

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

DANA J. COSTON,)	CASE NO.
)	
Plaintiff,)	
v.)	COMPLAINT
)	
HY-VEE, INC., a foreign corporation,)	
d/b/a HY-VEE, and EASTERN)	
NEBRASKA HUMAN SERVICES)	
AGENCY.)	
)	
Defendants.		

Plaintiff states:

1. That Plaintiff is a resident of Omaha, Douglas County, Nebraska.
2. That the Defendant, Hy-Vee, Inc., d/b/a Hy-Vee, ("Hy-Vee"), is a foreign corporation, qualified to do, and is doing business in Omaha, Douglas County, Nebraska.
3. That the Defendant, Eastern Nebraska Human Services Agency, is a corporation organized under the State of Nebraska and authorized to do and is doing business in the State of Nebraska and that at all times hereinafter mentioned will be referred to as "Eastern." That Defendant Eastern is made a party to this action for the reason that the accident hereinafter described occurred while Plaintiff was an employee of Eastern, and that Eastern has paid certain medical bills and workers compensation insurance benefits to Plaintiff under the Nebraska Workers Compensation Act, and therefore Eastern is entitled to certain subrogation rights by virtue of these payments.
4. That on or about February 23, 2015, at approximately 5:00 o'clock p.m., Plaintiff walked in to Hy-Vee, located at 5150 Center Street, Omaha, Douglas County, Nebraska, to shop for groceries. As she entered the store, she tripped and fell over a rolled up rug in the front foyer

of the store. This fall caused her to suffer severe and permanent personal injuries and damages as hereinafter more specifically set forth in paragraph 8.

5. That the Defendant, by and through its agents, representatives and employees, while in the scope and course of their employment and agency, knew or should have known that the rolled up rug was a hazard to its customers, including the Plaintiff, who were walking over it as they entered the store. That the safe maintaining of the rug on the floor was the responsibility of Defendant by and through its agents, representatives and employees in the course and scope of their employment.

6. That the Defendant, by and through its agents, representatives and employees, was negligent in one or more of the following particulars, to-wit:

- a) In failing to use proper care under the circumstances;
- b) In creating a dangerous hazard to its shoppers, including Plaintiff, allowing them to walk over a rolled up rug in its front foyer;
- c) In failing to warn its shoppers, including Plaintiff, of the dangers and hazardous conditions of this rolled up rug;
- d) In failing to make a timely inspection of this floor to determine if it was free of any hazards and to make sure it was safe for its shoppers, including Plaintiff;
- e) In failing to maintain the floor and its rug, commonly used by its shoppers, including Plaintiff, in a safe condition when it knew or should have known that this rug was rolled up; and
- f) In failing to train its employees to recognize and dispose of hazards.

7. That one or more of these acts of negligence, as heretofore set forth in Paragraph 6 above, caused this accident, injuries and damages to Plaintiff. That any and all allegations of negligence asserted against the agents, representatives and employees of the Defendant are imputed to the Defendant under the Doctrine of Respondeat Superior.

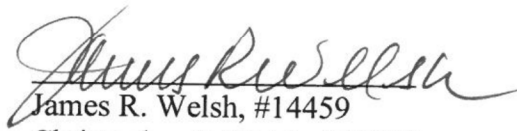
8. That as a direct and proximate result of the negligence of the Defendant, as heretofore set forth in paragraph 6, the Plaintiff was seriously and permanently injured in that she suffered physical injury to both her head and back, severe shock to her nervous system, loss of enjoyment of life, aggravation and inconvenience. That these injuries are all permanent in nature. That she has suffered, now suffers, and will in the future continue to suffer great and excruciating permanent physical pain and mental anguish. The Plaintiff has incurred fair and reasonable medical expenses because of these injuries, and will incur same in the future. That Plaintiff has lost income and wages and will lose income in the future because of these injuries. That because of these injuries, Plaintiff's earning capacity has been permanently diminished and impaired.

WHEREFORE, Plaintiff, prays for judgment against the Defendant, for special damages and general damages, together with her costs herein expended.

DATED: June 14, 2017

DANA J. COSTON, Plaintiff,

By:



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