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Nebraska Judicial Branch

Case Summary

In the District Court of Douglas County
 The Case ID is CI 19 0004902
 Kimberly J Heier v. Hy-Vee, Inc.
 The Honorable James T Gleason, presiding.
 Classification: Negligence-Other
 Filed on 06/19/2019
 This case is Open as of 06/19/2019

Parties/Attorneys to the Case

<p>Party Plaintiff ACTIVE Kimberly J Heier</p> <p>Defendant ACTIVE Hy-Vee, Inc. c/o CT Corporation System 5601 South 59th Street, Ste. C Lincoln NE 68516</p>	<p>Attorney Hugh I Abrahamson 440 Regency Parkway Drive Suite 139 Omaha NE 68114 402-758-1222</p>
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Court Costs Information

Incurred By	Account	Date	Amount
Plaintiff	Petition	06/19/2019	\$35.00
Plaintiff	Filing Fee - State	06/19/2019	\$1.00
Plaintiff	Automation Fee	06/19/2019	\$8.00
Plaintiff	NSC Education Fee	06/19/2019	\$1.00
Plaintiff	Dispute Resolution Fee	06/19/2019	\$0.75
Plaintiff	Indigent Defense Fee	06/19/2019	\$3.00
Plaintiff	Uniform Data Analysis Fee	06/19/2019	\$1.00
Plaintiff	J.R.F.	06/19/2019	\$6.00
Plaintiff	Filing Fee-JRF	06/19/2019	\$6.00
Plaintiff	Legal Aid/Services Fund	06/19/2019	\$6.25
Plaintiff	Complete Record	06/19/2019	\$15.00

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
335676	Electronic Trans	06/20/2019	Heier, Kimberly, J	\$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

06/20/2019 Summons Issued on Hy-Vee, Inc.
The document number is 00615837
E-MAILED: hugh.abrahamson@omahanelawyer.com
Image ID D00615837D01

06/19/2019 Praecipe-Summons/Alias
This action initiated by party Kimberly J Heier
a1
Image ID N19170PASD01

06/19/2019 Complaint-Praecipe
This action initiated by party Kimberly J Heier
a1 praecipe filed separate
Image ID N19170PAKD01

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

KIMBERLY J. HEIER,)	CASE NO. CI 19-
)	
Plaintiffs,)	
)	
vs.)	COMPLAINT
)	
HY-VEE INC.,)	
)	
Defendant.)	

COMES NOW the Plaintiff, by and through her attorney Hugh I. Abrahamson Law Office and does hereby state and allege as follows.

1. Plaintiff is a resident of Cass County, Nebraska.
2. Defendant is a duly registered Nebraska Corporation and is in the business of providing retail groceries to the general public.
3. On or about January 8, 2019, Plaintiff was a customer in the business establishment of Defendant's business establishment located at 8809 West Center Road in Omaha, Douglas County, Nebraska.
4. At approximately 12:00 p.m. on the aforementioned date, as Plaintiff was walking near the floral department of Defendant, her left foot caught on a crate of plants that were placed in the aisle of the Defendant's business establishment.
5. Plaintiff fell to the floor of Defendant's business establishment and incurred a severely fracture to her left ulna bone.

6. Defendant was negligent in the following manners:
 - a. Carelessly and negligently failing to provide to Plaintiff safe premises;
 - b. Carelessly and negligently failing to maintain a safe ingress and egress for Plaintiff in the aisle that the crate of plants was placed;
 - c. Carelessly and negligently failing to warn Plaintiff of the crate of plants that was placed in the aisle; and
 - d. Carelessly and negligently failing to exercise the degree of care required under the circumstances.

6. As a direct and proximate result of the negligence of the Defendant, Plaintiff was hospitalized from January 8, 2019 through January 10, 2019 at CHI Bergan Mercy Medical Center.

7. As a direct and proximate cause of the negligence of Defendant, Plaintiff has to date incurred the following medical expenses:

- a. CHI \$10,326.64;
- b. City of Omaha Rescue Squad \$ 709.60; and
- c. Radiology Consultants \$ 35.00.

8. As a direct and proximate cause of the negligence of Defendant, Plaintiff has to date incurred lost wages in the amount of \$6,197.00.

9. As a direct and proximate cause of the negligence of Defendant, Plaintiff was forced to withdraw \$2,000.00 from her retirement account in order to pay bills.

10. As the direct and proximate cause of the negligence of Defendant, by and through its duly authorized agents and servants, Plaintiff has suffered an injury, has incurred extreme pain and suffering, incurred medical expenses and loss of wages. Plaintiff's injury is permanent in nature to the extent that she will for the remainder of her life be deprived of the ordinary pleasures of life and the loss of wellbeing.

WHEREFORE, Plaintiff prays for a judgement against the Defendant for special damages to date of \$19,268.24, for general damages, for the costs incurred herein and for such other and further relief as the Court determines just and equitable.

KIMBERLY J. HEIER, Plaintiff

BY: /s/ Hugh I Abrahamson
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