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## Nebraska Judicial Branch

## Case Summary

In the District Court of Douglas County  
 The Case ID is CI 16 0004562  
 Hackett v. Lyman-Richey Corporation  
 The Honorable Kimberly Miller Pankonin, presiding.  
 Classification: Negligence-Other  
 Filed on 06/01/2016  
 This case is open as of 06/01/2016

## Parties/Attorneys to the Case

Party	Attorney
Plaintiff ACTIVE Blake Hackett 1502 Grandview Avenue #21 Papillion NE 68046	Steven M Lathrop 1005 South 107th Avenue, Ste Omaha NE 68114 402-390-9000
Defendant ACTIVE Lyman-Richey Corporation c/o Brian Hatch, Attorney 444 Regency Parkway, Suite 100 Omaha NE 68114	Bryan S Hatch 444 Regency Parkway Drive, St Omaha NE 68114 402-506-4600
Defendant ACTIVE Hawkins Construction Company c/o Kim Hawkins, Registered Agent 2516 Deer Park Blvd. Omaha NE 68105	Patrick J Sodoro 11932 Arbor Street, Suite 101 Omaha NE 68144 402-504-9346

## Court Costs Information

Incurred By	Account	Date	Amount
Plaintiff	Petition	06/01/2016	\$35.00
Plaintiff	Filing Fee - State	06/01/2016	\$5.00
Plaintiff	Automation Fee	06/01/2016	\$8.00
Plaintiff	NSC Education Fee	06/01/2016	\$1.00
Plaintiff	Dispute Resolution Fee	06/01/2016	\$0.75
Plaintiff	Indigent Defense Fee	06/01/2016	\$3.00
Plaintiff	Uniform Data Analysis Fee	06/01/2016	\$1.00
Plaintiff	J.R.F.	06/01/2016	\$6.00
Plaintiff	Filing Fee-JRF	06/01/2016	\$2.00
Plaintiff	Legal Aid/Services Fund	06/01/2016	\$5.25
Plaintiff	Complete Record	06/01/2016	\$15.00

Incurring By	Account	Date	Amount
Plaintiff	Service Fees	06/06/2016	\$6.47
Plaintiff	Service Fees	06/03/2016	\$6.47

### Financial Activity

No trust money is held by the court  
No fee money is held by the court

### Payments Made to the Court

Receipt	Type	Date	For	Amount
227750	Electronic Trans	06/01/2016	Hackett, Blake,	\$82.00
			Petition	\$35.00
			Filing Fee - State	\$5.00
			Automation Fee	\$8.00
			NSC Education Fee	\$1.00
			Dispute Resolution Fee	\$.75
			Indigent Defense Fee	\$3.00
			Uniform Data Analysis	\$1.00
			J.R.F.	\$6.00
			Filing Fee-JRF	\$2.00
			Legal Aid/Services Fun	\$5.25
			Complete Record	\$15.00

### Register of Actions

07/12/2016 Answer  
ts This action initiated by party Hawkins Construction Company  
Image ID N161947XCD01

07/05/2016 Answer  
kr This action initiated by party Lyman-Richey Corporation  
Image ID N16187GISD01

06/06/2016 Return Summons/Alias Summons  
s1 The document number is 00389246  
Served 06/03/2016, Certified Mail  
Image ID N1615803KD01

06/03/2016 Return Summons/Alias Summons  
The document number is 00389247

s1

Served 06/02/2016, Certified Mail  
Image ID N16155H00D01

06/01/2016 Summons Issued on Hawkins Construction Company

Summons The document number is 00389247  
e-mailed  
Image ID D00389247D01

06/01/2016 Summons Issued on Lyman-Richey Corporation

The document number is 00389246  
Summons e-mailed  
Image ID D00389246D01

06/01/2016 Praecipe-Summons/Alias  
This action initiated by party Blake Hackett

MM  
Image ID N161535X8D01

06/01/2016 Complaint-Praecipe  
This action initiated by party Blake Hackett

Praecipe filed separate MM  
Image ID N161535WWD01

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

BLAKE K. HACKETT,

Plaintiff,

v.

LYMAN-RICHEY CORPORATION and  
HAWKINS CONSTRUCTION COMPANY,

Defendants.

CASE NO.

**COMPLAINT**

COMES NOW the Plaintiff and for his cause of action against the Defendants alleges and states as follows:

1. That Plaintiff is a resident of Papillion, Sarpy County, Nebraska.

2. That Defendant Lyman-Richey Corporation (hereinafter Lyman-Richey) is a Nebraska corporation with its principal place of business in Omaha, Douglas County, Nebraska; that Defendant Lyman-Richey is generally in the business of selling, transportation and delivery of concrete products in the Omaha metropolitan area; that at all times relevant Defendant Lyman-Richey was the owner of the concrete delivery truck hereinafter referred to as the "Lyman-Richey truck".

3. That Defendant Hawkins Construction Company (hereinafter Hawkins Construction) is a Nebraska corporation with its principal place of business in Omaha, Douglas County, Nebraska; that Defendant Hawkins Construction is generally engaged in the construction business including road construction; that at all times relevant Defendant Hawkins Construction was the Plaintiff's employer and has been made a party to this lawsuit inasmuch as Hawkins Construction has a statutory subrogation interest in the proceeds of the claim herein asserted by the Plaintiff.

4. That on or about May 18, 2015, the Plaintiff, Blake Hackett, was working on a road construction project in Council Bluffs, Pottawattamie County, Iowa as a laborer; that as Plaintiff was directing the driver of a Lyman-Richey truck backwards to facilitate the delivery of concrete, the driver of the Lyman-Richey truck failed to stop pinning the Plaintiff between the

Lyman-Richey truck and the paving machinery used to spread and form concrete on the road surface resulting in injuries to the Plaintiff and damages as will be more fully hereinafter set forth.

5. That the injuries to the Plaintiff were the direct and proximate result of the negligence of the driver of the Lyman-Richey truck who was, at the time, acting within the scope and course of his employment with Defendant Lyman-Richey.

6. That as a direct and proximate result of the negligence of the Lyman-Richey employee as aforesaid, Plaintiff sustained personal injuries resulting in physical and emotional pain and suffering and loss of enjoyment of life; that Plaintiff's injuries are permanent and he may reasonably expect to suffer future physical and emotional pain and suffering and loss of enjoyment of life.

7. That as a further direct and proximate result of the negligence of the Lyman-Richey employee, Plaintiff sustained personal injuries resulting in medical expenses to date in excess of Two Hundred Thousand Dollars (\$200,000.00); that Plaintiff's injuries are permanent and he may reasonably expect to suffer future medical expenses in the care of his injuries.

8. That as a further direct and proximate result of the negligence of the Lyman-Richey employee as aforesaid, Plaintiff suffered lost wages to date in the fair and reasonable sum of Nine Thousand and 00/100 Dollars (\$9,000.00); that Plaintiff's injuries are permanent and he may reasonably expect to incur future lost wages and a loss of earning capacity.

**WHEREFORE**, Plaintiff prays for judgment against Defendant Lyman-Richey for his general and special damages and his costs herein expended.

BLAKE K. HACKETT, Plaintiff

By:                     s/Steven M. Lathrop                      
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