

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

AUDREY MARTIN,

Plaintiff,

vs.

FANTASY'S, INC.,

Defendant.

DOC. *CI14* NO. 1453

COMPLAINT

Carol Meyer
CLERK DISTRICT COURT

2014 SP 16 PM 2:40

FILED
SARPY COUNTY
DISTRICT COURT

COMES NOW, the Plaintiff, AUDREY MARTIN, by and through her attorney, STACI HARTMAN-NELSON, and for her cause of action against the Defendant, shows the Court as follows:

1. That the Plaintiff, AUDREY MARTIN, is a resident of Bellevue, Sarpy County, Nebraska.
2. That the Defendant, FANTASY'S, INC., is a corporation doing business in Nebraska, with its principal office located at 8930 S. 137th Circle, #2 in Omaha, Douglas County, Nebraska.
3. That the Defendant's agent for service of process is John Spaustat at 10302 Rockbrook Road, Omaha, Douglas County, Nebraska 68124.
4. That on or about December 15, 2011, and at all times relevant hereto, the Defendant owned or was in control of the property where the Plaintiff was injured, located at 10110 S. 15th St., Bellevue, Sarpy County, Nebraska.
5. That on or about December 15, 2011, the Plaintiff was a customer at the Cornhusker Fantasy gas station located at 10110 S. 15th St. in Bellevue, Sarpy County, Nebraska.



6. That as the Plaintiff approached the establishment she tripped over an area of raised concrete and fell to the ground. Shortly after her fall, the Plaintiff was taken to Midlands Hospital to receive medical treatment for her injuries.

7. That the Defendant was negligent and/or vicariously liable in one or more of the following respects:

- (a) The Defendant either created the condition, knew of the condition, or by the exercise of reasonable care would have discovered the condition;
- (b) The Defendant should have realized the condition involved an unreasonable risk of harm to a business invitee;
- (c) The Defendant should have expected that a business invitee, such as the Plaintiff either (a) would not discover or realize the danger, or (b) would fail to protect herself against the danger;
- (d) The Defendant failed to use reasonable care to protect the Plaintiff invitee against the danger; and
- (e) Said dangerous condition was the proximate cause of damage to the Plaintiff.

8. That as a result of the incident occurring on December 15, 2011, the Plaintiff has suffered severe and painful injuries, which have required medical treatment as described in more detail hereinafter.

9. That as a direct and proximate result of the aforementioned negligence of the Defendant, the Plaintiff has suffered special damages in the form of medical expenses and lost wages. The Plaintiff's most recently available accident related expenses are listed below:

Midlands Hospital	\$51,088.46
Neb-Iowa Radiology Consultants	\$ 295.00
Bergan Mercy Hospital	\$ 5,117.00
Radiology Consultants	\$ 438.00
Lakeside Orthopedics	\$10,735.00

City of Bellevue EMS	\$ 336.38
UNMC Physicians	\$ 65.11
Emergency Physicians of Eastern Nebraska	\$ 853.00
Community Rehab	\$10,987.00
Alegent Health at Home	\$ 50.39
Lost Wages	<u>\$17,058.43</u>
Total:	\$97,023.77

10. That as a result of the aforementioned physical injuries, the Plaintiff has sustained permanent impairment to her right upper extremity, as well as impairment to her earning capacity. Furthermore, the Plaintiff has suffered physical pain and mental suffering in the past, present and reasonably certain to continue into the future for an indefinite length of time.


11. That Plaintiff demands a trial by jury.

WHEREFORE, the Plaintiff, AUDREY MARTIN, prays for a judgment against the Defendant, FANTASY'S, INC., in an amount that will fairly and adequately, but not excessively, compensate her for the nature and extent of her injuries; for her permanent impairment to her person and to her earning capacity; for her pain and suffering experienced in the past, present and reasonably expected in the future; for her loss of enjoyment of life; for her lost wages; for her accident related medical expenses; and for all other special and general damages as allowed under Nebraska law.

Dated this 12th day of September, 2014.

AUDREY MARTIN, Plaintiff.

BY:


 STACI HARTMAN-NELSON, #23408
 Hartman-Nelson Law Office
 11414 W. Center Rd., Ste. 136
 Omaha, NE 68144
 Telephone (402) 933-7529
 (402) 934-9670 Facsimile
 Attorney for Plaintiff