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IN THE THIRD JUDICIAL DISTRICT COURT
SALT LAKE COUNTY, STATE OF UTAH

CAROL SMITH and LARRY SMITH,

Plaintiffs,

v.

ENTERPRISE RENT-A-CAR COMPANY OF
UT, LLC d/b/a ENTERPRISE RENT-A-CAR,
ENTERPRISE CAR COMPANY,
ENTERPRISE RENT-A-CAR COMPANY OF
UTAH, and AHMED HASSAN,

Defendants.

COMPLAINT & JURY DEMAND

(Tier Three)

Plaintiffs, by and through counsel, hereby complain and for cause of action allege the following:

PARTIES, JURISDICTION & VENUE

1. Plaintiffs are residents of Missouri.

2. Upon information and belief, Defendant Enterprise Rental Car of Utah LLC is a Delaware limited liability corporation doing business as Enterprise Rent-A-Car, a Utah business entity, with its principal place of business in Salt Lake County, Utah.
3. Upon information and belief, Defendant Enterprise Car Company is a Utah corporation with its principal place of business in Salt Lake County, Utah.
4. Upon information and belief, Defendant Enterprise Rent-A-Car Company of Utah is a Utah corporation with its principal place of business in Salt Lake County, Utah.
5. The Defendants in paragraphs 2 to 4 may be collectively referred to as the “Enterprise Defendants”.
6. Upon information and belief, Defendant Ahmed Hassan is a resident of Salt Lake County, Utah.
7. All actions relating to this Complaint occurred in Salt Lake County, Utah.
8. Jurisdiction is proper before this Court pursuant to UTAH CODE ANN. § 78B-27-24.
9. Venue is proper before this Court pursuant to UTAH CODE ANN. § 78-13-7.

GENERAL ALLEGATIONS

10. On October 6, 2011, Plaintiff Carol Smith was proceeding through a cross-walk at the Salt Lake City International Airport parking lot.
11. While she was walking through the cross-walk, a vehicle driven by Defendant Ahmed Hassan hit Plaintiff Carol Smith.
12. During all relevant times, Defendant Ahmed Hassan was an employee of the Enterprise Defendants.

13. As a direct and proximate cause of said actions, Plaintiff Carol Smith suffered severe injuries, including but not limited to a traumatic brain injury.
14. As a direct and proximate result thereof, Plaintiff Carol Smith has sustained, and will continue to sustain, non-economic damages, including without limitation, pain, disability, emotional distress, mental anguish, and other non-economic damages as recoverable by law. Further, Plaintiff Carol Smith has incurred, and will continue to incur, economic damages, including without limitation, reasonable and necessary past and future medical expenses and other economic damages that the evidence may show at trial.

FIRST CAUSE OF ACTION
(Negligence/Recklessness v. Defendant Ahmed Hassan)

15. Plaintiffs incorporate the preceding paragraphs and further allege the following:
16. Defendant Ahmed Hassan owed Plaintiff Carol Smith a duty to exercise reasonable care in the operation of his vehicle.
17. Defendant breached this duty of care and acted negligently and/or with a knowing and reckless indifference toward, and a disregard of, the rights of others in one or more of the following ways by:
 - a. Failing to operate his vehicle in a safe manner;
 - b. Failing to maintain a proper lookout;
 - c. Failing to pay attention while driving;
 - d. Failing to yield to pedestrians;
 - e. Hitting Plaintiff Carol Smith with his vehicle; and
 - f. Any other acts or omissions that may later be discovered.

18. Defendant Ahmed Hassan's breach of his duty of care constitutes negligence and/or recklessness.

19. As a direct and proximate result of Defendant Ahmed Hassan's conduct, Plaintiff Carol Smith sustained the damages described herein.

SECOND CAUSE OF ACTION
(Vicarious Liability v. Enterprise Defendants)

20. Plaintiffs incorporate the preceding paragraphs and further allege the following:

21. During all relevant times, Defendant Ahmed Hassan was an employee, agent, permissive user, or other individual acting under the direction and control of the Enterprise Defendants and was operating his vehicle within the course and scope of his employment, agency, permitted use, and/or direction and control of the Enterprise Defendants.

22. As previously described, Defendant Ahmed Hassan was negligent in the operation of his vehicle, and his conduct was a direct and proximate cause of the damages sustained by Plaintiff Carol Smith.

23. Accordingly, the Enterprise Defendants are liable for the conduct of Defendant Ahmed Hassan under the doctrine of vicarious liability, and are therefore liable for the damages sustained by Plaintiffs.

THIRD CAUSE OF ACTION
(Negligence/Recklessness v. Enterprise Defendants)

24. Plaintiffs incorporate the preceding paragraphs and further allege the following:

25. The Enterprise Defendants, individual or jointly, own the Enterprise Rent-A-Car at the Salt Lake City International Airport.

26. The Enterprise Defendants, individual or jointly, operate the Enterprise Rent-A-Car at the Salt Lake City International Airport.
27. The Enterprise Defendants, individual or jointly, manage the Enterprise Rent-A-Car at the Salt Lake City International Airport.
28. The Enterprise Defendants owed a duty to exercise reasonable care in the hiring, training, supervising, and entrustment of vehicles to its employees and/or individuals driving its vehicles, including Defendant Ahmed Hassan.
29. The Enterprise Defendants breached their duty by acting negligently and/or with a knowing and reckless indifference toward, and a disregard of, the rights of others, in the hiring, training, monitoring, retaining, entrustment of vehicles to, and/or supervision of those individuals driving its vehicles, including Defendant Ahmed Hassan.
30. The Enterprise Defendants' breach of these duties constitutes negligence and/or reckless misconduct.

FOURTH CAUSE OF ACTION
(Loss of Consortium, U.C.A. Section 30-2-11 v. Defendants)

1. Plaintiffs incorporate all preceding paragraphs herein and further allege the following:
2. Plaintiffs were husband and wife at the time of the collision.
3. Plaintiff Carol Smith sustained severe and permanent injuries for which all of the Defendants, or any one of them, are liable.
4. As a result of Plaintiff Carol Smith's injuries, Plaintiff Larry Smith has sustained a loss of consortium for which all of the Defendants, or any one of them, are liable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for a judgment against Defendants in an amount to be determined by the trier of fact for the following damages:

- a. For economic damages in an amount to be alleged and proven at trial;
- b. For non-economic damages in an amount to be alleged and proven at trial;
- c. For punitive damages; and
- d. For any other further legal and/or equitable relief deemed just and proper by the court, including without limitation, attorney fees, costs, pre- and post-judgment interest, and any other damages recoverable by law.

TIER DESIGNATION

Pursuant to Utah Rules of Civil Procedure 8(a) and 26(c) (3), this matter falls under Tier 3 and should be permitted discovery pursuant to Tier 3.

JURY DEMAND

Plaintiffs demand a jury trial of all issues of fact in this matter.

DATED: September 10, 2015.

EISENBERG, GILCHRIST & CUTT

/s/ Jeff M. Sbah

David A. Cutt
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