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Nebraska Judicial Branch

Case Summary

In the District Court of Douglas County
 The Case ID is CI 18 0005253
 Nicole Morton v. Hy-Vee, Inc.
 The Honorable Marlon A Polk, presiding.
 Classification: Negligence-Other
 Filed on 06/10/2018
 This case is Open as of 06/10/2018

Parties/Attorneys to the Case

Party	Attorney
Plaintiff ACTIVE Nicole Morton 10930 V Street Omaha NE 68137	Karen C Hicks 1941 South 42nd Street Suite 500 Omaha NE 68105 402-932-9027
Defendant ACTIVE Hy-Vee, Inc. c/o C T Corporation System, RA 5601 S. 59th Street Lincoln NE 68516	Daniel J Welch 1299 Farnam Street, Suite 122 Omaha NE 68102 402-341-1200

Court Costs Information

Incurred By	Account	Date	Amount
Plaintiff	Petition	06/10/2018	\$35.00
Plaintiff	Filing Fee - State	06/10/2018	\$1.00
Plaintiff	Automation Fee	06/10/2018	\$8.00
Plaintiff	NSC Education Fee	06/10/2018	\$1.00
Plaintiff	Dispute Resolution Fee	06/10/2018	\$0.75
Plaintiff	Indigent Defense Fee	06/10/2018	\$3.00
Plaintiff	Uniform Data Analysis Fee	06/10/2018	\$1.00
Plaintiff	J.R.F.	06/10/2018	\$6.00
Plaintiff	Filing Fee-JRF	06/10/2018	\$6.00
Plaintiff	Legal Aid/Services Fund	06/10/2018	\$6.25
Plaintiff	Complete Record	06/10/2018	\$15.00
Plaintiff	Service Fees	07/22/2018	\$6.67

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
300729	Electronic Trans	06/11/2018	Morton,Nicole,	\$83.00
			Petition	\$35.00
			Filing Fee - State	\$1.00
			Automation Fee	\$8.00
			NSC Education Fee	\$1.00
			Dispute Resolution Fee	\$.75
			Indigent Defense Fee	\$3.00
			Uniform Data Analysis	\$1.00
			J.R.F.	\$6.00
			Filing Fee-JRF	\$6.00
			Legal Aid/Services Fun	\$6.25
			Complete Record	\$15.00

Register of Actions

06/24/2019 Motion-Compel
This action initiated by party Nicole Morton
7/29/19 1:45pm CR 506 /mg
Image ID N19175AJQD01

11/13/2018 Signed Scheduling Order
This action initiated by Marlon A Polk
eNotice Certificate Attached
Image ID 001766092D01

11/09/2018 Proposed Scheduling Order
This action initiated by Karen C Hicks
Image ID 001762880D01

10/09/2018 Notice Issued
The document number is 00569896
Notice of Intent to Dismiss
Karen C Hicks karenhicks1aw@gmail.com
Image ID D00569896D01

10/09/2018 Notice Issued
The document number is 00569895
Notice of Intent to Dismiss
Daniel J welch dan@welchlawfirm.com
Image ID D00569895D01

08/02/2018 Notice Filed
This action initiated by party Nicole Morton
Re: Intent to Serve Subpoena /mg
Image ID N18214CIED01

08/02/2018 Reply
This action initiated by party Nicole Morton
kr
Image ID N18214CI8D01

07/31/2018 Answer
This action initiated by party Hy-Vee, Inc.
kr
Image ID N18212XG0D01

07/22/2018 Return Summons/Alias Summons
The document number is 00552041
JB
Served 07/11/2018, Certified Mail
Image ID N18203PPAD01

07/09/2018 Summons Issued on Hy-Vee, Inc.
The document number is 00552041
E-MAILED: karenhicks1aw@gmail.com
Image ID D00552041D01

07/06/2018 Praecipe-Summons/Alias
This action initiated by party Nicole Morton
Image ID N18187SXKD01

06/11/2018 Summons Issued on Hy-Vee, Inc.
The document number is 00545245
Summons e-mailed
Image ID D00545245D01

06/10/2018 Praecipe-Summons/Alias

This action initiated by party Nicole Morton
MM
Image ID N18161ICED01

06/10/2018 Complaint-Praecipe
This action initiated by party Nicole Morton
Praecipe filed separate MM
Image ID N18161ICCD01

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

NICOLE MORTON,)	CI18-_____
Plaintiff,)	
v.)	COMPLAINT
HY-VEE, INC.,)	
Defendant.)	

COMES NOW Plaintiff, NICOLE MORTON, and for her cause of action against Defendant, HY-VEE, INC., states and alleges, as follows:

1. Plaintiff is a resident of Omaha, Douglas County, Nebraska.
2. Defendant, HY-VEE, INC., is a foreign corporation authorized to transact business in this state.
3. On or about June 14, 2016, while Plaintiff was shopping in Defendant's store, located in Omaha, Douglas County, Nebraska, Plaintiff slipped and fell on water, sewage, and other unknown liquids on the bathroom floor.
4. The cause of the slip and fall accident was the negligence of Defendant in one or more of the following particulars:
 - a. Failing to properly supervise the common areas in question, so as to furnish to Plaintiff a safe area, free from hazards which were recognized or should have been recognized by Defendant, as causing or likely to cause the serious physical harm to Plaintiff and others;
 - b. Failing to maintain the common areas in a safe condition to insure that Plaintiff would not be caused to slip and fall as a result of the liquid waste negligently left on the floor and which was known, or should have been known, to Defendant;
 - c. Failing to properly inspect the common areas wherein Plaintiff was caused

to fall as a result of not removing said liquid waste from the floor;

d. Failing to use reasonable care to maintain Defendant's store and shopping area, in particular the floors;

e. Failing to maintain the premises owned by Defendant in good and safe condition for Plaintiff and others;

f. Failing otherwise to comply with the applicable laws and regulations of the State of Nebraska and the applicable Federal laws and regulations;

g. Otherwise failing to exercise the degree of care required under the circumstances; and

h. Otherwise being negligent.

5. As a direct and proximate result of Defendant's negligence Plaintiff was injured, without any negligence of Plaintiff contributing thereto.

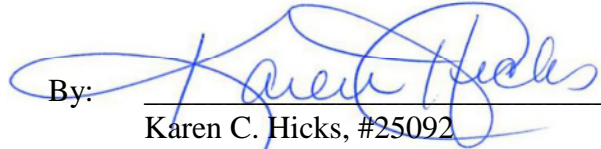
6. As a direct and proximate result of Defendant's negligence Plaintiff has incurred medical expenses; and is certain to incur medical treatment and expenses in the future; has suffered lost wages; has suffered a severe impairment or loss of future earning capacity; has experienced physical and mental pain and suffering to date, and will continue to experience the same into the future; has sustained permanent disability and loss of function of full mind and body from the date of the injury to present, and will continue to experience the same into the future; has sustained a diminution in her ability to enjoy the amenities of life; and her spouse has sustained a loss of consortium.

WHEREFORE Plaintiff prays for judgment against Defendant for special damages in an amount no less than \$13,200, and as such shall be proven at trial; and for her general damages in

an amount which shall be proven at trial; for prejudgment and post-judgment interest; for attorneys' fees; for the costs of this action; and for such other and further relief as the Court deems proper.

DATED this 10th day of June 2018.

NICHOLE MORTON, Plaintiff

By:  _____

Karen C. Hicks, #25092
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