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IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

LINDA DAWSON, Plaintiff, v. HY-VEE, INC. Defendant.	)))))))))	CASE NO. CI 16- 1549 **COMPLAINT** ASSIGNED TO Gleason

Plaintiff Linda Dawson, for her Complaint against Defendant Hy-Vee, Inc., states:

1. At all relevant times herein, Plaintiff was a resident of Omaha, Douglas County, Nebraska.

2. At all relevant times herein, Defendant was an Iowa corporation conducting business in the State of Nebraska by, among other things, operating a retail supermarket located at 747 North 132nd Street in Omaha, Douglas County, Nebraska (hereinafter, the "Store").

3. On July 7, 2015, Plaintiff was in the process of exiting the Store when the sliding automatic doors shut suddenly, striking Plaintiff and knocking her to the ground (hereinafter, the "Incident")

4. As a direct and proximate result of the Incident, Plaintiff sustained injuries to her head, eye, neck, and back that required medical care and hospitalization.

5. Plaintiff's injuries sustained as a direct and proximate result of the Incident are permanent in nature.

6. As a direct and proximate result of the Incident, Plaintiff incurred, and continues to incur, medical expenses.

7. To date, Plaintiff has incurred the following medical expenses as a direct and proximate result of the Incident:

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City of Omaha Rescue Squad:	$700.00
Nebraska Methodist Hospital:	$11,604.99
Nebraska Medicine:	$2,735.72
Midwest Eye Care:	$465.00
Omaha Neurological Clinic, Inc.	(ongoing)
TOTAL MEDICAL SPECIALS:	$15,505.71

RES IPSA LOQUITUR THEORY OF RECOVERY

8. Plaintiff incorporates by reference paragraphs 1 through 7 as if fully set forth herein.

9. At the time of the Incident, Plaintiff was a lawful entrant within the Store.

10. At the time of the Incident, the Store's automatic sliding doors were under Defendant's exclusive control.

11. But for some negligent act or omission on the part of Defendant, its agents, or employees, the automatic sliding doors would not have shut suddenly and struck Plaintiff.

12. Any negligent act or omission of Defendant's agents or employees is imputed to Defendant through the doctrine of *respondeat superior*.

13. As a direct and proximate result of Defendant's negligence, Plaintiff sustained general and special damages.

WHEREFORE, Plaintiff prays for a judgment against Defendant in an amount that will fairly and adequately compensate her for physical pain and mental suffering experienced to date and that can reasonably be expected to occur in the future; disability experienced to date and that can reasonably be expected to occur in the future; medical expenses incurred to date and that can reasonably be expected to be incurred in the future; costs; and any other relief the Court deems just and equitable.

NEGLIGENCE THEORY OF RECOVERY

14. Plaintiff incorporates by reference paragraphs 1 through 13 as if fully set forth herein.

15. Defendant owed a duty to use reasonable care to protect the Store's lawful entrants, including Plaintiff.

16. Defendant breached its duty by failing to maintain the Store's automatic sliding doors in a proper manner such that they would not strike Plaintiff.

17. Defendant breached its duty by failing to properly inspect the Store's automatic sliding doors.

18. Defendant breached its duty by failing to warn Plaintiff.

19. As a direct and proximate result of Defendant's negligence, Plaintiff sustained general and special damages.

WHEREFORE, Plaintiff prays for a judgment against Defendant in an amount that will fairly and adequately compensate her for physical pain and mental suffering experienced to date and that can reasonably be expected to occur in the future; disability experienced to date and that can reasonably be expected to occur in the future; medical expenses incurred to date and that can reasonably be expected to be incurred in the future; costs; and any other relief the Court deems just and equitable.

PREMISES LIABILITY THEORY OF RECOVERY

20. Plaintiff incorporates by reference paragraphs 1 through 19 as if fully set forth herein.

21. Defendant knew, or through the exercise of reasonable care, should have known of the unsafe condition of the Store's automatic sliding doors.

22. Defendant knew or should have known that the Store's automatic sliding doors created an unreasonable risk of harm.

23. Defendant should have expected that lawful entrants such as Plaintiff would not discover or realize the danger or would fail to protect themselves against the danger presented by the Store's automatic sliding doors.

24. Defendant, in the exercise of reasonable care, should have maintained, inspected, repaired or replaced the Store's automatic sliding doors, but Defendant failed to do so.

25. Defendant, in the exercise of reasonable care, should have taken measures to warn lawful entrants such as Plaintiff of the danger presented by the Store's automatic sliding doors.

26. As a direct and proximate result of the Incident, Plaintiff sustained general and special damages.

WHEREFORE, Plaintiff prays for a judgment against Defendant in an amount that will fairly and adequately compensate her for physical pain and mental suffering experienced to date and that can reasonably be expected to occur in the future; disability experienced to date and that can reasonably be expected to occur in the future; medical expenses incurred to date and that can reasonably be expected to be incurred in the future; costs; and any other relief the Court deems just and equitable.

LINDA DAWSON, Plaintiff

By: _____

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