

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

ROBERT GOULD, Plaintiff

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Case No. CI18- 0940

vs.

COMPLAINT

ALL AMERICAN MEATS, INC., and  
OMAHA SMALL BUSINESS NETWORK, Defendants. )

ASSIGNED TO okpk9

COMES NOW Plaintiff for his cause of action against Defendants and alleges and states as follows:

1. At all material times herein Plaintiff was a resident of Omaha, Douglas County, Nebraska.
2. At all material times herein Defendants were corporations doing business in Omaha, Douglas County, Nebraska.
3. On August 19, 2014, Plaintiff tripped on a metal shipping plate inside the premises occupied and used as a business by Defendant, All American Meats, Inc., located at 2505 North 24<sup>th</sup> Street, suite 223, Omaha, Douglas County, Nebraska. The subject property was owned by the Defendant, Omaha Small Business Network located at the same address. Defendant Omaha Small Business Network is responsible for
4. safety conditions in and on said premises.
5. The District Court has jurisdiction pursuant to *Neb Rev Stat Chapter 24-302*.
6. Pursuant to *Neb Rev Stat Chapter 25-403.01*, Venue is proper in Douglas County, Nebraska.
7. On August 19, 2014, Plaintiff was walking with an employee of Defendant All
8. American Meats, Inc. through Suite 223 when Plaintiff walked around a stack of

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IN DISTRICT COURT  
DOUGLAS COUNTY NEBRASKA  
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JOHN M. FRIEND  
CLERK DISTRICT COURT



boxes and tripped over a metal shipping plate causing Plaintiff to twist his right knee resulting in a rupture of a tendon in Plaintiff's right ankle.

9. Defendant All American Meats, Inc. is responsible for the maintenance of its
10. business area where visitors are permitted to walk. The metal shipping plate was hidden from view of passing pedestrians by stacks of boxes. The trip and fall injury suffered by Plaintiff was foreseeable and was preventable had Defendant All American Meats, Inc. attended to placing the shipping plate in a place where it posed not tripping hazard.
11. It is believed that Defendant All American Meats, Inc. had notice of said tripping hazard since one or more of said Defendant's employees moved the shipping plate to its location where Plaintiff fell and left it there with no warning signs to alert pedestrians walking in the same area.
12. Due to the injuries suffered by Plaintiff, he suffered excruciating pain and discomfort. The pain and discomfort continues to the present day.
13. Plaintiff's fall was solely and proximately caused by the negligent acts and omissions of Defendants and their employees. These negligent acts and omissions include:
  - a. Failure to exercise reasonable care in discovering the condition of their premises which led to Plaintiff's injury;
  - b. Failure to recognize that the condition of the premises, specifically, leaving the shipping plate in an area pedestrians would walk, was an unreasonable risk of harm to pedestrians;
  - c. Failure to realize that pedestrians walking in the vicinity of the shipping plate would not be able to discover its existence since the plate was hidden by the stacked boxes also in the area; and
  - d. Failure to warn the pedestrian public of the dangerous condition.
14. Defendants' failure to exercise reasonable care as described above was the proximate cause of Plaintiff's injuries. But for Defendants' negligent acts, the

injuries Plaintiff suffered would not have occurred. The injuries suffered by Plaintiff were the natural and probable result of Defendants' negligence described above, and not caused by any negligent act other than those committed by Defendants.

15. As a direct and proximate result of defendant' negligent act and omissions Plaintiff suffered a ruptured tendon of his right ankle, special damages for medical expenses, out of pocket expenses and lost wages and general damages for physical and mental suffering, pain, inconvenience and emotional distress.
16. Plaintiff respectfully requests judgment against Defendants for :
- a. Past, present and future special damages in an amount which will fairly and adequately, but not excessively, compensate Plaintiff.
  - b. Past, present and future general damages.
  - c. Costs and prejudgment interest permitted by law.
  - d. Additional which the Court determines to be just and equitable.
17. Plaintiff respectfully demand a trial by jury.

ROBERT GOULD, Plaintiff

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