

STATE COURT OF SPALDING COUNTY
GEORGIA

WENTWORTH MAYNARD and KAREN
MAYNARD,

Plaintiffs,

v.

CHRISTAL MCGEE and SNAPCHAT, INC.,

Defendants.

Civil Action File No.

JURY TRIAL

PLAINTIFFS' COMPLAINT FOR DAMAGES

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Introduction

1. This suit is an action for personal injuries and damages arising out of an automobile collision that occurred on Tara Boulevard in Clayton County, Georgia on September 10, 2015, in which the critical cause of the collision was the use of Snapchat's mobile software.

Parties, Jurisdiction, and Venue

2. Maynard Wentworth and Karen Wentworth are residents of the State of Georgia and were victims of the collision.

3. SNAPCHAT, INC. ("Snapchat") created and distributed a software program for mobile technology that was a critical cause of the automobile collision.

4. Snapchat is a United States corporation located at 63 Market Street, Venice, California. Snapchat does not have a registered agent in Georgia but may be served through its California registered agent CORPORATION SERVICE COMPANY (doing business as CSC - LAWYERS INCORPORATING SERVICE) at 2710 GATEWAY OAKS DR STE 150N, SACRAMENTO CA 95833.

5. Both on and before September 10, 2015, Snapchat transacted business in and throughout Georgia – including but not limited to transacting business in Spalding County. As a result, Snapchat is subject to the jurisdiction and venue of this Court.

6. CHRISTAL MCGEE ("McGee") was driving a Mercedes Benz C230 which was involved in the collision.

7. McGee is a resident of Spalding County in Georgia and is subject to the jurisdiction and venue of this Court. She may be served at 159 Evans Road Griffin, GA 30223.

8. Venue is proper in Spalding County, Georgia. *See, e.g.*, Ga. Const. Art. VI, § 2, ¶ VI; O.C.G.A. § 9-10-93.

Factual Allegations

9. Snapchat provides services to its users. Many of Snapchat's services allow users to create, upload, post, send, receive, and store digital content.

10. Once downloaded, Snapchat's software continues to download and install upgrades, updates, or other new features from Snapchat directly to its users.

11. Snapchat users also grant Snapchat and its business partners the unrestricted, worldwide, perpetual right and license to use their name, likeness, and voice.

12. Prior to September 10, 2015, Snapchat created and distributed a feature within its app that tracked the speed of its users, including while the users are driving.

13. Snapchat users, such as McGee, could document and submit their speed by taking a photo and sending it to Snapchat.

14. Snapchat would "reward" users that submitted photographs by giving them points that could lead to a "trophy."

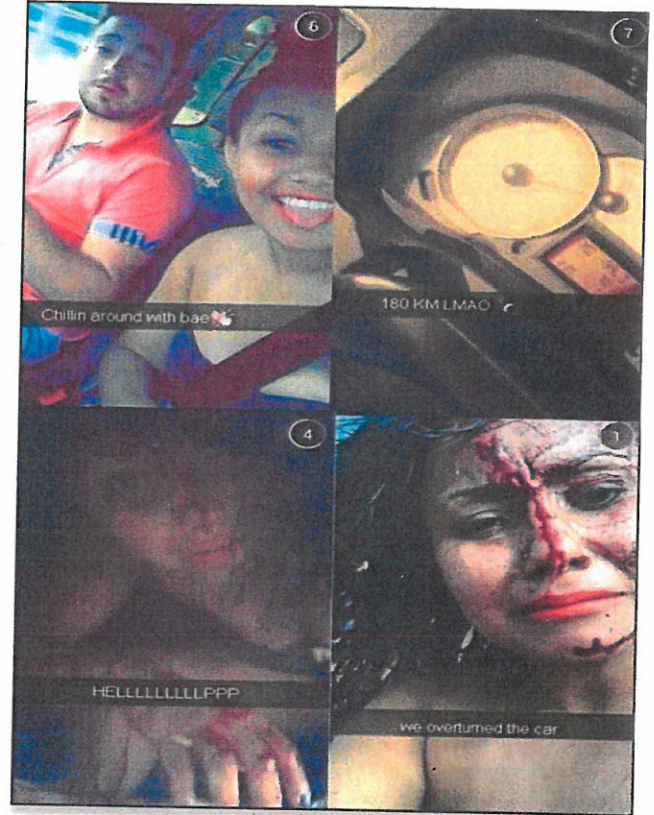
15. On or before September 10, 2015 Snapchat knew that its users might use its service in a manner that might distract them from obeying traffic or safety laws.

16. Snapchat also knew, prior to September 11, 2015, that Snapchat users might put themselves or others in harm's way in order to "capture a Snap."

17. In July 2015, the internet website www.knowledgeglue.com reported on a woman in Brazil who documented driving 110 mph on Snapchat and then moments later wrecked her car suffering serious injuries.

<http://knowledgeglue.com/taking-a-selfie-while-driving-110mph-ends-poorly-for-brazilian-girl>

18. Prior to September 10, 2015, a petition was hosted on www.change.org calling on Snapchat to remove the speed filter on its application.



19. Despite actual knowledge of the danger, Snapchat chose not to remove its speed filter as of September 10, 2015.

20. Prior to the wreck, McGee had downloaded Defendant Snapchat's software ("app") to her mobile phone.

21. McGee downloaded Snapchat while she was in Georgia.

22. At some point prior to the wreck, McGee activated her Snapchat software.

23. McGee activated Snapchat while she was in Georgia.

24. At approximately 11:15 PM on September 10, 2015, McGee was driving a white Mercedes Benz C230 on Tara Boulevard in Clayton County, Georgia.

25. Heather Leigh McCarty, Kaylan Henderson, and Henry Daryl Williams were passengers in McGee's Mercedes.

26. At approximately 11:15 PM on September 10, 2015, McGee began accelerating the Mercedes Benz she was driving to a speed significantly above of the speed limit.

27. Snapchat's speed filter facilitated McGee's excessive speeding. McGee was motivated to drive at an excessive speed in order to obtain recognition through Snapchat by means of a Snapchat "trophy."

28. McGee pushed the speed of her Mercedes to above 80 miles per hour.

29. McGee then pushed the speed of her Mercedes to above 90 miles per hour.

30. And McGee continued to push the speed of her Mercedes to above 100 miles per hour.

31. McGee intended to post information about how fast she was driving on Snapchat, and she was driving at excessive speeds in furtherance of her use of Snapchat's speed filter.

32. While McGee was driving at an excessive speed, McGee was distracted and using the Snapchat app on her phone.

33. While McGee was distracted and on her phone, McGee did not notice that a grey Mitsubishi, driven by Maynard Wentworth, had pulled out onto the road.

34. McGee's Mercedes then collided with a Mitsubishi Outlander driven by Maynard Wentworth.

35. McGee was going approximately 107 m.p.h. at impact.



36. As a result of the collision Mr. Wentworth has a permanent brain damage.
37. The permanent brain damage suffered by Mr. Wentworth has affected him physically and emotionally.
38. Mr. Wentworth's brain damage has triggered a loss of consortium to Mrs. Wentworth, who has been married to Mr. Wentworth since September 22, 1990.
39. On and before September 10, 2015, Snapchat knew the fact that certain users were driving at excessive speeds while using Snapchat created an unnecessary danger to the public.
40. On and before September 10, 2015, Snapchat knew that wrecks had occurred due to the use of Snapchat's app while driving at high speed.
41. Despite Snapchat's actual knowledge of the danger from using its product's speed filter while driving at excessive speeds, Snapchat did not remove or restrict access to the speed filter.
42. Prior to September 10, 2015, Snapchat knew from prior experience that, collectively, its users will repeatedly upload and transfer data over the Internet through use of Snapchat's servers.
43. Prior to and on September 10, 2015, Snapchat utilized Google's servers through a licensing agreement with Google.
44. Google maintains servers in Douglas County, Georgia.
45. It is more likely than not that Georgia users of Snapchat will be utilizing Google's servers in Douglas County.
46. Snapchat users create and share information through Snapchat's app and Snapchat's servers.

47. Snapchat benefits economically from each user and the repeated use of its app.

48. Snapchat derives economic benefit from repeated use because once an infrastructure and track record of significant use is established for an app, advertisers will pay to reach Snapchat's users.

49. Snapchat's economic value was assessed to be \$16 billion in May 2015. (www.businessinsider.com/snapchat-is-reportedly-raising-650-million-at-a-16-billion-valuation-2015-5).

50. In 2013, Snapchat rejected a \$3 billion acquisition offer from Facebook.

51. After rejecting the offer, Snapchat's CEO, Evan Spiegel, told Forbes, "There are very few people in the world who get to build a business like this. I think trading that for some short-term gain isn't very interesting." <http://mashable.com/2014/01/06/snapchat-facebook-acquisition-2/#lfKKsAHmvmqO>

52. Snapchat also acquires rights to digital content.

53. Snapchat's users grant Snapchat a worldwide, perpetual, royalty-free, sub licensable and transferable license to host, use, display, reproduce, modify, adapt, edit, publish, create derivative works from, publicly perform, broadcast, distribute, syndicate, promote, exhibit, and publicly display that content in any form and in any all media or distribution methods (now known or later developed).

54. On and before September 10, 2015, Snapchat purposefully did business in Georgia.

55. On and before September 10, 2015, Snapchat distributed its computer app to Georgia users.

56. On and before September 10, 2015, Snapchat distributed its computer app to

Georgia users through computer servers located in Georgia.

57. On and before September 10, 2015, Snapchat derived revenue or other valuable consideration from advertisers in return for Snapchat advertisements or other promotional considerations.

58. On and before September 10, 2015, Snapchat provided consideration in exchange for advertisements or promotional exposure to Georgia residents.

Count I - Negligence

59. Plaintiffs incorporate the factual allegations by reference and in support of count one, their claim of negligence.

60. McGee negligently operated her Mercedes.

61. Among other things, McGee negligently drove at a reckless and unsafe speed.

62. McGee also drove in violation of various laws, demonstrating negligence per se.

63. As a result of McGee's negligence, Mr. Wentworth was injured.

64. As a result of Snapchat's negligence, Mr. Wentworth was injured. Snapchat's negligence is concurrent with McGee's negligence and Snapchat and McGee are joint tortfeasors.

65. McGee's acts render her liable to Mr. Wentworth

66. Snapchat's acts render it liable to the Mr. Wentworth.

67. No action or omission by Mr. Wentworth or Mrs. Wentworth caused or contributed to the cause of the wreck.

68. Neither Mr. Wentworth nor Mrs. Wentworth shares responsibility for causing the wreck.

69. Neither Mr. Wentworth nor Mrs. Wentworth was negligent in any way, shape or

form as relates to the cause of the wreck.

70. Mr. Wentworth suffered permanent brain damage because of the collision.
71. Mr. Wentworth's injuries are genuine.
72. He has lost 50 pounds since the wreck, going from 165 to 115 pounds.
73. He is unable to work.
74. Mr. Wentworth has never once faked or exaggerated his injuries stemming from this car wreck.
75. As a result of the wreck, Mr. Wentworth suffered a permanent loss of quality of life.
76. As a result of the wreck, Mr. Wentworth suffered, and continues to suffer, serious financial losses.

Count II – Loss of Consortium

77. Plaintiffs incorporate the factual allegations and count one by reference and in support of count two, their claim of loss of consortium.
78. Mrs. Wentworth asserts a loss of consortium claim for losses to the society, companionship and consortium of her husband Mr. Wentworth as a result of the personal injuries Mr. Wentworth sustained due to defendants' negligence.

Request for Relief

79. Mr. and Mrs. Wentworth request the following relief:
 - a) That process issue and Defendants be served in accordance with law;
 - b) That Plaintiffs be awarded a judgment against Defendants, for special damages as pursued and proven at trial, and for compensatory damages in an amount determined by the enlightened conscience of a fair and impartial jury;

- c) That Plaintiffs have a trial by jury;
- d) That Plaintiffs be awarded damages arising under O.C.G.A. § 13-6-11 due to McGee and Snapchat acting in bad faith, and being stubbornly litigious, causing the Plaintiffs unnecessary trouble and expense;
- e) That Plaintiffs be awarded punitive damages in an amount determined by the enlightened conscience of a fair and impartial jury; and
- f) That Plaintiffs be granted such other and further relief as this Court may deem just and proper and as they are entitled to under the law.

(SIGNATURE AND DATE ON FOLLOWING PAGE)

Plaintiffs submit this complaint on April 19, 2015.



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