

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

SAM G. HURT

Address

City, State, ZIP

Plaintiff,

v.

JOHN DOE

Address

City, State, ZIP

Defendant.

Case No. \_\_\_\_

Division \_\_\_\_

Chapter 60

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**PETITION PURSUANT TO K.S.A. CHAPTER 60 FOR DAMAGES**

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For his Petition for Damages, Plaintiff alleges the following:

1. Plaintiff is over the age of eighteen and resides in Olathe, Johnson County, Kansas.
2. Defendant is over the age of eighteen and resides in Olathe, Johnson County, Kansas.
3. This Court has subject matter jurisdiction over this action pursuant to Article 3, sections 1 and 6(b) of the Kansas Constitution and Kan. Stat. Ann. § 20-301.
4. This Court has personal jurisdiction over the Defendant because he resides in Kansas and this action arises from tortious acts the Defendant committed in Kansas.
5. Venue is proper in this Court pursuant to Kan. Stat. Ann. § 60-603 because the cause of action arose in Johnson County.
6. On or about "Month, Date, Year," Plaintiff was operating his vehicle traveling southbound on Avenue in Olathe, Johnson County, Kansas.

7. On or about “Month, Date, Year,” Defendant was driving his vehicle traveling northbound on Avenue in Olathe, Johnson County, Kansas.
8. On or about “Month, Date, Year,” Defendant failed to yield the right of way turning westbound onto Street directly in the path of Plaintiff’s vehicle when Plaintiff had a solid green light.
9. On or about “Month, Date, Year,” Defendant crashed into Plaintiff’s vehicle causing Plaintiff to be severely injured.

## **COUNT I**

### **NEGLIGENCE OF DEFENDANT**

10. Plaintiff incorporates the paragraphs above as though fully set forth herein.
11. Defendant owed Plaintiff a duty to obey the rules of the road while driving and a duty to drive his car as a prudent driver would do.
12. Defendant breached his duty and was negligent in one or more of the following respects:
  - a. Defendant violated K.S.A. 8-1507, which requires drivers to obey the instructions of any official traffic-control device.
  - b. Defendant violated K.S.A. 8-1508(a), which requires drivers turning left on a green light to yield the right-of-way to other vehicles.
  - c. Defendant violated K.S.A. 8-1557, which prohibits the driver from driving at a speed greater than is reasonable and prudent under the conditions and having regard to the actual hazards then existing, and requires every person to drive at a safe and appropriate speed when approaching and crossing an intersection.
  - d. Defendant failed to use reasonable care to keep his vehicle under control.
  - e. Defendant failed to keep a proper lookout for other vehicles and objects.

13. As a direct and proximate result of the Defendant's breach of these duties, Plaintiff suffered bodily injury resulting in pain and suffering, disability, mental anguish, loss of capacity for the enjoyment of life, and expense of hospitalization and medical treatment.

WHEREFORE, Plaintiff prays for judgment in his favor and against Defendant for damages in excess of \$75,000,, and for plaintiff's costs, and for such other and further relief as the Court may deem just and proper.

### **REQUEST FOR JURY TRIAL**

Plaintiff hereby requests a jury trial on all issues so triable.

Respectfully submitted,

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