

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY

Sally G. Hurt
Address
City, State, ZIP

Plaintiff,

v.

Jane Doe
Address
City, State, ZIP

And

John Doe
Address
City, State, ZIP

Defendants.

Case No.

Division

PETITION FOR DAMAGES

Plaintiff, for her Petition against Defendant Jane Doe and Defendant John Doe, states and alleges the following:

1. Plaintiff ("Plaintiff") resides in Kansas City, Jackson County, Missouri.
2. Defendants Jane Doe and John Doe reside in Kansas City, Jackson County, Missouri.
3. Jurisdiction is proper in this Court.
4. Venue is proper under R.S.Mo. §508.010.
5. Defendants Jane Doe and John Doe are husband and wife.
6. Defendants Jane Doe and John Doe were the owners of a large dog.

7. On Month Date, Year, Plaintiff was at the residence located at Street, Kansas City, MO.

8. Plaintiff was bitten by the Defendants' dog while Plaintiff was inside the residence, causing Plaintiff serious physical injuries.

9. These injuries caused Plaintiff to incur substantial medical bills.

COUNT I

STRICT LIABILITY UNDER R.S.MO. §273.036

10. Plaintiff incorporates the paragraphs above as though fully set forth herein.

11. Plaintiff was bitten by the Defendants' dog while lawfully on the Defendants' property.

12. The Defendants' dog bit Plaintiff without provocation.

WHEREFORE, Plaintiff prays for judgment against the Defendants for a reasonable sum of money damages, for costs and expenses incurred, and for such further relief as this Court may deem just and proper.

COUNT II

STRICT LIABILITY UNDER COMMON LAW

13. Plaintiff incorporates the paragraphs above as though fully set forth herein.

14. The Defendants' dog had vicious and dangerous propensities.

15. The Defendants knew or should have known of the dog's vicious and dangerous propensities.

16. Plaintiff's injuries resulted from the dog's exercise of its vicious and dangerous propensities.

WHEREFORE, Plaintiff prays for judgment against the Defendants for a reasonable sum of money damages, for costs and expenses incurred, and for such further relief as this Court may deem just and proper.

COUNT III

PREMISES LIABILITY

17. Plaintiff incorporates the paragraphs above as though fully set forth herein.

18. Plaintiff was an invitee on the Defendants' property.

19. The Defendants had a duty to exercise reasonable care to protect Plaintiff against both known dangers and those that would be revealed by inspection.

20. The Defendants' dog presented a foreseeable danger to Plaintiff and the Defendants knew or should have known of that danger.

21. The Defendants failed to remove the dog from the premises, restrain it, or warn Plaintiff of it, creating a condition on the premises that was not reasonably safe.

22. The Defendants' negligence directly caused or directly contributed to cause damage to Plaintiff.

WHEREFORE, Plaintiff prays for judgment against the Defendants for a reasonable sum of money damages, for costs and expenses incurred, and for such further relief as this Court may deem just and proper.

COUNT IV

NEGLIGENCE

23. Plaintiff incorporates the paragraphs above as though fully set forth herein.

24. The Defendants knew or by using ordinary care would have known of her dog's vicious and dangerous propensities.

25. The Defendants owed a duty of care to Plaintiff.

26. The Defendants breached their duty of care when they failed to use ordinary care to control their dog, restrain it, or warn Plaintiff of it.

27. The Defendants negligence directly caused or directly contributed to cause damage to Plaintiff.

WHEREFORE, Plaintiff prays for judgment against the Defendants for a reasonable sum of money damages, for costs and expenses incurred, and for such further relief as this Court may deem just and proper.

REQUEST FOR JURY TRIAL

Plaintiff requests a jury trial on all issues in this matter.

Respectfully submitted,

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