Filed in Douglas District Court
*** EFILED ***
Case Number: D01CI150003989
Transaction ID: 0002339508
Filing Date: 05/04/2015 03:22:22 PM CDT

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

YVONNE K. AULNER, Plaintiff, v. HY-VEE, INC., an Iowa corporation, and SUPREME STEAM, INC., a Nebraska corporation, Defendants.	)))))))))))	Case No. CI 15-_____ **COMPLAINT**

COMES NOW, Plaintiff, YVONNE K. AULNER, by and through undersigned counsel, and for her claims against Defendants, states and alleges as follows:

1. That Plaintiff, Yvonne K. Aulner, is an individual and, at all times pertinent hereto, a resident of Douglas County, Nebraska.

2. That Defendant, Hy-Vee, Inc. (hereinafter "Hy-Vee") , is a corporation organized and existing pursuant to the laws of the State of Iowa and is registered with and authorized to conduct business in the State of Nebraska.

3. That Defendant, Supreme Steam, Inc. (hereinafter "Supreme Steam"), is corporation organized and existing pursuant to the laws of the State of Nebraska and with its principal place of business in Douglas County, Nebraska.

4. That at all times pertinent hereto, Hy-Vee owned, operated and controlled a grocery store located at 10808 Fort Street, Omaha, Douglas County, Nebraska (hereinafter the "Grocery Store").

5. That during the later evening of August 30, 2011, Supreme Steam was present in the Grocery Store steam cleaning all or a portion of the carpeted areas within the Grocery Store

to include at least a small portion of carpeted flooring within the Grocery Store's pharmacy department.

6. That on or about August 30, 2011 and at approximately 9:45 p.m., Plaintiff was preparing to leave the Grocery Store's pharmacy department and almost immediately upon leaving the carpeted portion of the pharmacy and stepping onto the Grocery Store's tiled floor, Plaintiff slipped and fell as a result of water which had accumulated on the carpeting and/or the tile floor as a result of Supreme Steam's cleaning operations causing personal injuries to Plaintiff as hereinafter set forth.

7. That the sole and proximate cause of Plaintiff's fall was the negligence of Defendants; that Defendants knew or should have known of the water accumulation in the Grocery Store; that Defendants should have realized that the condition described above involved an unreasonable risk of harm to Plaintiff; that Defendants should have expected that a lawful visitor such as Plaintiff would not discover the dangerous condition; that Defendants failed to use reasonable care to protect Plaintiff against the danger; and that water accumulation on the carpeting and/or the tile floor of the Grocery Store and Plaintiff's subsequent fall was the proximate cause of the damages to Plaintiff as hereinafter set forth.

8. That as a direct and proximate result of the negligence of Defendants as set forth above, Plaintiff sustained injuries to her upper arm and shoulder and other assorted and various injuries; that as a result of said injuries, Plaintiff has had pain and suffering; that although Plaintiff is believed to have reached maximum medical improvement, Plaintiff is permanently disabled for the remainder of her life; and that prior to said fall, Plaintiff was a normal, healthy individual, 75 years of age, with a life expectancy of at least 10 years.

9. That as a direct and proximate result of the negligence of Defendants as set forth above, and the resulting injuries sustained by Plaintiff, Plaintiff has incurred medical bills in at least the following amounts:

Alegent+Creighton Clinic	$717.00
Alegent+Creighton Health Bergan Mercy Medical Center	$79.04
Alegent+Creighton Health Immanuel Medical Center	$3,707.30
City of Omaha EMS	$678.00
Emergency Clinicians	$1,265.00
Methodist Health Physicians Clinic	$241.00
Nebraska Methodist Hospital	$14,542.30
Nebraska Orthopedic Hospital	$5,807.68
OrthoWest	$5,729.00
Radiology Consultants	$224.00
Specialized Physical Therapy	$1,375.98
Total:	**$34,366.30**

WHEREFORE, Plaintiff prays for judgment against Defendants for her special damages, general damages and the costs of this action.

YVONNE K. AULNER, Plaintiff

By: /s/ Justin D. Eichmann - #22405

Justin D. Eichmann - #22405
BRADFORD & COENEN LLC
1620 Dodge Street, Suite 1800
Omaha, Nebraska 68102-1505
(402) 342-4200 Telephone
(402) 342-4202 Facsimile
jeichmann@bradfordcoenen.com
Attorneys for Plaintiffs