



~~District~~ *District (JGFS)*
IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

MARKENIX CHILDS)
Plaintiff,)
Vs.)

Case No. *CJ16-422*

COMPLAINT

TOBACCO & PHONES FOR LESS)
AKA/ MEGA SAVER (JGFS)
Defendant

ASSIGNED TO *Dougherty*

TSL, INC.
Defendant

CHARLOTTE K. BEARDMORE AND
ROBERT E. BEARDMORE
Defendants

COMES NOW, Markenix Childs, (hereinafter) referred to as Childs. Plaintiff herein, and for the cause of actions against "Tobacco & Phones for Less", alleges and states as follows:

1. That at all times mentioned Plaintiff was a resident of Omaha, Douglas County, Nebraska and is represented by Jacqueline G. Foland-Sieck, P. O. Box 591, Boys Town, NE.
2. That at all times mentioned herein, Defendant "Tobacco & Phones for Less" was doing business in Douglas County, NE, at 4420 South 24th Street. The legal name of said business is TSL, Inc., corporate headquarters located at 202 South 73rd Street, Omaha, NE 68114.
3. That on January 20, 2012, the owners of said property at 4420 South 24th Street were Charlotte and Robert Beardmore, 843 Hidden Hills Drive, Bellevue, NE 68005. That on November 30, 2013, Charlotte Beardmore as grantor quitclaimed said property to Robert Beardmore whose address was 1300 9th Avenue, Council Bluffs, Iowa 51501.
4. That on January 20, 2012, plaintiff was present at "Tobacco & Phones for Less".
5. That water stood in puddles on the floor of this business between the entry door and the area where plaintiff obtained his soft drink and in front of the business counter where store sales were made.
6. That there were no floor mats on the floor of the business.
7. That there were no warning signs placed on the floor signifying a wet or slippery floor.
8. That plaintiff walked up to the area where he obtained his soft drink.

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9. That on turning around, plaintiff stated that the last thing he remembered was falling and looking up from the floor.

10. That Defendant created the condition that resulted in Plaintiff Child's fall.

11. That Defendant through the exercise of reasonable care should have discovered or known that this condition created an unreasonably dangerous condition responsible for Childs' fall.

12. That Defendant failed to maintain its premises in a reasonable safe condition. Defendant failed to notify Childs of potential danger.

13. That as the direct and proximate cause of the negligence as described above, plaintiff Childs sustained serious injuries to his head and face above his right eye.

14. That plaintiff Childs lost consciousness for approximately ten minutes, after which an EMT arrived to administer care to the head wound which was bleeding profusely and to transport him to Creighton Hospital.

15. That from that date Childs has frequently suffered migraine headaches for which he must receive medication.

16. That as a direct and proximate result of the above plaintiff has incurred reasonable medical and related expenses in the approximate amount exceeding \$ 4,000 MDC 1/16/16

17. That he will in the future continue to incur reasonable and medical expenses.

18. That as a direct and proximate result of the aforesaid negligence, Plaintiff Childs has sustained great physical pain and mental suffering in the past, and will continue in the future to experience pain and suffering.

19. As a direct and proximate result of the aforesaid negligence, Plaintiff Childs has sustained severe emotional shock and trauma which is of a permanent nature.

WHEREFORE, Plaintiff prays for a judgment against the Defendant as follows:

a. General damages to be determined for Markenix Childs' past, present, and future pain and suffering, both physical and mental, all proximately caused by the negligence of the Defendant.

b. The approximate sum exceeding \$ 4,000 MDC for reasonable medical and related expenses incurred by Markenix Childs; 1/16/16

c. An amount to be determined to compensate Markenix Childs for all future medical and related expenses;

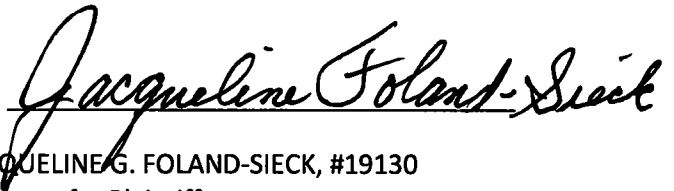
d. An amount to be determined for all lost wages past, present, and future.

e. For the costs for this action, and interest from the filing date of the Complaint and for such further and other relief as the Court deems just and equitable in the premises.

DATED this 16th day of January, 2016.

Respectfully Submitted,

Markenix Childs, Plaintiff

BY: 

JACQUELINE G. FOLAND-SIECK, #19130

Attorney for Plaintiff

P. O. Box 591

Boys Town, NE 68010

(402) 995-9168

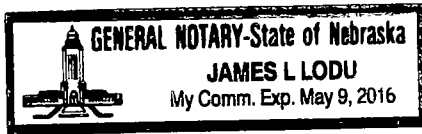
I, Markenix Childs, of lawful age, being first duly sworn on oath deposes and says that he has read the above Complaint; that to the best of the undersigned's information and belief, the statements made therein are true and correct.

Markenix D. Childs

Markenix Childs

Complainant

Subscribed in my presence and sworn to before me this 16th day of January, 2016.



[Handwritten Signature]

Notary Public