

STATE OF MAINE  
YORK, SS.

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO.:

ESTATE OF AMY HARRIS, BY \*  
AND THROUGH ITS PERSONAL \*  
REPRESENTATIVE, MARK \*  
PENDERGAST, \*

and \*

CINDY DUMOND, IN HER \*  
CAPACITY AS NEXT FRIEND OF \*  
LUCAS HARRIS AND ABIGAIL \*  
HARRIS, \*

Plaintiffs \*

v. \*

CAMERON CLAIR, MICHAEL \*  
CLAIR AND CORNELIA CLAIR, \*

Defendants \*

COMPLAINT

NOW COME Plaintiffs by and through counsel, and complain against Defendants as follows:

**PARTIES**

1. Amy Harris died on April 10, 2013.
2. At the time of her death Amy Harris resided in Berwick, York County, Maine, with her husband, Douglas (“Sam”) Harris, and their two minor children, Lucas Harris (DOB 7/29/2005) and Abigail Harris (DOB 11/4/2008).
3. Plaintiff Estate of Amy Harris was created by Letters of Authority dated April 24, 2013, and its personal representative is Mark Pendergast of Berwick, York County, Maine.
4. Plaintiff Cindy Dumond, a resident of Waterboro, Maine, appears in this matter in her capacity as next friend to Lucas Harris and Abigail Harris, both of whom are minors.

5. Defendant Cameron Clair is a resident of Biddeford, York County, Maine, and was at all times pertinent hereto under eighteen years of age.

6. Defendant Michael Clair, Defendant Cameron Clair's father, is a resident of Biddeford, York County, Maine.

7. Defendant Cornelia Clair, Defendant Cameron Clair's mother, is a resident of Biddeford, York County, Maine.

### **FACTS**

8. On or about April 10, 2013, Defendant Cameron Clair was driving a 2009 Saturn Vue in a southerly direction on Portland Street, a public way in Berwick, York County, Maine.

9. At the same time, decedent Amy Harris was driving northbound on Portland Street.

10. Lucas Harris and Abigail Harris were passengers in the vehicle decedent Amy Harris was driving.

11. Defendant Cameron Clair either drove or allowed his vehicle to drive across Portland Street's centerline, directly into the path of decedent Amy Harris' vehicle.

12. Defendant Cameron Clair's vehicle collided head-on in the northbound lane with the vehicle decedent Amy Harris was driving.

### **COUNT I – CAMERON CLAIR**

13. Plaintiffs reallege each of the foregoing paragraphs as if set out fully herein.

14. At all times relevant to this matter, Defendant Cameron Clair made negligent choices and took negligent actions violating multiple safety rules which rules exist to prevent crashes and protect against needless harm, injury and death on our state's roads and highways.

15. Due to Defendant Cameron Clair's negligent choices and actions, Amy Harris suffered catastrophic trauma and injury which caused her death.

16. Due to Cameron Clair's negligent choices and actions, Lucas Harris suffered grievous painful and permanent personal injury, emotional distress, pain and suffering, loss of enjoyment of life, mental and emotional anguish, has incurred medical expenses to date which will continue indefinitely, and has been impaired permanently.

17. Due to Defendant Cameron Clair's negligent choices and actions, Abigail Harris suffered grievous painful and permanent personal injury, emotional distress, pain and suffering, loss of enjoyment of life, mental and emotional anguish, has incurred medical expenses to date which will continue indefinitely, and has been impaired permanently.

#### **COUNT II – MICHAEL CLAIR'S STATUTORY LIABILITY**

18. Plaintiffs reallege each of the foregoing paragraphs as if set out fully herein.

19. At the time of the collision described above, Defendant Cameron Clair was a minor.

20. Defendant Michael Clair owned the vehicle Defendant Cameron Clair was driving at the time of the collision described above.

21. Under Maine law as set out in 29-A M.R.S.A. § 1651, Defendant Michael Clair is jointly and severally liable with Defendant Cameron Clair for damages caused by Defendant Cameron Clair's negligent choices and actions as described above.

#### **COUNT III – MICHAEL CLAIR'S DIRECT LIABILITY**

22. Plaintiffs reallege each of the foregoing paragraphs as if set out fully herein.

23. All times pertinent hereto, Defendant Michael Clair was negligent in permitting Defendant Cameron Clair to drive, because Defendant Michael Clair knew, or through the

exercise of ordinary care could have, would have, and/or should have known, that Defendant Cameron Clair had ongoing post-concussive symptoms that could prevent him from operating a motor vehicle safely.

**COUNT IV – CORNELIA CLAIR’S STATUTORY LIABILITY**

24. Plaintiffs reallege each of the foregoing paragraphs as if set out fully herein.

25. At the time of the collision described above, Defendant Cameron Clair was a minor.

26. Defendant Cornelia Clair owned the vehicle Defendant Cameron Clair was driving at the time of the collision described above.

27. Under Maine law as set out in 29-A M.R.S.A. § 1651, Defendant Cornelia Clair is jointly and severally liable with Defendant Cameron Clair for damages caused by Defendant Cameron Clair’s negligent choices and actions as described above.

**COUNT V – CORNELIA CLAIR’S DIRECT LIABILITY**

28. Plaintiffs reallege each of the previous paragraphs as if set out fully herein.

29. All times pertinent hereto, Defendant Cornelia Clair was negligent in permitting Defendant Cameron Clair to drive, because Defendant Cornelia Clair knew, or through the exercise of ordinary care could have, would have, and/or should have known, that Defendant Cameron Clair had ongoing post-concussive symptoms that could prevent him from operating a motor vehicle safely.

**COUNT VI – NEGLIGENCE CAUSING PRE-DEATH PAIN AND SUFFERING**

30. Plaintiffs reallege each of the previous paragraphs as if set out fully herein in.

31. For the individual negligence as well as the statutory joint and several liability of Defendants Cameron Clair, Michael Clair and Cornelia Clair, which individually and/or

jointly/severally caused harm and injury to decedent Amy Harris as set out above, the Estate of Amy Harris seeks to recovery for her pre-death pain and suffering and her conscious awareness of her fate and that of her children, together with interests, costs and such other and further relief as deemed to be just and appropriate, pursuant to 18-A M.R.S. §§ 3-817 and 2-804(c).

#### **COUNT VII – WRONGFUL DEATH**

32. Plaintiffs reallege each of the foregoing paragraphs as if set out fully herein.

33. For the individual negligence and the statutory joint and several liability of Defendants Cameron Clair, Michael Clair and Cornelia Clair, which individually and/or jointly/severally caused harm, injury and death to Amy Harris as set out above, the Estate of Amy Harris seeks recovery of all categories of damages provided in Maine’s Death Act, 18-A M.R.S.A. §2-804, including funeral expenses, pecuniary loss, emotional distress, loss of comfort, society and companionship, together with interest, cost and such other and further relief as is deemed just and appropriate.

#### **COUNT VII – NEGLIGENCE – LUCAS HARRIS**

34. Plaintiffs reallege each of the foregoing paragraphs as if set out fully herein.

35. For the individual negligence and the statutory joint and several liability of Defendants Cameron Clair, Michael Clair and Cornelia Clair, which individually and/or jointly/severally caused harm and injury to Lucas Harris, Plaintiff Cindy Dumond, in her capacity as next friend of Lucas Harris, seeks recovery for all tort damages applicable under Maine law, including recovery for past, present and future painful and permanent physical injury, emotional distress and mental anguish, loss of enjoyment of life, medical expenditures, and permanent impairment, and such other damages as the court deems just and proper.

**COUNT VIII – NEGLIGENCE – ABIGAIL HARRIS**

36. Plaintiffs reallege each of the foregoing paragraphs as if set out fully herein.

37. For the individual negligence and the statutory joint and several liability of Defendants Cameron Clair, Michael Clair and Cornelia Clair, which individually and/or jointly/severally caused harm and injury to Abigail Harris, Plaintiff Cindy Dumond, in her capacity as next friend of Abigail Harris, seeks recovery for all tort damages applicable under Maine law, including recovery for past, present and future painful and permanent physical injury, emotional distress and mental anguish, loss of enjoyment of life, medical expenditures, and permanent impairment, and such other damages as the court deems just and proper.

**COUNT IX – EMOTIONAL DISTRESS – LUCAS HARRIS**

38. Plaintiffs reallege each of the foregoing paragraphs as if set out fully herein.

39. For the individual negligence and the statutory joint and several liability of Defendants Cameron Clair, Michael Clair and Cornelia Clair, which individually and/or jointly/severally caused harm and injury to Abigail Harris, Plaintiff Cindy Dumond, in her capacity as next friend of Lucas Harris, seeks recovery for the emotional distress and psychic harm and injury caused to Lucas Harris as a result of being in close proximity to and witnessing the harm and injury caused to his sister Abigail Harris.

**COUNT X – EMOTIONAL DISTRESS – ABIGAIL HARRIS**

40. Plaintiffs reallege each of the foregoing paragraphs as if set out fully herein.

41. For the individual negligence and the statutory joint and several liability of Defendants Cameron Clair, Michael Clair and Cornelia Clair, which individually and/or jointly/severally caused harm and injury to Lucas Harris, Plaintiff Cindy Dumond, in her capacity as next friend of Abigail Harris, seeks recovery for the emotional distress and psychic

harm and injury caused to Abigail Harris as a result of being in close proximity to and witnessing the harm and injury caused to her brother Lucas Harris.

WHEREFORE, Plaintiff demands judgment against Defendants for compensatory damages, interest, costs, and such other and further relief as the Court deems just and equitable.

Dated: March 19, 2015

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