



IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

KATHRYN SUE HAKEL, : CASE NUMBER: CTJ4-5027
 Plaintiff, :
 vs. : **COMPLAINT**
 HY-VEE, INC. : *(Law)*
 Defendant. :

#22 FILED
 IN DISTRICT COURT
 DOUGLAS COUNTY NEBRASKA
 JUL 14 2014
 JOHN M. FRIEND
 CLERK DISTRICT COURT

ASSIGNED TO Randall

COMES NOW the Plaintiff, Kathryn Sue Hakel, hereinafter referred to at times for convenience as either "Plaintiff" or as "Hakel", and for her cause of action against Defendant, Hy-Vee, Inc., hereinafter referred to at times for convenience as either "Defendant" or as "Hy-Vee," alleges and states as follows:

NATURE OF THE ACTION

- 1. This case arises out of injuries sustained by Hakel while she was shopping at Hy-Vee and slipped and fell on water that was leaking from an overhead air conditioning unit.

JURISDICTION AND VENUE

- 2. This Court has jurisdiction over these parties by virtue of the fact that the subject incident and all resulting damages and injuries to Plaintiff occurred in Douglas County, Nebraska.
- 3. Plaintiff is a resident of Douglas County, Nebraska.

4. Hy-Vee is a corporation doing business in Omaha, Douglas County, Nebraska.
5. The incident which is the subject of this Complaint occurred at the Stony Brook Hy-Vee store, located at 14591 Stony Brook Blvd, Omaha, Nebraska 68137, which facility is located in Douglas County, Nebraska.

FACTS

4. On July 17, 2010, Hakel was shopping at Hy-Vee, and slipped and fell on water that was leaking from an overhead air conditioning unit.
5. At all times herein mentioned and material hereto, Hakel was in all respects acting and conducting herself in a reasonable, careful, and prudent manner.
6. Hy-Vee and Hy-Vee's employees, agents, and independent contractors, negligently maintained the Hy-Vee facility and building, including the HVAC equipment; which negligence was the sole and proximate cause of Hakel's injuries and damages. Hy-Vee and its employees, agents, and independent contractors, were negligent, among other particulars, in one or more of the following particulars:
 - a. Failing to keep and maintain their plant, building, facilities, and premises, in good, safe condition and working order;
 - b. Failing to adequately and properly inspect the plant, building, facilities, and premises for both patent and latent conditions which could threaten the health, safety, or welfare of their customers and business invitees;
 - c. Failing to keep their HVAC adequately and properly maintained, serviced, and inspected by accredited HVAC service personnel;
 - d. Failing to warn Plaintiff of the peril and condition that existed as the result of the faulty HVAC unit;

- e. Failing to clean up the water which had accumulated on the floor of its store and premises.

DOCTRINE OF RESPONDEAT SUPERIOR

- 7. At all times herein mentioned and material hereto, all agents, employees, and independent contractors of Hy-Vee were acting in the course of his or her agency or employment.

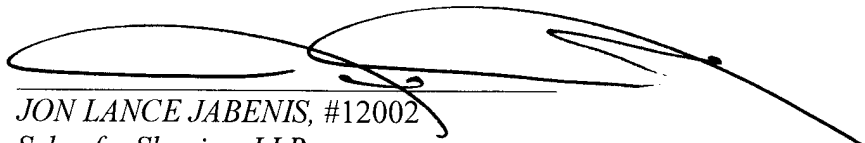
DAMAGES

- 8. As a direct and proximate result of the negligence of Hy-Vee, its agents, employees, and independent contractors, Hakel has incurred and suffered medical expenses, both past and future; disability, both past and future, loss of a normal life, both past and future; severe physical and mental pain, suffering, and anguish, both past and future.

WHEREFORE, Plaintiff, Kathryn Sue Hakel prays for judgment in favor of Plaintiff, Kathryn Sue Hakel, and against Defendant Hy-Vee, Inc., for special damages, for general damages, for costs of this action; and for such other and further relief as this Court may deem just and equitable.

KATHRYN SUE HAKEL, Plaintiff,

BY:



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