

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

SALLY G. HURT
Address
City, State, ZIP

Plaintiff,

v.

JOHN DOE
Address
City, State, ZIP

Defendant.

Case No. ____

Division ____

Chapter 60

PETITION PURSUANT TO K.S.A. CHAPTER 60

For Plaintiff's Petition for Damages, Plaintiff alleges the following:

1. Plaintiff is over the age of eighteen and resides in Overland Park, Kansas.
2. Defendant is over the age of eighteen and resides in Prairie Village, 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 defendant resides in Kansas and this action arises from tortious acts the defendant committed in Kansas.
5. Venue is proper Under Kan. Stat. Ann. § 60-603 because the cause of action arose in Johnson County.
6. On or about "Month, Date, Year," at approximately 5:50 p.m., plaintiff was walking her dog inside the crosswalk across "Street Name" from west to east in Overland Park, Johnson County, Kansas.

7. On or about "Month, Date, Year," at approximately 5:50 p.m., defendant was operating a Chevrolet westbound on "Street Name" turning southbound onto "Avenue Name" in Overland Park, Johnson County, Kansas.
8. On or about "Month, Date, Year," at approximately 5:50 p.m., defendant crashed into the plaintiff while she was walking in the crosswalk causing severe injuries to plaintiff.

COUNT I

NEGLIGENCE OF DEFENDANT

9. Plaintiff incorporates the paragraphs above as though fully set forth herein.
10. Defendant owed plaintiff a duty to use reasonable care when operating his vehicle and to obey the rules of the road.
11. Defendant was negligent and violated the following rules:
 - a. He failed to use reasonable care to keep his vehicle under control;
 - b. He failed to keep a proper lookout for other vehicles and objects;
 - c. He failed to yield the right of way to a pedestrian;
 - d. He failed to sound a warning;
 - e. He failed to swerve to avoid hitting plaintiff;
 - f. And he drove his vehicle at a speed greater than was reasonable under the conditions and hazards then existing.
12. As a direct and proximate result of the Defendant's negligent operation of his vehicle, plaintiff suffered bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization and medical treatment, and lost income.

WHEREFORE, plaintiff prays for judgment in her 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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