

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

NICOLE MORTON,)	CI18-_____
Plaintiff,)	
v.)	COMPLAINT
HY-VEE, INC.,)	
Defendant.)	

COMES NOW Plaintiff, NICOLE MORTON, and for her cause of action against Defendant, HY-VEE, INC., states and alleges, as follows:

1. Plaintiff is a resident of Omaha, Douglas County, Nebraska.
2. Defendant, HY-VEE, INC., is a foreign corporation authorized to transact business in this state.
3. On or about June 14, 2016, while Plaintiff was shopping in Defendant's store, located in Omaha, Douglas County, Nebraska, Plaintiff slipped and fell on water, sewage, and other unknown liquids on the bathroom floor.
4. The cause of the slip and fall accident was the negligence of Defendant in one or more of the following particulars:
 - a. Failing to properly supervise the common areas in question, so as to furnish to Plaintiff a safe area, free from hazards which were recognized or should have been recognized by Defendant, as causing or likely to cause the serious physical harm to Plaintiff and others;
 - b. Failing to maintain the common areas in a safe condition to insure that Plaintiff would not be caused to slip and fall as a result of the liquid waste negligently left on the floor and which was known, or should have been known, to Defendant;
 - c. Failing to properly inspect the common areas wherein Plaintiff was caused

to fall as a result of not removing said liquid waste from the floor;

d. Failing to use reasonable care to maintain Defendant's store and shopping area, in particular the floors;

e. Failing to maintain the premises owned by Defendant in good and safe condition for Plaintiff and others;

f. Failing otherwise to comply with the applicable laws and regulations of the State of Nebraska and the applicable Federal laws and regulations;

g. Otherwise failing to exercise the degree of care required under the circumstances; and

h. Otherwise being negligent.

5. As a direct and proximate result of Defendant's negligence Plaintiff was injured, without any negligence of Plaintiff contributing thereto.

6. As a direct and proximate result of Defendant's negligence Plaintiff has incurred medical expenses; and is certain to incur medical treatment and expenses in the future; has suffered lost wages; has suffered a severe impairment or loss of future earning capacity; has experienced physical and mental pain and suffering to date, and will continue to experience the same into the future; has sustained permanent disability and loss of function of full mind and body from the date of the injury to present, and will continue to experience the same into the future; has sustained a diminution in her ability to enjoy the amenities of life; and her spouse has sustained a loss of consortium.

WHEREFORE Plaintiff prays for judgment against Defendant for special damages in an amount no less than \$13,200, and as such shall be proven at trial; and for her general damages in

an amount which shall be proven at trial; for prejudgment and post-judgment interest; for attorneys' fees; for the costs of this action; and for such other and further relief as the Court deems proper.

DATED this 10th day of June 2018.

NICHOLE MORTON, Plaintiff

By: 

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