

IN THE NEB.

FOR DOUGLAS COUNTY

CHERYL D. LEWIS, an Individual; and  
CHERYL D. LEWIS as Mother and Next  
Friend of ADRIANA GOYNES, SIMONE  
LEWIS, JERMAINE LEWIS, JERMALE  
LEWIS, JERRELL LEWIS, MEIA LEWIS,  
and CAM-RON LEWIS, Minor Children,

) CASE NO.:

014-8170

Plaintiffs,

vs.

) **COMPLAINT AND JURY DEMAND**

QUIKTRIP CORPORATION and  
QUIKTRIP WEST, INCORPORATED,

Defendant.

) ASSIGNED TO

*[Signature]*

**I. PRELIMINARY STATEMENT**

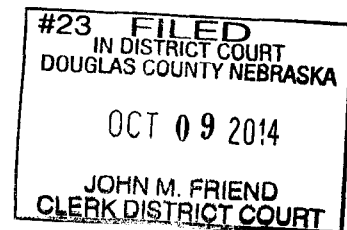
1. This is a civil action in which Plaintiffs Cheryl D. Lewis, an Individual; and Cheryl D. Lewis as Mother and Next Friend of Adriana Goynes, Simone Lewis, Jermaine Lewis, Jermale Lewis, Jerrell Lewis, Meia Lewis, and Cam-Ron Lewis, Minor Children (hereinafter "Plaintiffs") seek to recover damages as a result of personal injuries arising out of a slip and fall incident which occurred on October 10, 2010.

**II. JURISDICTION**

2. Jurisdiction is conferred upon this Honorable Court pursuant to Nebraska Code Section 24-302, Neb. R.R.S. 1943. Furthermore, venue is conferred pursuant to Nebraska Statute Section 25-403.01.

**III. PARTIES**

3. Plaintiff Cheryl D. Lewis was at all times material hereto a citizen of the United States of America, a resident of Omaha, Douglas County, Nebraska. At the time of the accident Plaintiff Cheryl D. Lewis was 32 years of age and had a life expectancy of 49.63 more years under the 2001 CSO mortality tables.



4. Plaintiff Adriana Goynes was at all times material hereto a citizen of the United States and a resident of Omaha, Douglas County, Nebraska, and the daughter of Plaintiff Cheryl D. Lewis.

5. Plaintiff Simone Lewis was at all times material hereto a citizen of the United States and a resident of Omaha, Douglas County, Nebraska, and the daughter of Plaintiff Cheryl D. Lewis.

6. Plaintiff Jermaine Lewis was at all times material hereto a citizen of the United States and a resident of Omaha, Douglas County, Nebraska, and the son of Plaintiff Cheryl D. Lewis.

7. Plaintiff Jermale Lewis was at all times material hereto a citizen of the United States and a resident of Omaha, Douglas County, Nebraska, and the son of Plaintiff Cheryl D. Lewis.

8. Plaintiff Jerrell Lewis was at all times material hereto a citizen of the United States and a resident of Omaha, Douglas County, Nebraska, and the son of Plaintiff Cheryl D. Lewis.

9. Plaintiff Meia Lewis was at all times material hereto a citizen of the United States and a resident of Omaha, Douglas County, Nebraska, and the daughter of Plaintiff Cheryl D. Lewis.

10. Plaintiff Cam-Ron Lewis was at all times material hereto a citizen of the United States and a resident of Omaha, Douglas County, Nebraska, and the son of Plaintiff Cheryl D. Lewis.

11. Defendant QuikTrip Corporation was at all times material hereto a corporation duly licensed to do business in the State of Nebraska which owned and/or possessed the property located at 715 South Saddle Creek Road, Omaha, Douglas County, Nebraska, which forms the subject of this suit.

12. Defendant QuikTrip West, Incorporated, was at all times material hereto a corporation duly licensed to do business in the State of Nebraska which owned and/or possessed the property located at 715 South Saddle Creek Road, Omaha, Douglas County, Nebraska, which forms the subject of this suit.

#### **IV. STATEMENT OF THE CLAIM**

13. On October 10, 2010, Plaintiff Cheryl D. Lewis was a patron at Defendant QuikTrip's place of business located at 42<sup>nd</sup> and Northwest Radial Highway in Omaha, Douglas County, Iowa. Plaintiff Cheryl D. Lewis was purchasing gas from Defendant QuikTrip. Upon Plaintiff's entering QuikTrip's place of business she slipped and fell on slippery pavement outside the front doors of QuikTrip. After Plaintiff Cheryl D. Lewis' fall, further inspection revealed that the pavement had been cleaned by a QuikTrip employee with soap and water. No warning signs or other notice to patrons were posted.

14. Defendant QuikTrip was negligent because of the following acts and/or omissions:

- a. In failing to warn Plaintiff Cheryl D. Lewis that the area was unsafe;
- b. In failing to exercise ordinary care in inspecting the public areas of the premises to see that said public areas were in a safe condition for the use of the public;
- c. In failing to maintain public areas in a safe manner;  
and
- d. In failing to take adequate safety measures in public areas to protect the safety of its patrons.

Defendant QuikTrip is liable in that their negligence was a proximate cause of the injuries to Plaintiff Cheryl D. Lewis.

15. Each of the acts of negligence on the part of Defendant QuikTrip constituted the proximate cause of the accident, damages and injuries suffered by Plaintiffs.

#### **V. INJURIES**

16. As a direct and proximate result of the negligence of Defendant QuikTrip, Plaintiff Cheryl D. Lewis has sustained severe and permanent injuries.

#### **VI. DAMAGES**

17. That as a direct and proximate result of the negligence of Defendant QuikTrip, Plaintiff Cheryl D. Lewis has suffered and incurred damages in the past and will continue to suffer and incur damages in the future that include, but are not limited to, medical and hospital expenses, past and future; loss of income and earning capacity, past and future; physical and

mental pain and suffering, past and future; loss of full mind and body, past and future; and permanent injury and impairment, all to her damage and detriment.

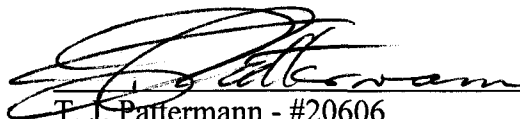
18. As a direct and proximate result of the negligence of Defendant QuikTrip, Plaintiffs Adriana Goynes, Simone Lewis, Jermaine Lewis, Jermale Lewis, Jerrell Lewis, Meia Lewis, and Cam-Ron Lewis, minor children, have sustained a loss of services and companionship from Plaintiff Cheryl D. Lewis.

#### **VII. JURY DEMAND**

19. Plaintiffs do hereby request a trial by jury in the above-captioned matter.

#### **VIII. PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs respectfully pray for judgment against Defendant QuikTrip in an amount that will reasonably compensate them for their damages with interest and costs as provided for by law and any other and further relief as this Court deems just and equitable.



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JERMALE LEWIS, JERRELL LEWIS, MEIA LEWIS,  
AND CAM-RON LEWIS, MINOR CHILDREN