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## Nebraska Judicial Branch

## Case Summary

In the District Court of Douglas County  
 The Case ID is CI 14 0008170  
    Cheryl D Lewis v. Quiktrip Corporation  
 The Honorable James T Gleason, presiding.  
 Classification: Negligence-Other  
 Filed on 10/09/2014  
 This case is Open as of 10/09/2014

## Parties/Attorneys to the Case

Party	Attorney
Plaintiff ACTIVE Cheryl D Lewis	T J Pattermann 300 West Broadway, Ste 145 P O Box 1588 Council Bluffs IA 51502 712-323-0999
Plaintiff ACTIVE Adriana Goynes	T J Pattermann 300 West Broadway, Ste 145 P O Box 1588 Council Bluffs IA 51502 712-323-0999
Plaintiff ACTIVE Simone Lewis	T J Pattermann 300 West Broadway, Ste 145 P O Box 1588 Council Bluffs IA 51502 712-323-0999
Plaintiff ACTIVE Jermaine Lewis	T J Pattermann 300 West Broadway, Ste 145 P O Box 1588 Council Bluffs IA 51502 712-323-0999
Plaintiff ACTIVE Jermale Lewis	T J Pattermann 300 West Broadway, Ste 145 P O Box 1588 Council Bluffs IA 51502 712-323-0999
Plaintiff ACTIVE Jerrell Lewis	T J Pattermann 300 West Broadway, Ste 145 P O Box 1588 Council Bluffs IA 51502 712-323-0999
Plaintiff ACTIVE Meia Lewis	T J Pattermann 300 West Broadway, Ste 145 P O Box 1588 Council Bluffs IA 51502 712-323-0999
Plaintiff ACTIVE Cam-Ron Lewis	T J Pattermann 300 West Broadway, Ste 145 P O Box 1588 Council Bluffs IA 51502 712-323-0999
Defendant ACTIVE Quiktrip Corporation C/O CT Corporation System 5601 South 59th St	Amy L Van Horne 1650 Farnam Street

Lincoln	NE 68516	Omaha	NE 68102
Defendant ACTIVE		402-346-6000	
Quiktrip West Incorporated		Amy L Van Horne	
C/O CT Corporation System		1650 Farnam Street	
5601 South 59th St			
Lincoln	NE 68516	Omaha	NE 68102
		402-346-6000	
Witness ACTIVE			
Kevin Kuzelka			
4032 Burt Street			
Omaha	NE 68131		

### Court Costs Information

Incurring By	Account	Date	Amount
Plaintiff	Petition	10/09/2014	\$35.00
Plaintiff	Filing Fee - State	10/09/2014	\$5.00
Plaintiff	Automation Fee	10/09/2014	\$8.00
Plaintiff	NSC Education Fee	10/09/2014	\$1.00
Plaintiff	Dispute Resolution Fee	10/09/2014	\$0.75
Plaintiff	Indigent Defense Fee	10/09/2014	\$3.00
Plaintiff	Uniform Data Analysis Fee	10/09/2014	\$1.00
Plaintiff	J.R.F.	10/09/2014	\$6.00
Plaintiff	Filing Fee-JRF	10/09/2014	\$2.00
Plaintiff	Legal Aid/Services Fund	10/09/2014	\$5.25
Plaintiff	Complete Record	10/09/2014	\$15.00
Plaintiff	Service Fees	10/22/2014	\$6.69
Plaintiff	Service Fees	10/22/2014	\$6.69

### Financial Activity

No trust money is held by the court  
No fee money is held by the court

### Payments Made to the Court

Receipt	Type	Date	For	Amount
157696	check	10/09/2014	Lewis, Cheryl, D., Indvid	\$82.00
			Petition	\$35.00
			Filing Fee - State	\$5.00
			Automation Fee	\$8.00
			NSC Education Fee	\$1.00
			Dispute Resolution Fee	\$.75

Receipt	Type	Date	For	Amount
			Indigent Defense Fee	\$3.00
			Uniform Data Analysis	\$1.00
			J.R.F.	\$6.00
			Filing Fee-JRF	\$2.00
			Legal Aid/Services Fun	\$5.25
			Complete Record	\$15.00

## Register of Actions

03/22/2016 Subpoena Issued on Kevin Kuzelka  
The document number is 00376002  
EMAILED: amy.vanhorne@kutakrock.com  
Image ID D00376002D01

03/22/2016 Praecipe-Subpoena  
This action initiated by group Defs  
s1  
Image ID N16082RS4D01

03/21/2016 Motion-Limine  
This action initiated by group Defs  
jm  
Image ID N16081PE8D01

03/16/2016 Witness List  
  
This action initiated by party Cheryl D Lewis  
Image ID 001270010D01

03/16/2016 Exhibit List  
This action initiated by group Pltfs  
Image ID 001269942D01

03/14/2016 Witness List  
This action initiated by group Defs  
(Subject To Call) RT  
Image ID N1607420ED01

03/14/2016 Exhibit List  
This action initiated by group Defs  
RT  
Image ID N1607420CD01

12/18/2015 Order  
This action initiated by James T Gleason  
RE: Motion for Summary Judgment Matter Under Advisement / RT eNotice Certification  
Attached  
Image ID 001251407D01

12/10/2015 Cert-Mailing  
This action initiated by group Defs  
re: subp jm  
Image ID N15344PX4D01

11/20/2015 Motion-Summary Judgment  
This action initiated by group Defs  
Hearing 12 07 15 1030am / RT  
Image ID N15324X54D01

11/02/2015 Motion-Enlargement of Time  
This action initiated by group Pltfs  
re: extend disc deadlines  
Image ID 001208306D01

10/26/2015 Motion-Enlargement of Time  
This action initiated by party Cheryl D Lewis  
re: disc  
Image ID 001207932D01

07/23/2015 Notice Filed  
This action initiated by group Pltfs  
re: expert witness  
Image ID 001159083D01

06/01/2015 Notice-Service  
This action initiated by group Defs  
RE: Discovery Responses  
Image ID N15152PBMD01

05/28/2015 Signed Scheduling Order  
This action initiated by James T Gleason  
eNotice Certificate Attached  
Image ID J00309061D01

05/04/2015 Notice-Serving Documents  
This action initiated by party Cheryl D Lewis  
re: disc req  
Image ID 001142444D01

05/04/2015 Notice-Serving Documents  
  
This action initiated by party Cheryl D Lewis  
re: disc resp  
Image ID 001142438D01

04/23/2015 Proposed Scheduling Order  
This action initiated by party Quiktrip Corporation  
Image ID 001142088D01

04/21/2015 Motion Sustained  
re: motion compel  
Image ID J00300635D01

03/20/2015 Motion-Compel  
This action initiated by group Defs  
4-20-15 8:30 AM  
Image ID N15079SD4D01

11/26/2014 Notice-Service  
This action initiated by group Defs  
re: discovery requests  
Image ID N14330XEMD01

11/26/2014 Answer  
This action initiated by group Defs  
Image ID N14330XEED01

10/22/2014 Return Summons/Alias Summons  
The document number is 00286904  
Served 10/15/2014, Certified Mail  
Image ID 001078311D01

10/22/2014 Return Summons/Alias Summons  
  
The document number is 00286903  
Served 10/15/2014, Certified Mail  
Image ID 001078308D01

10/10/2014 Summons Issued on Quiktrip West Incorporated  
The document number is 00286904  
E-MAILED: tjpattermann@sgallnerlaw.com  
Image ID D00286904D01

10/10/2014 Summons Issued on Quiktrip Corporation  
The document number is 00286903  
E-MAILED: tjpattermann@sgallnerlaw.com  
Image ID D00286903D01

10/09/2014 Praecipe-Summons/Alias  
This action initiated by party Cheryl D Lewis  
  
Image ID 001067579D01

10/09/2014 Praecipe-Summons/Alias  
This action initiated by party Cheryl D Lewis  
Image ID 001067582D01

10/09/2014 Complaint-Praecipe  
This action initiated by party Cheryl D Lewis  
Praecipe filed separate  
Image ID 001073634D01

## Judges Notes

12/18/2015  
12-18-2015 Gleason  
Matter taken under advisement.



IN THE NEB.

FOR DOUGLAS COUNTY

CHERYL D. LEWIS, an Individual; and )  
CHERYL D. LEWIS as Mother and Next )  
Friend of ADRIANA GOYNES, SIMONE )  
LEWIS, JERMAINE LEWIS, JERMALE )  
LEWIS, JERRELL LEWIS, MEIA LEWIS, )  
and CAM-RON LEWIS, Minor Children, )

CASE NO.: 14-8170

Plaintiffs, )

vs. )

**COMPLAINT AND JURY DEMAND**

QUIKTRIP CORPORATION and )  
QUIKTRIP WEST, INCORPORATED, )

Defendant. )

ASSIGNED TO *[Signature]*

**I. PRELIMINARY STATEMENT**

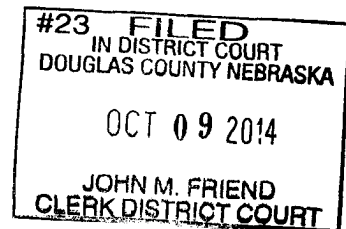
1. This is a civil action in which Plaintiffs Cheryl D. Lewis, an Individual; and Cheryl D. Lewis as Mother and Next Friend of Adriana Goynes, Simone Lewis, Jermaine Lewis, Jermale Lewis, Jerrell Lewis, Meia Lewis, and Cam-Ron Lewis, Minor Children (hereinafter "Plaintiffs") seek to recover damages as a result of personal injuries arising out of a slip and fall incident which occurred on October 10, 2010.

**II. JURISDICTION**

2. Jurisdiction is conferred upon this Honorable Court pursuant to Nebraska Code Section 24-302, Neb. R.R.S. 1943. Furthermore, venue is conferred pursuant to Nebraska Statute Section 25-403.01.

**III. PARTIES**

3. Plaintiff Cheryl D. Lewis was at all times material hereto a citizen of the United States of America, a resident of Omaha, Douglas County, Nebraska. At the time of the accident Plaintiff Cheryl D. Lewis was 32 years of age and had a life expectancy of 49.63 more years under the 2001 CSO mortality tables.



4. Plaintiff Adriana Goynes was at all times material hereto a citizen of the United States and a resident of Omaha, Douglas County, Nebraska, and the daughter of Plaintiff Cheryl D. Lewis.

5. Plaintiff Simone Lewis was at all times material hereto a citizen of the United States and a resident of Omaha, Douglas County, Nebraska, and the daughter of Plaintiff Cheryl D. Lewis.

6. Plaintiff Jermaine Lewis was at all times material hereto a citizen of the United States and a resident of Omaha, Douglas County, Nebraska, and the son of Plaintiff Cheryl D. Lewis.

7. Plaintiff Jermale Lewis was at all times material hereto a citizen of the United States and a resident of Omaha, Douglas County, Nebraska, and the son of Plaintiff Cheryl D. Lewis.

8. Plaintiff Jerrell Lewis was at all times material hereto a citizen of the United States and a resident of Omaha, Douglas County, Nebraska, and the son of Plaintiff Cheryl D. Lewis.

9. Plaintiff Meia Lewis was at all times material hereto a citizen of the United States and a resident of Omaha, Douglas County, Nebraska, and the daughter of Plaintiff Cheryl D. Lewis.

10. Plaintiff Cam-Ron Lewis was at all times material hereto a citizen of the United States and a resident of Omaha, Douglas County, Nebraska, and the son of Plaintiff Cheryl D. Lewis.

11. Defendant QuikTrip Corporation was at all times material hereto a corporation duly licensed to do business in the State of Nebraska which owned and/or possessed the property located at 715 South Saddle Creek Road, Omaha, Douglas County, Nebraska, which forms the subject of this suit.

12. Defendant QuikTrip West, Incorporated, was at all times material hereto a corporation duly licensed to do business in the State of Nebraska which owned and/or possessed the property located at 715 South Saddle Creek Road, Omaha, Douglas County, Nebraska, which forms the subject of this suit.

#### **IV. STATEMENT OF THE CLAIM**

13. On October 10, 2010, Plaintiff Cheryl D. Lewis was a patron at Defendant QuikTrip's place of business located at 42<sup>nd</sup> and Northwest Radial Highway in Omaha, Douglas County, Iowa. Plaintiff Cheryl D. Lewis was purchasing gas from Defendant QuikTrip. Upon Plaintiff's entering QuikTrip's place of business she slipped and fell on slippery pavement outside the front doors of QuikTrip. After Plaintiff Cheryl D. Lewis' fall, further inspection revealed that the pavement had been cleaned by a QuikTrip employee with soap and water. No warning signs or other notice to patrons were posted.

14. Defendant QuikTrip was negligent because of the following acts and/or omissions:

- a. In failing to warn Plaintiff Cheryl D. Lewis that the area was unsafe;
- b. In failing to exercise ordinary care in inspecting the public areas of the premises to see that said public areas were in a safe condition for the use of the public;
- c. In failing to maintain public areas in a safe manner;  
and
- d. In failing to take adequate safety measures in public areas to protect the safety of its patrons.

Defendant QuikTrip is liable in that their negligence was a proximate cause of the injuries to Plaintiff Cheryl D. Lewis.

15. Each of the acts of negligence on the part of Defendant QuikTrip constituted the proximate cause of the accident, damages and injuries suffered by Plaintiffs.

#### **V. INJURIES**

16. As a direct and proximate result of the negligence of Defendant QuikTrip, Plaintiff Cheryl D. Lewis has sustained severe and permanent injuries.

#### **VI. DAMAGES**

17. That as a direct and proximate result of the negligence of Defendant QuikTrip, Plaintiff Cheryl D. Lewis has suffered and incurred damages in the past and will continue to suffer and incur damages in the future that include, but are not limited to, medical and hospital expenses, past and future; loss of income and earning capacity, past and future; physical and



mental pain and suffering, past and future; loss of full mind and body, past and future; and permanent injury and impairment, all to her damage and detriment.

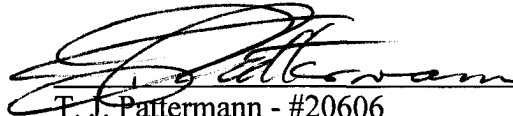
18. As a direct and proximate result of the negligence of Defendant QuikTrip, Plaintiffs Adriana Goynes, Simone Lewis, Jermaine Lewis, Jermale Lewis, Jerrell Lewis, Meia Lewis, and Cam-Ron Lewis, minor children, have sustained a loss of services and companionship from Plaintiff Cheryl D. Lewis.

#### **VII. JURY DEMAND**

19. Plaintiffs do hereby request a trial by jury in the above-captioned matter.

#### **VIII. PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs respectfully pray for judgment against Defendant QuikTrip in an amount that will reasonably compensate them for their damages with interest and costs as provided for by law and any other and further relief as this Court deems just and equitable.



T. J. Pattermann - #20606

LAW OFFICES OF GALLNER & PATTERMANN, P.C.

Suite 145

300 West Broadway

Council Bluffs, Iowa 51503

Telephone: (712) 323-0999

Fax: (712) 323-0814

E-Mail: [tjpattermann@sgallnerlaw.com](mailto:tjpattermann@sgallnerlaw.com)

ATTORNEY FOR PLAINTIFFS CHERYL D. LEWIS,  
AN INDIVIDUAL; AND CHERYL D. LEWIS AS  
MOTHER AND NEXT FRIEND OF ADRIANA  
GOYNES, SIMONE LEWIS, JERMAINE LEWIS,  
JERMALE LEWIS, JERRELL LEWIS, MEIA LEWIS,  
AND CAM-RON LEWIS, MINOR CHILDREN