

Nebraska Judicial Branch

Case Summary

In the District Court of Douglas County
The Case ID is CI 20 0004372
Michael L Bland v. Menard, Inc.
The Honorable Thomas A Otepka, presiding.
Classification: Negligence-Other
Filed on 06/08/2020
This case is Open as of 06/08/2020

Parties/Attorneys to the Case

Party	Attorney
Plaintiff ACTIVE Michael L Bland	Clete Blakeman 17525 Arbor Street Omaha NE 68130 402-934-5500
Defendant ACTIVE Menard, Inc. 4777 Menard Drive Eau Claire WI 54703 Alias is Mendards	

Court Costs Information

Incurring By	Account	Date	Amount
Plaintiff	Petition	06/08/2020	\$35.00
Plaintiff	Filing Fee - State	06/08/2020	\$1.00
Plaintiff	Automation Fee	06/08/2020	\$8.00
Plaintiff	NSC Education Fee	06/08/2020	\$1.00
Plaintiff	Dispute Resolution Fee	06/08/2020	\$0.75
Plaintiff	Indigent Defense Fee	06/08/2020	\$3.00
Plaintiff	Uniform Data Analysis Fee	06/08/2020	\$1.00
Plaintiff	J.R.F.	06/08/2020	\$6.00
Plaintiff	Filing Fee-JRF	06/08/2020	\$6.00
Plaintiff	Legal Aid/Services Fund	06/08/2020	\$6.25
Plaintiff	Complete Record	06/08/2020	\$15.00
Plaintiff	Service Fees	06/15/2020	\$7.08

Financial Activity

No trust money is held by the court
Fee/Fine held by the court is \$83.00

Payments Made to the Court

Receipt	Type	Date	For	Amount
367522	Electronic Trans	06/08/2020	Bland,Michael,L	\$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

06/15/2020 Return Summons/Alias Summons
 The document number is 00676840
 dth
 Served 06/11/2020, Certified Mail
 Image ID N2016749SD01

06/08/2020 Summons Issued on Menard, Inc.
 The document number is 00676840
 Summons e-mailed
 Image ID D00676840D01

06/08/2020 Complaint-Praecipe
 This action initiated by party Michael L Bland
 as
 Image ID N20160ZOGD01

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

MICHAEL L. BLAND,)	
)	Case No. CI 20 - _____
Plaintiff,)	
)	
v.)	COMPLAINT AND
)	REQUEST FOR JURY
MENARD, INC. d/b/a MENARDS, A)	
foreign corporation doing business in)	
Nebraska)	
)	
Defendant.)	

COMES NOW the Plaintiff, Michael Bland, and for his Complaint against the Defendant Menard, Inc. d/b/a Menards, alleges and states as follows:

1. Plaintiff Michael L. Bland is a resident of Omaha, Douglas County, Nebraska.
2. Defendant Menard is a foreign corporation doing business in the state of Nebraska, including Douglas County, Nebraska.
3. Pursuant to *Neb Rev Stat* § 25-403.01, venue is proper in Douglas County, Nebraska, as it is the county where the incident giving rise to this cause of action occurred.
4. At all times relevant herein, Defendant Menard owned and operated a retail home-improvement store located at 750 North 205th Street in Elkhorn, Douglas County, Nebraska.
5. On or about May 1, 2019, Plaintiff purchased 8ft long 2x4 boards from Defendant's store at 750 North 205th Street in Elkhorn. The 2x4 boards were stacked overhead at approximately 6 feet off the ground in a vertical shelving unit located in Defendant's lumberyard area adjacent to the store.
6. As Plaintiff was retrieving the purchased 2x4s from Defendant's lumberyard, the stack of 8ft long 2x4s collapsed and fell on Plaintiff.
7. As a direct result of being hit by the falling lumber, Plaintiff sustained severe personal injuries.

8. The injuries to Plaintiff were caused solely and proximately by the negligence of Defendant in failing to adequately secure, brace or restrict consumer products displayed on overhead retail shelving units in Defendant's lumberyard to prevent said products from falling and causing injury to users of the property including Plaintiff. This condition presented an unreasonable risk of harm to users of its property including Plaintiff. Defendant's negligence was as follows:
 - a. Defendant created, knew, or in the exercise of reasonable care, should have known of the presence of the condition on its premises which presented an unreasonable risk of harm to users of its property including Plaintiff;
 - b. Defendant failed to use reasonable care to discover, eliminate or to protect the plaintiff from the condition on its premises which presented an unreasonable risk of harm to users of its property including Plaintiff;
 - c. Defendant failed to monitor, supervise, or control its premises to reasonably warn users of the property including plaintiff of the condition on the premises which presented an unreasonable risk of harm to users; and
 - d. Defendant failed to take reasonable precautions to adequately warn users of the property including plaintiff of the condition on the premises which presented an unreasonable risk of harm to users.
9. As a further, direct proximate result of Defendant's negligence, Plaintiff has sustained damages for the costs of his medical care and treatment.
10. As a further, direct proximate result of Defendant's negligence, Plaintiff has sustained damages for loss of wages.
11. As a further, direct proximate result of the negligence of Defendant, Plaintiff has suffered general damages, including damages for past, present and future pain and suffering, mental and physical anguish, and distress and loss of the enjoyment of life.

WHEREFORE, Plaintiff requests judgment against the Defendant in an amount to be determined at trial, including but not limited to her general and special damages, plus interest thereon at the maximum legal rate, and court costs incurred herein.

DEMAND FOR JURY TRIAL

Plaintiff requests trial by jury on all issues in this matter.

DATED this 8th day of June, 2020.

Michael Bland, Plaintiff,

By: _____



Clete Blakeman #19498

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IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

MICHAEL L. BLAND,)
)
 Plaintiff,)
)
 v.)
)
 MENARD, INC. d/b/a MENARDS, A)
 foreign corporation doing business in)
 Nebraska)
)
 Defendant.)

Case No. CI 20 - _____

PRAECIPE

To: Clerk of the Douglas County District Court


Please prepare a Summons for service upon the Defendant as follows:

Menard, Inc. d/b/a Menards
Corporate Office
4777 Menard Drive
Eau Claire, WI 54703

Plaintiff requests that the Summons be returned to Plaintiff's counsel below to be served upon Defendant **via certified mail**.

DATED this 8th day of June, 2020.

Michael Bland, Plaintiff,

By:  _____

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Carlson & Burnett LLP
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