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

JULIANA GUYT,
Plaintiff,
v.
GARTH GNEHM,
Defendant.

Case No. 23CV47985
FIRST AMENDED COMPLAINT
(Negligence/Negligence Per Se)
Damages in the amount of \$375,000
filing fee per ORS §21.160(1)(c)
**NOT SUBJECT TO MANDATORY
ARBITRATION**

COMPLAINT

Plaintiff, Juliana Guyt (“Plaintiff”) through counsel, allege as follows:

1.

On or about November 29, 2021, in Linn County, Oregon, Plaintiff was injured in a collision directly due to negligence of Defendant Garth Lee Gnehm (“Defendant”).

2.

Plaintiff is a resident of the state of Washington.

3.

On information and belief, Defendant is an adult resident of the State of Utah, and was acting in the course and scope of his employment with an unregistered business at the time of

1 the collision described below in paragraph. As such, the unknown business entity, if it exists, is
2 vicariously liable for the actions of Defendant.

3 4.

4 On or about November 29, 2021, Plaintiff was driving on Oregon Route 126 in Linn
5 County, Oregon. As Plaintiff was turning left off of the densely-wooded two-lane highway,
6 Defendant came up from behind and attempted to pass Plaintiff on the left, causing a collision
7 with the vehicle driven by Plaintiff.

8 5.

9 Plaintiff sustained serious injuries due to the collision with Defendant and received
10 medical care directly due to injuries sustained in the collision with Defendant.

11 6.

12 The subject collision as described in paragraph 4, above, was solely the result of
13 Defendant's negligent and unlawful actions, as Defendant interfered with Plaintiff's operation
14 of their vehicle and Defendant made a dangerous and illegal pass to the left.

15 7.

16 As a direct result of the above-described incident, Plaintiff incurred and will continue to
17 incur substantial costs for health care providers, medications, medical imaging, examinations,
18 evaluations, and treatments. Due to the incident, Plaintiff suffered bodily injuries, including, but
19 not limited to neck pain, left shoulder pain, back pain, severe sprains to the ligaments of their
20 spine, neck spasms, and head injuries, among others. All of these medical expenses were, and
21 are, reasonable and necessary. They have suffered interference with their normal activities, plus
22 the loss of society and isolation. They also lost income and may lose income in the future. This
23 was all to their economic detriment and resulted in economic damages in an amount to be
24 determined by the jury to fairly and justly compensate them in accordance with Oregon law, not
25 to exceed \$75,000.

1 8.

2 As a direct result of the above-described incident, Plaintiff sustained injuries that caused
3 them pain, anxiety, emotional distress, and inconvenience. They also suffered decreased
4 mobility, isolation, and interference with normal and usual activities. They also experienced
5 significant inconvenience having to attend numerous medical appointments, all to their non-
6 economic harm. Plaintiff is, therefore, entitled to non-economic damages in the amount which a
7 jury determines to be reasonable, but not to exceed \$300,000.

8 9.

9 Plaintiff reserves the right to amend this complaint pursuant to ORS §31.725.
10

11 **FIRST CLAIM FOR RELIEF**

12 (Negligence)

13 10.

14 Plaintiff re-allege paragraphs 1-9 above as though fully set forth herein.

15 11.

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

- 17 a. In operating the vehicle in an unsafe, unreasonable, careless or indiscriminate
18 manner without due regard for the safety of others;
19 b. In failing to keep a proper lookout for other vehicles and traffic;
20 c. Excessive speed;
21 d. In failing to maintain safe and adequate control of their vehicle; and
22 e. In making an unsafe pass.

23 12.

24 These breaches of duty by Defendant, described above in paragraph 11, led directly and
25 foreseeably to the injuries suffered by Plaintiff as described above in paragraphs 7 through 8

1 above.

2
3 **SECOND CLAIM FOR RELIEF**

4 (Negligence Per Se)

5 13.

6 Plaintiff re-alleges paragraphs 1 through 12 above as though fully set forth herein.

7 14.

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

- 10 a. Failing to keep their truck in the right lane in violation of ORS §811.325;
11 b. Making an unsafe passing on the left in violation of ORS §811.410; and
12 c. Overtaking Plaintiff's vehicle at a speed that violates ORS §811.105 rule in violation
13 of ORS §811.425.

14 15.

15 Defendant was, at all times material to this lawsuit, required to comply with the foregoing
16 laws enumerated in paragraph 14.

17 16.

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

21 17.

22 As a direct and foreseeable result of Defendant's conduct, Plaintiff sustained bodily
23 injuries and other damages as described above in paragraphs 7 and 8 above.

1 **DEMAND FOR JURY TRIAL**

2 18.

3 Plaintiff hereby demands a jury trial on all issues.

4 **PRAYER FOR RELIEF**

5 19.

6 **WHEREFORE**, Plaintiff prays for judgment against Defendant as follows:

- 7
- 8 a) Economic damages in the amount to be determined by the trier of fact to fairly
 - 9 compensate Plaintiff in accordance with Oregon law, and not to exceed \$75,000;
 - 10 b) Non-economic damages in the amount to be determined by the trier of fact to
 - 11 fairly compensate Plaintiff in accordance with Oregon law, and not to exceed
 - 12 \$300,000;
 - 13 c) Prejudgment interest pursuant to ORS §82.010;
 - 14 d) Prevailing party fees pursuant to ORS §20.190;
 - 15 e) Costs and disbursements incurred herein; and
 - 16 f) Other relief as the Court deems just and equitable.
- 17

18 Dated: December 7, 2023

Respectfully submitted,

19 **STEVENS & LEGAL, LLC**

20 s/ Michael O. Stevens

21 Michael O. Stevens, OSB No. 095198

22 Michael@HillsboroFirm.com

23 TeAnna Rice, OSB No. 205141

TeAnna@HillsboroFirm.com

Attorneys for Plaintiff

24 Trial Attorney:

25 Michael O. Stevens, OSB No. 095198

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing FIRST AMENDED COMPLAINT to the following persons or entities:

Garth Gnehm
390 W 2500 N
North Logan, Utah 84341

Linn County Circuit Court
Via E-file

Service was completed in the following manner:

<input checked="" type="checkbox"/>	Via United States Postal Services by mailing them at the addresses listed above for each person or entity a true copy sealed in a postage-prepaid envelope and deposited in the United States mail at Hillsboro, Oregon.
<input checked="" type="checkbox"/>	Via electronic service for each person or entity indicated above. UTCR 21.100.
<input type="checkbox"/>	Via electronic mail at the addresses listed above for each person or entity.
<input type="checkbox"/>	Via personal delivery at the addresses listed above for each person or entity.
<input type="checkbox"/>	Via facsimile at the numbers listed above for each person or entity.
<input type="checkbox"/>	Via overnight delivery at the addresses listed above for each person or entity utilizing the services of the United Parcel Service.

DATED: December 7, 2023

By: s/ Michael O. Stevens
Telephone: 971-533-6178
Facsimile: 971-228-2608
Michael@HillsboroFirm.com