

IN THE CIRCUIT COURT OF CLAY COUNTY, LIBERTY, MISSOURI

SALLY G. HURT,

Address

City, State, ZIP

And

SUSAN G. HURT,

Address

City, Street, ZIP

Plaintiffs,

v.

JOHN DOE

Serve at:

Address

City, State, Zip

Defendant.

Case No. ____

Division ____

PETITION FOR DAMAGES

For their Petition for Damages, Plaintiffs allege the following:

1. Plaintiffs are over the age of eighteen and reside in Nashville, Tennessee.
2. Defendant is a resident of Kansas City, Jackson County, Missouri.
3. This Court has jurisdiction because the Defendant committed a tortious act within the State of Missouri and resides in the State of Missouri.
4. Venue is proper under R.S.Mo. §508.010 because Plaintiffs' cause of action arose in Clay County, Missouri.
5. On or about "Month, Date, Year," Plaintiff Sally G. Hurt was operating a motor vehicle traveling northbound on Interstate near Highway in Claycomo, Clay County, Missouri. Plaintiff Susan G. Hurt was a passenger in the front passenger seat.

6. Defendant was operating a motor vehicle traveling southbound in the northbound lane on Interstate near Highway in Claycomo, Clay County, Missouri and was driving under the influence of alcohol.
7. Defendant was driving under the influence of alcohol when he crashed head-on into Plaintiffs' vehicle when driving the wrong way on an interstate highway.

COUNT I

NEGLIGENCE OF DEFENDANT JOHN DOE

8. Plaintiffs incorporate the paragraphs above as though fully set forth herein.
9. While Defendant was operating his vehicle he owed Plaintiffs a duty to operate the vehicle with the highest degree of care.
10. Defendant was negligent and failed to exercise the highest degree of care as required by law and was negligence in one or more of the following respects:
 - a. He violated a traffic signal;
 - b. He failed to keep a careful lookout;
 - c. He drove at excessive speed;
 - d. His automobile was on the wrong side of the road;
 - e. He failed to stop his vehicle before colliding with Plaintiffs' vehicle;
 - f. He failed to swerve so that he would avoid collision;
 - g. He failed to slacken his speed so that he would avoid collision;
 - h. He failed to sound a warning;
 - i. He drove his vehicle at a speed which made it impossible to stop within the range of his visibility; and
 - j. He drove while intoxicated to the extent that his driving ability was impaired.

11. As a direct and proximate result of Defendant's negligent operation of his vehicle on or about "Month, Date, Year", Plaintiff, Sally G. Hurt, suffered bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, and expense of medical treatments.
12. As a direct and proximate result of Defendant's negligent operation of his vehicle on or about "Month, Date, Year," Plaintiff, Susan G. Hurt, suffered bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, and expense of medical treatments. Plaintiff Susan G. Hurt also suffered lost wages.
13. Plaintiffs went through extensive pain and suffering, and these losses and damages are either permanent or continuing and they will suffer these losses and damages into the future.

WHEREFORE, Plaintiffs pray for judgment against Defendant for a reasonable sum of money damages, for prejudgment interest thereon, and for such further relief as this Court may deem just and proper.

COUNT II

NEGLIGENCE PER SE OF DEFENDANT

14. Plaintiffs incorporate the paragraphs above as though fully set forth herein.
15. The traffic laws of the State of Missouri are designed to protect pedestrians, drivers, and passengers in the State of Missouri from automobile accidents, injury to person, and damage to property.
16. Defendant violated Section 300.140 of the Missouri Revised Statutes, which requires the driver of any vehicle to obey the instructions of traffic control devices.

17. Defendant violated Section 304.012 of the Missouri Revised Statutes, which requires every person operating a motor vehicle on the roads and highways to drive in a careful and prudent manner and to exercise the highest degree of care.
18. Defendant violated Section 304.015 of the Missouri Revised Statutes, which prohibits vehicles from driving on the left side of a highway which has been divided into two or more roadways by means of a physical barrier or a divided section.
19. Defendant violated Section 577.010 of the Missouri Revised Statutes, which prohibits the operation of a motor vehicle while in an intoxicated or drugged condition.
20. Plaintiffs were members of the class of persons intended to be protected by these statutes.
21. Plaintiffs' injuries were of the kind the statutes were designed to prevent.
22. As a direct and proximate result of Defendant's violations of Missouri law on or about "Month, Date, Year," Plaintiffs sustained severe injuries, loss of income, medical bills, pain and suffering, personal property damage, and other damages.

WHEREFORE, Plaintiffs pray for judgment against Defendant for a reasonable sum of money damages, for prejudgment interest thereon, and for such further relief as this Court may deem just and proper.

COUNT III

PUNITIVE DAMAGES AGAINST DEFENDANT JOHN DOE

23. Plaintiffs incorporate the paragraphs above as though fully set forth herein.
24. Defendant either knew or had reason to know that there was a high degree of probability that his conduct would result in injury.
25. Defendant's conduct showed complete indifference to the safety of others and conscious disregard for the safety of others.

26. Defendant's outrageous and reckless conduct caused or contributed to cause the collision at issue, and thereby caused or contributed to cause Plaintiffs to suffer and sustain severe injuries.
27. The imposition of punitive damages against Defendant is warranted in such a sum as to punish the Defendant and to deter him and others like him from similar conduct.

WHEREFORE, Plaintiffs pray for judgment against Defendant for punitive damages in such a sum as is fair and reasonable, for prejudgment interest thereon, for plaintiffs' costs incurred and expended herein, and for such further relief as this 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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