

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

MARSHA T. WOODKE,	)	Case No. CI 17-_____
	)	
Plaintiff,	)	
	)	
v.	)	<b>COMPLAINT</b>
	)	
MENARD, INC., a foreign corporation,	)	
	)	
Defendant.	)	

COMES NOW the Plaintiff, Marsha T. Woodke, by and through her attorneys of record, and for her causes of action against Defendant states and alleges as follows:

1. Plaintiff Marsha T. Woodke is a resident of Omaha, Douglas County, Nebraska.
2. Defendant Menard, Inc. is a Wisconsin corporation authorized to do business in Omaha, Douglas County, Nebraska, and operates a retail location at 708 N. 120 Street in Omaha Douglas County, Nebraska (hereinafter sometimes "Store").
3. On or about the 11<sup>th</sup> day of May, 2014, Plaintiff was a business invitee at Defendant's Store.
4. After entering the Store, Plaintiff turned to go down an aisle when she slipped and fell on excessive moisture on the floor of the Store which was caused by Defendant's employees and agents.
5. Plaintiff's fall caused her to suffer severe and permanent personal injuries and damages hereinafter specifically set forth.
6. Defendant, by and through its agents, representatives and employees, in the course and scope of their employment, knew or should have known that the moisture placed upon the floor of the Store created an unreasonable risk of harm to its customers, including the Plaintiff.
7. Defendant failed to monitor the area in question for excessive moisture and/or, by and through its agents, representatives and employees in the scope and course of their employment, failed to warn the Plaintiff of the unreasonable risk of harm.

8. Defendant, by and through its agents, representatives and employees, was negligent in one or more of the following particulars:

- a. In failing to use proper care under the circumstances;
- b. By creating an unreasonable risk of harm to its customers, including the Plaintiff, allowing them to walk over excessive moisture on the floor of the Store;
- c. In failing to warn its shoppers, including the Plaintiff, of the dangers and an unreasonable risk of harm created by the Defendant's employees as a result of the excess moisture;
- d. By failing to make a timely inspection of the floor to determine it was free of any hazards and to make sure it was safe for its shoppers, including the Plaintiff;
- e. In failing to maintain the aisles of its Store in a safe condition when it knew or should have known that excessive moisture created an unreasonable risk of harm, which could not be discovered by business invitees, including Plaintiff;
- f. In failing to train its employees to recognize and dispose of hazards; and
- g. In failing to warn invitees, including Plaintiff, of excessive moisture on the floor of the Store, which created an unreasonable risk of harm for which the Plaintiff could not discover.

9. As a direct and proximate result of Defendant's negligence heretofore set forth, Plaintiff fell, was seriously and permanently injured and incurred damages.

10. The negligence of Defendant's agents, employees and representative are imputed against Defendant under the doctrine of *Respondent Superior*.

11. As a direct and proximate result of Defendant's negligence heretofore set forth, Plaintiff suffered injuries to both her wrist, knee, a severe shock to her nervous system, loss of enjoyment of life, aggravation and inconvenience.

12. At the time of her injuries, Plaintiff was a person with pre-existing physical and medical impairment which the Defendant should have known or had reason to know that such persons would enter its Store.

13. As a direct and proximate result of Defendant's negligence heretofore set forth, Plaintiff suffered aggravations of pre-existing conditions and her injuries are all permanent in nature.

14. As a direct and proximate result of Defendant's negligence heretofore set forth, Plaintiff has suffered, now suffers and will continue in the future to suffer great excruciating permanent physical pain and mental anguish.


15. As a direct and proximate result of Defendant's negligence heretofore set forth, Plaintiff has incurred fair and reasonable medical expenses because of her injuries and will incur same in the future.

WHEREFORE, Plaintiff prays for judgment against Defendant for special damages and general damages, together with the costs herein expended, and for such other and further relief as may be just and equitable under the premises.

Dated the 7 day of November, 2017.

MARSHA T. WOODKE, Plaintiff

By:

  
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