

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

RHONDA ORTMEIER,)	CASE NO:
)	
Plaintiff,)	COMPLAINT AND DEMAND
)	FOR JURY TRIAL
)	
vs.)	
)	
HY-VEE, INC.,)	
)	
)	
Defendant.)	

COMES NOW the Plaintiff, by and through her attorney, and alleges as follows:

1. At all times, Plaintiff Rhonda Ortmeier was a resident of Omaha, Douglas County, Nebraska.
2. At all times, Defendant Hy-Vee was a corporation doing business in Omaha, Douglas County, Nebraska. At all times mentioned herein, Defendant Hy-Vee was the owner and occupier of property located at 14591 Stony Brook Boulevard, Omaha, Douglas County, Nebraska.
3. On or about December 28, 2017, Plaintiff was a lawful business visitor on Defendant's property located at 14591 Stony Brook Boulevard, Omaha, Douglas County, Nebraska, doing business with the Defendant.
4. Plaintiff was attempting to walk on the above referenced property and slipped and fell on the Defendant's above referenced property causing injury to the Plaintiff.
5. The Defendant created a dangerous condition because they allowed icy conditions in a walking path of lawful visitors such as the Plaintiff.

6. The accident and resulting injuries to the Plaintiff were caused by the negligence of the Defendant and its agents. The negligence of the Defendant at the time and place, among other things, consisted of the following:

- a. Failing to remedy the icy conditions by applying salt or other substances on the parking lot to counter the icy conditions.
- b. Failing to warn of the icy conditions.
- c. Failing to keep conditions safe for persons such as the Plaintiff, who was a lawful visitor on the Defendants' property, by failing to apply substances to counter the icy conditions.
- d. Failing to properly supervise their agents to counter icy conditions in a walking path of lawful visitors such as the Plaintiff on their property.

7. Defendant had actual knowledge, or by the exercise of reasonable care should have had knowledge of the dangerous condition.

8. As a sole and proximate result of the Defendant's negligence, Plaintiff suffered injuries and incurred past medical bills in the amount of \$72,596.76.

9. As a sole and proximate result of the Defendant's negligence, Plaintiff will incur future medical expenses in an amount to be determined at the time of trial.

10. As a sole and proximate result of the above referenced fall, Plaintiff suffered bodily injury causing past, present and future permanent pain and suffering.

11. Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff demands judgment against the Defendant for general damages for past, present and future pain and suffering, past medical expenses of

\$72,596.76, future medical expenses, costs of this action, and any other relief this Court may deem appropriate.

DATED this 3rd day of July, 2018.

FOR: RHONDA ORTMEIER, Plaintiff,

BY:



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