

General Civil and Domestic Relations Case Filing Information Form

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Civil Division

Superior or State Court of Fulton County

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Case Number

Table with 5 columns: Last, First, Middle I., Suffix, Prefix. Row 1: Turner, Zella

Table with 5 columns: Last, First, Middle I., Suffix, Prefix. Row 1: Ninebot Inc. Row 2: Segway, Inc. Row 3: Social Bicycles, LLC, d/b/a Jump Bikes Row 4: Uber Technologies, Inc.

Plaintiff's Attorney M. Alan Holcomb Bar Number 879771 Self-Represented

Check One Case Type in One Box

General Civil Cases
Automobile Tort
Civil Appeal
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General Tort
Habeas Corpus
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Product Liability Tort
Real Property
Restraining Petition
Other General Civil

Domestic Relations Cases
Adoption
Dissolution/Divorce/Separate Maintenance
Family Violence Petition
Paternity/Legitimation
Support - IV-D
Support - Private (non-IV-D)
Other Domestic Relations

Post-Judgment - Check One Case Type
Contempt
Non-payment of child support, medical support, or alimony
Modification
Other/Administrative

Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number Case Number

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Is an interpreter needed in this case? If so, provide the language(s) required. Language(s) Required

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IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

ZELLA TURNER,)
)
Plaintiff,)

CIVIL ACTION FILE NO.

vs.)

NINEBOT INC., SEGWAY INC.,)
SOCIAL BICYCLES, LLC d/b/a)
JUMP BIKES,)
UBER TECHNOLOGIES, INC.,)
JOHN DOES 1 through 5, and JOHN)
DOE CORPORATIONS 1 through 5,)

JURY TRIAL DEMANDED

Defendants.

COMPLAINT FOR DAMAGES

Plaintiff **ZELLA TURNER** (“Plaintiff”), by and through her undersigned counsel, hereby files this Complaint for Damages against Defendants **NINEBOT INC., SEGWAY INC., SOCIAL BICYCLES, LLC d/b/a JUMP BIKES, UBER TECHNOLOGIES, INC., JOHN DOES 1 through 5, and JOHN DOE CORPORATIONS 1 through 5**, alleging as follows:

PARTIES

1. Plaintiff **ZELLA TURNER** (“Plaintiff” or “Ms. Turner”) is a resident of, a citizen of, and domiciled in Georgia. By filing this Complaint, Ms. Turner is availing herself of the jurisdiction and venue of this Court.

2. Defendant **NINEBOT INC.** (“Ninebot”) is a for-profit Delaware corporation, with its headquarters located in Beijing, China, and its principal place of business in the United States located in New Hampshire. Ninebot’s registered agent for service of process is Business Filings Incorporated (USE 9325335), 108 West 13th Street, Wilmington, Delaware. Defendant Ninebot is subject to the jurisdiction of this Court pursuant to O.C.G.A. § 9-10-91 because it regularly solicits business in Georgia and sells its products directly to Georgia consumers; Ninebot sells its products

to distributors in Georgia with the expectation and knowledge that they will be purchased by Georgia consumers; Ninebot committed a tortuous act which caused damages in Georgia; and Ninebot derives substantial revenue from products used in Georgia. Venue is proper in this Court as to this Defendant.

3. Defendant **SEGWAY, INC.** (“Segway”) is a for-profit Delaware corporation doing business in Georgia with its principal place of business in New Hampshire. The registered agent for service of process on Segway is CT Corporation System, located at 2 1/2 Beacon Street, Concord, New Hampshire 03301-4447. Defendant Segway is subject to the jurisdiction of this Court pursuant to O.C.G.A. § 9-10-91 because it regularly solicits business in Georgia and sells its products directly to Georgia consumers; Segway sells its products to distributors in Georgia with the expectation and knowledge that they will be purchased by Georgia consumers; Segway committed a tortuous act which caused damages in Georgia; and Segway derives substantial revenue from products used in Georgia. Venue is proper in this Court as to this Defendant.

4. Defendant **SOCIAL BICYCLES, LLC d/b/a JUMP BIKES** (“Social Bicycles”) is a for-profit New York limited liability company doing business in Georgia with its principal place of business in New York. Social Bicycles’ registered agent for service of process is CT Corporation System, located at 289 South Culver Street, Lawrenceville, Georgia 30046, Gwinnett County. Defendant Social Bicycles is subject to the jurisdiction and venue of this Court.

5. Defendant **UBER TECHNOLOGIES, INC.** (“Uber Technologies”) is a for-profit Georgia corporation with its principal place of business located in Georgia. Uber Technologies’ registered agent for service of process is Gregory Scott Smith, 7550 Hunters Woods Drive, Dunwoody, Georgia 30350, Fulton County. Defendant Uber Technologies is subject to the jurisdiction and venue of this Court.

6. Defendants **JOHN DOES 1 through 5 and JOHN DOE CORPORATIONS 1 through 5 (collectively, “John Doe Defendants”)** are believed to be individuals, for-profit Georgia or foreign corporations, partnerships, associations, other legal entities, and/or persons that have transacted business in Georgia and are responsible for the injuries and damages incurred by Ms. Turner. Once the identity and the whereabouts of the John Doe Defendants are established, said Defendants will be served with a copy of Summons and Complaint as provided by law. The John Doe Defendants are subject to the jurisdiction and venue of this Court.

BACKGROUND FACTS

7. On or about January 19, 2019, Plaintiff sustained severe, life-threatening, and permanent injuries as the result of her use of a Ninebot/Segway electric scooter in Atlanta, Georgia.

8. These injuries were the result of the unlawful acts and omissions of Ninebot and Segway for their negligent design, manufacture, marketing, and distribution of fleets of defective electric scooters, and all Defendants’ failure to adequately maintain, inspect, and/or repair said scooters. All Defendants failed to adequately warn about the dangers of the use of Ninebot/Segway scooters.

9. These “pay as you go” electric scooters were designed, manufactured, and sold by Ninebot and Segway and deployed by Uber and Social Bicycles onto the public streets, sidewalks and other public places within the city of Atlanta and other cities in Georgia. Uber and Social Bicycles and their related entities do this by deploying dockless scooters throughout a city that may be rented at any time while a scooter is deployed.

10. The scooters Uber and/or Social Bicycles uses are designed, manufactured, and produced by Ninebot and/or Segway.

11. Defendants Uber and Social Bicycles owned the electric scooter and leased it to Plaintiff. Employees of Defendants Uber and Social Bicycles were responsible for marketing, maintaining, testing, inspecting, and repairing the electric scooter, as well as adequately warning about dangers associated with its use. Employees of these Defendants selected the electric scooter for public use, and negligently trained and supervised Plaintiff in its use.

12. Uber and Social Bicycles are one of the largest users of Ninebot and Segway products in the world.

13. Since Uber's and Social Bicycles' deployment of electronic scooters, there have been numerous reports of injuries suffered as a result of equipment failures. *See, e.g.,* Peter Holley, *Lime scooter riders are being injured by 'sudden excessive braking,' company says*, WASHINGTON POST (Feb. 25, 2019), <https://www.washingtonpost.com/technology/2019/02/25/lime-scooter-riders-are-being-injured-by-sudden-excessive-braking-company-admits/>; Arman Azad, *That electric scooter might be fun. It also might be deadly*, CNN, Oct. 1, 2018, <https://www.cnn.com/2018/09/29/health/scooter-injuries/index.html>; Ryan Felton, *E- Scooter Ride-Share Industry Leaves Injuries and Angered Cities in its Path*, CONSUMER REPORTS, Feb. 5, 2019, <https://www.consumerreports.org/product-safety/e-scooter-ride-share-industry-leaves-injuries-and-angered-cities-in-its-path/>; Andrew J. Hawkins, *Electric scooter use results in 20 injuries per 100,000 trips, CDC find*, THE VERGE, May 2, 2019, <https://www.theverge.com/2019/5/2/18526813/scooter-electric-injury-austin-cdc-study-head-helmet>.

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