

FILED

FEB 25 2009

DAVID J. ... CLERK
[Signature]

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

DEMARIS MEYER

PLAINTIFF

VS.

CIVIL ACTION NO. 2:09CV038-M-A

MORGAN FREEMAN

DEFENDANT

COMPLAINT
[Trial by Jury Requested]

COMES NOW the Plaintiff, Demaris Meyer, and files this her Complaint against the Defendant Morgan Freeman and would show unto the Court the following:

A. PARTIES

1. The Plaintiff, Demaris Meyer ("Ms. Meyer") is an adult resident citizen of the state of Tennessee, residing at 2968 Millers Pond Drive, Memphis, TN 38119.

2. The Defendant, Morgan Freeman ("Mr. Freeman") is an adult resident citizen of Tallahatchie County, Mississippi, residing at 3771 Highway 35 North, Charleston, MS 38921, where he may be served with process of this court.

B. JURISDICTION and VENUE

3. Jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1332. There is complete diversity of citizenship between the Plaintiff and the Defendant, and the matter in controversy is in excess of *Seventy-Five Thousand Dollars* (\$75,000.00), exclusive of interests and costs.

4. Venue is also proper in this Court as a substantial part of the events or omissions giving rise to the cause of action occurred in the Northern District of Mississippi, Delta Division. Venue is therefore proper pursuant to 28 U.S.C. § 1391.

C. FACTS GIVING RISE TO CAUSE OF ACTION

5. On or before July 31, 2008, Ms. Meyer was invited to attend a gathering at Bayou Bend Golf & Country Club between Sumner and Webb, Mississippi at the invitation of William Luckett (“Mr. Luckett”), an attorney, friend, and business partner of Mr. Freeman. Mr. Luckett represented to Ms. Meyer that she would have the opportunity to meet Mr. Freeman at this event.

6. On August 3, 2008, Ms. Meyer drove to Luckett’s home in Clarksdale, MS. Shortly before 6:00 p.m., Ms. Meyer rode with Mr. Luckett’s wife to Bayou Bend where they met Mr. Luckett and Mr. Freeman for dinner. Throughout the course of dinner and afterward drinks were consumed by Freeman.

7. At approximately 9:00 p.m, Ms. Meyer rode back to Luckett’s home with Mr. Luckett. Freeman followed in his own vehicle. Freeman had at least one more drink while at Luckett’s home.

8. While at Mr. Luckett’s home, Mr. Freeman invited Ms. Meyer to stay at his home for the night, indicating that not only would Ms. Meyer have her own bedroom in which to stay, she would have her “own house.” With this in mind, and because it would be much closer for Ms. Meyer to travel to her place of employment the next morning from Mr. Freeman’s home, she agreed. Thereafter, Mr. Freeman and Ms. Meyer left Mr. Luckett’s home in Ms. Meyer’s 1997 Nissan Maxima en route to Mr. Freeman’s home in Charleston, MS.

9. At approximately 11:30 p.m., while traveling in an easterly direction on Mississippi Highway 32, Mr. Freeman lost control of the car, entered the left hand lane of traffic, overcorrected his steering and ran off of the right side of the highway. The car traveled into the ditch, struck the dirt embankment of a private driveway and flipped several times before finally

coming to rest facing south.

10. As a result of the collision, Ms. Meyer was airlifted to The Med in Memphis, TN with serious and disabling injuries including a broken left wrist and right scapula, a torn labrum in her right shoulder, pulmonary contusions, cervical strain and numerous bruises and lacerations. She also sustained a significant blow to the head and closed head injury which has resulted in cognitive difficulties and short term memory loss. Further, she has suffered severe mental anguish and emotional distress since the incident. Because of her injuries, Ms. Meyer has been unable to return to work since the accident.

D. CAUSE OF ACTION

11. Mr. Freeman had a duty to operate the 1997 Nissan Maxima in a reasonably safe manner and to obey the rules of the road. Mr. Freeman was negligent and breached said duty in that he:

- a. Failed to keep a proper look-out;
- b. Failed to maintain his attention to the task at hand (his driving);
- c. Failed to keep his vehicle under proper control; and
- d. Failed to obey the speed limit;

12. As a direct and proximate result of Mr. Freeman's negligence, Ms. Meyer suffered severe physical and emotional injuries.

E. DAMAGES

13. As a direct and proximate result of the negligence of Morgan Freeman, Ms. Meyer is entitled to recover from the Defendant damages for the following:

- a. Past, present, and future medical expenses;

- b. Past, present and future physical pain and suffering;
- c. Past, present, and future lost earnings and wages;
- d. Permanent disability;
- e. Past, present, and future mental and emotional distress; and
- f. Property damage.

F. PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs, Demaris Meyer, brings this action and demands judgment against the Defendant, Morgan Freeman, for compensatory damages in an amount in excess of the minimum jurisdictional limits of this Court; for prejudgment interest; for post-judgment interest; and for all costs associated with this action.

THIS the 24th day of February, 2009.

Respectfully submitted,

DEMARIS MEYER

By: Walter Morrison
One of her Attorneys

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JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

MSND # 2:09CV038-M-A

I. (a) PLAINTIFFS
 Demaris Meyer

(b) County of Residence of First Listed Plaintiff Shelby County, TN
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
 Walter C. Morrison, IV, Sessums, Dallas & Morrison, PLLC, 240
 Trace Colony Park Drive, Ste. 100, Ridgeland, MS 39157,

DEFENDANTS
 Morgan Freeman

County of Residence of First Listed Defendant Tallahatchie - MS
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

DAVID CREWS, CLERK
 By *[Signature]*

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

2 U.S. Government Defendant

3 Federal Question (U.S. Government Not a Party)

4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
 (For Diversity Cases Only)

Citizen of This State	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input checked="" type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	
			FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609		

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE 02/24/2009 SIGNATURE OF ATTORNEY OF RECORD *Walter Morrison*

FOR OFFICE USE ONLY

RECEIPT # 91175 AMOUNT \$350.00 APPLYING IFP _____

JUDGE Mills MAG. JUDGE Alexander