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IN THE FIFTH JUDICIAL DISTRICT COURT

IN AND FOR WASHINGTON COUNTY, STATE OF UTAH

MEHO CAMIL LIZDE and NADJA LIZDE,

Plaintiffs,

v.

JUSTIN S. LUTHER and NEW PRIME,
INC.,

Defendants.

COMPLAINT – TIER III

Civil No.

Judge

COME NOW Plaintiffs Meho Camil Lizde and Nadja Lizde and complains of
Defendants Justin S. Luther and New Prime, Inc., as follows:

PARTIES

1. At all times herein mentioned Plaintiffs Meho Camil Lizde and Nadja Lizde
(hereinafter “Plaintiffs”) were and continue to be a residents of Salt Lake County, State of Utah.

2. Plaintiffs are informed and believe Defendant Justin S. Luther (hereinafter “Defendant Luther”) was and continues to be a resident of Boone County, State of Missouri.

3. Plaintiffs are informed and believe Defendant New Prime Inc. (hereinafter “Defendant Prime”) is a Missouri corporation that actively does business in the State of Utah.

VENUE AND JURISDICTION

4. Because no defendant resides within the State of Utah, venue is appropriate in any county within the State pursuant to Utah Code Ann. §78B-3-307 (1953 as amended) and thus venue is appropriate in Washington County.

5. This action is of a civil nature and jurisdiction is conferred pursuant to Utah Code Ann. §78A-5-102, (1953 as amended).

TIER ELECTION

6. Pursuant to Rule 26(c) of the Utah Rules of Civil Procedure, Plaintiffs elects Tier III.

FACTUAL ALLEGATIONS

7. Plaintiffs incorporate by reference the allegations contained in paragraphs 1-6 above.

8. This action arose as a consequence of an incident that occurred on July 14, 2014, involving a semi tractor-trailer collision on Southbound I-15 in Beaver County, State of Utah.

9. At or about the time of the collision, Plaintiff Meho Lizde was traveling southbound on I-15.

10. After passing two slower moving semis, Plaintiff moved his semi from the left lane to the right lane to allow faster moving economy vehicles to pass him.

11. Upon moving into the right lane, Plaintiff noticed a very slow moving semi in front of him.

12. The slow semi was owned by Defendant Prime and being operated by Defendant Luther.

13. Upon information and belief, the Prime truck was experiencing mechanical problems and was traveling approximately 20 mph; the speed limit was 80 mph.

14. As the left lane was being occupied by at least one economy vehicle initiating a pass on the left-hand side of Plaintiff, Plaintiff was boxed-in.

15. In response, Plaintiff slammed on his brakes in an attempt to avoid the Prime truck in front of him.

16. Plaintiff was unable to stop in time and collided into Defendant Luther.

17. As a result of the collision, Plaintiffs suffered serious injuries.

FIRST CAUSE OF ACTION
(Negligence – Defendant Luther)

18. Plaintiffs incorporate by reference the allegations contained in paragraphs 1-17 above.

19. Defendant Luther owed a duty of reasonable care to Plaintiffs;

20. Defendant Luther negligently and carelessly breached that duty of reasonable care in at least the following ways:

- a. He failed to maintain a safe minimum speed on the highway;
- b. He knowingly operated a vehicle with mechanical problems;

- c. He failed to make sure his semi-truck was safe for operation on Utah's highways;
- d. He failed to use his flashers/hazards to warn other motorists of his extremely slow speed;
- e. He failed to operate his vehicle in a safe and reasonable manner; and
- f. Other acts of negligence yet to be discovered.

21. Defendant Luther owed a duty of care to Plaintiffs. Defendant breached that duty of care in the manner previously mentioned. As a direct and proximate result of the negligence of Defendant, Plaintiff Meho Lizde was injured both physically and emotionally in an amount to be proven at trial and Plaintiff Nadja Lizde suffered a loss of consortium.

SECOND CAUSE OF ACTION

(Respondeat Superior – Defendant New Prime, Inc.)

22. Plaintiffs re-allege and incorporate herein by reference paragraphs 1-21 above.

23. Defendant Prime is vicariously liable for the negligent actions of its employee/agent, Defendant Luther.

24. Defendant Luther was an employee/agent of Defendant Prime at the time of the subject collision and was acting within the course and scope of the employment/agency relationship. Defendant Luther was negligent in the manner previously stated.

25. As a direct and proximate result of the vicarious liability of Defendant Prime for its employee/agent Defendant Luther, Plaintiff Meho Lizde was injured both physically and emotionally in an amount to be proven at trial and Plaintiff Nadja Lizde suffered a loss of consortium.

THIRD CAUSE OF ACTION
(Loss of Consortium)

26. Plaintiffs incorporate by reference the allegations contained in paragraphs 1-25 above.

27. Nadja Lizde alleges that as a direct and proximate result of Defendants' negligent acts, vicarious liability, omissions and wrongful conduct, Nadja Lizde sustained injuries.

28. Nadja Lizde alleges that as a direct result of Plaintiff's injuries, her relationship with her husband, Plaintiff Meho Lizde, has been impacted and the responsibilities, love and companionship within the home have been adversely affected.

DAMAGES

29. Plaintiffs incorporate by reference the allegations contained in paragraphs 1-28 above.

30. As a direct and proximate result of Defendants' wrongful acts, omissions, vicarious liability, negligence and recklessness, Plaintiff Meho Lizde suffered severe bodily injuries which required him to incur past and future medical expenses in an amount to be proven at trial.

31. As a direct and proximate result of Defendants' wrongful acts, omissions, vicarious liability, negligence and recklessness, Plaintiff Meho Lizde suffered general damages for pain and suffering in an amount to be proven at trial.

32. As a direct and proximate result of Defendants' wrongful acts, omissions, vicarious liability, negligence and recklessness, Plaintiff Meho Lizde suffered lost earnings and loss of earning capacity in an amount to be proven at trial.

33. As a direct and proximate result of Defendants' negligent acts, vicarious liability, omissions and wrongful conduct, Plaintiff Nadja Lizde asserts a claim for loss of consortium pursuant to Utah Code Ann. § 30-2-11 in an amount to be established at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

- A. For general damages including pain and suffering in an amount to be proven at trial;
- B. For past and future special damages in an amount to be proven at trial;
- C. For loss of consortium;
- D. For costs of suit herein; and
- E. For such further relief as the court deems just and proper.

DATED this 15th day of June, 2015.

ROBERT J. DEBRY & ASSOCIATES

/s/ Nathan Langston

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