caption of the Complaint or in any language in the body of the Complaint, whether as a result of tort or contract, and whose true names or identities are otherwise unknown, but who will be added by amendment when ascertained.

WHEREFORE, Plaintiff demands judgment of punitive damages against Fictitious Party Defendants "A" through "K" in such amount as the jury deems just and proper, together with costs as allowed by law.

Joe A. King, Jr. (KIN058)
Attorney for Plaintiff

Of Counsel:

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PLAINTIFF HEREBY DEMANDS TRIAL BY STRUCK JURY.

Joe A. King, Jr.

SERVE DEFENDANT WITH COMPLAINT AND DISCOVERY VIA PROCESS SERVER:

Jonathan Pishoi Nakhla
151 DU RHU DR UNIT 2217
MOBILE, AL 36608-1266