

IN THE IOWA DISTRICT COURT FOR CERRO GORDO COUNTY

SHANE ZAHN,)	
)	No. _____
Plaintiff,)	
)	
vs.)	
)	
MILLS FLEET FARM GROUP LLC and)	PETITION AT LAW
MATT ALBERTSON,)	AND JURY DEMAND
)	
Defendants.)	

COMES NOW Plaintiff Shane Zahn and for his cause of action, states as follows:

1. Plaintiff Shane Zahn is a resident of Hancock County, Iowa.
2. Defendant Mills Fleet Farm Group LLC is a limited liability company organized in the State of Delaware with its principal place of business in Brainerd, Minnesota.
3. Defendant Mills Fleet Farm Group LLC owns and operates stores across the Midwest under the "Mills Fleet Farm" name.
4. Defendant Mills Fleet Farm Group LLC operates a Mills Fleet Farm store at 3200 4th Street SW, Mason City, Iowa 50401 in Cerro Gordo County.
5. Defendant Matt Albertson is the Manager of the Mason City Mills Fleet Farm Group LLC and is believed to be the Manager on duty and responsible for the supervision of employees on April 24, 2017. Shane Zahn would further request the right to join or substitute additional parties if it is determined a different Manager was responsible.
6. Shane Zahn suffers from disabilities, specifically his right leg is amputated below the knee and most of his left foot is amputated.

7. Shane Zahn had been a customer of the Mason City Mills Fleet Farm store.

8. Whenever Zahn would shop at the Mason City Mills Fleet Farm store, he would use a wheelchair provided by the store for disabled customers and have someone go to Customer Service and obtain a key.

9. In the past, either Zahn's son, a friend, or a store employee would bring the wheelchair to Zahn's car in the parking lot.

10. On prior occasions when Zahn was shopping, when he was finished, he would leave the store with the wheelchair to deliver his purchases to his car and after that, either an employee or the person who was with Zahn would return the wheelchair to the store.

11. On April 24, 2017, Zahn went to the Mills Fleet Farm store and obtained a wheelchair.

12. After making his purchases, Zahn began to leave the Fleet Farm store.

13. While leaving the Fleet Farm store in the wheelchair, Zahn was approached by an employee named "Tiffany" who told Zahn he could not leave the store with the wheelchair and must find a different way to exit the store.

14. After the employee named "Tiffany" told Zahn he could not use the wheelchair, Zahn returned to the store and the employee named "Tiffany" talked to one or more managers, who then authorized and approved her conduct.

15. As a result, Zahn returned the items he had purchased and was forced to leave the Mills Fleet Farm store without the benefit of a wheelchair by walking on his knees/or crawling to return to his car.

16. Zahn does own a wheelchair, but did not bring it with him to the Mills Fleet Farm store on April 25, 2017 because he had always been provided a wheelchair by the store on his previous occasions.

17. Zahn suffered physical pain and severe emotional distress as a result of having to exit the store under his own power without the benefit of the wheelchair.

COUNT I – STATUTORY LIABILITY §216.7

18. Plaintiff repleads the allegations of paragraphs 1 through 17.

19. Iowa Code Section 216.7(1)(a) states that it is an unfair or discriminatory practice for any owner of a public accommodation to deny any person because of disability the “accommodations, advantages facilities, services, or privileges thereof.”

20. The actions of Mills Fleet Farm Group LLC in initially allowing Zahn access to the wheelchair and then refusing to allow him to use the wheelchair to transport his purchases to his vehicle amounted to a denial of accommodations, advantages facilities, services, or privileges because of Mr. Zahn’s disability.

21. Plaintiff Zahn’s injuries and damages are in excess of the jurisdictional amount set forth in Iowa Code Chapter 631.

22. Plaintiff received a right to sue letter allowing a lawsuit to be filed within ninety days of August 9, 2017.

WHEREFORE, Plaintiff Shane Zahn prays for judgment against Defendants Mills Fleet Farm Group LLC in an amount sufficient to compensate him for his injuries, and for interest and costs as allowed by law.

COUNT II – COMMON LAW NEGLIGENCE

23. Plaintiff repleads the allegations of paragraphs 1 through 22.

24. By providing Shane Zahn with the use of a wheelchair, Defendant Mills Fleet Farm Group LLC voluntarily undertook the rendering of a service to Shane Zahn.

25. A party who undertakes to voluntarily render a service to another owes a duty to that person.

26. Employees of Mills Fleet Farm Group LLC breached their duty by prohibiting Shane Zahn from using the wheelchair to exit the store and take his purchases to his vehicle.

27. The decision to prohibit Zahn from using the wheelchair that had been provided for his use to take his purchases to his vehicle was done at the direction of Manager Matt Albertson.

28. The actions of employees of Mills Fleet Farm Group LLC, including the responsible Manager, who is believed to be Matt Albertson, were negligent, unreasonable or otherwise tortious.

29. As a result of the actions of Mills Fleet Farm Group LLC, Shane Zahn has sustained damages for physical pain and emotional distress.

30. Plaintiff Zahn's injuries and damages are in excess of the jurisdictional amount set forth in Iowa Code Chapter 631.

WHEREFORE, Plaintiff Shane Zahn prays for judgment against Defendants Mills Fleet Farm Group LLC and Matt Albertson in an amount sufficient to compensate him for his injuries, and for interest and costs as allowed by law.

JURY DEMAND

COMES NOW Plaintiff Shane Zahn and hereby demands a trial by jury in the above-captioned matter.

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