

IN THE IOWA DISTRICT COURT FOR MARION COUNTY

<p>MARK MULLEN; TINA LEE-CHENET,</p> <p>Plaintiffs,</p> <p>-vs-</p> <p>DUANE L. REED; MARION COUNTY, IOWA,</p> <p>Defendants.</p>	<p>LAW NO. _____</p> <p>PETITION AT LAW and JURY DEMAND</p>
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COMES NOW, the Plaintiff, above named and for his cause of action against the Defendant, and states to the Court as follows:

PARTIES, JURISDICTION, & VENUE

- 1) That the automobile collision which is the subject matter of this lawsuit occurred on or about July 15, 2017 near Pershing, Marion County, State of Iowa.
- 2) That at all times material hereto, Plaintiff, Mark Mullen, has been a resident of Knoxville, Marion County, State of Iowa.
- 3) That at all times material hereto, Tina Lee-Chenet, has been a resident of Knoxville, Marion County, State of Iowa.
- 4) Upon information and belief, Defendant, Duane L. Reed, has been a resident of Marion County, State of Iowa at all times material hereto and will be served with notice of this matter.
- 5) Defendant Marion County, Iowa is a county in the State of Iowa and will be served with notice of this matter.

6) At all times material hereto, Defendant Duane L. Reed was driving a motor vehicle owned by Defendant Marion County and at all times was doing so in his role with his employment with Marion County Sheriff's Department.

7) That this Court has jurisdiction over the parties.

8) That this Court has jurisdiction over the subject matter herein.

9) That venue is proper.

**DIVISION I
NEGLIGENCE
vs. Defendant Reed**

10) That Plaintiffs adopt and incorporate all above paragraphs as though fully set forth herein.

11) That on or about July 15, 2017, Plaintiff, Mark Mullen, was driving his motorcycle on G-62 Westbound near Pershing, Marion County, State of Iowa.

12) That at all times material hereto, Plaintiff Tina Lee-Chenet, was a passenger on the motorcycle driven by Plaintiff Mullen.

13) That on or about July 15, 2017, Defendant Reed was operating his Sheriff's patrol vehicle on G-62 Westbound near Pershing, Marion County, State of Iowa.

14) Upon information and belief, Defendant Reed had previously pulled over another vehicle on G-62, and prior to the accident with Plaintiffs was in the process of making an unsafe and/or illegal U-turn back onto G-62 to head Eastbound.

15) That the motorcycle driven by Plaintiff Mullen was unable to avoid contact with Defendant Reed's vehicle, and a collision occurred between the two vehicles, causing injury to Plaintiffs.

16) That the Defendant Reed was negligent in one or more of the following particulars, to-wit:

- a. In making an illegal U-turn on a highway in violation of the common law of the State of Iowa and/or the statutory law of the State of Iowa;
- b. In failing to maintain proper lookout in violation of the common law of the State of Iowa and/or the statutory law of the State of Iowa;
- c. In failing to maintain control of said vehicle in violation of the common law of the State of Iowa and/or in violation of the statutory laws of the State of Iowa, including, but not limited to Iowa Code § 321.288;
- d. In failing to use ordinary care where the conditions require less than statutory speed in violation of the common law of the State of Iowa and/or in violation of the statutory laws of the State of Iowa, including, but not limited to Iowa Code § 321.285;
- e. In otherwise violating the common laws of the State of Iowa;
- f. In otherwise violating the statutory laws of the State of Iowa.

17) That the negligence of the Defendant Reed was a proximate cause of the accident and the resulting injuries and damages to the Plaintiffs.

18) That the injuries and damages sustained by Plaintiffs are within the scope of Defendant's liability.

19) That the damages sustained by the Plaintiff, Mark Mullen, include but are not limited to:

- a. Past, present, and future medical and hospital care and treatment;
- b. Past, present, and future mental and physical pain and suffering;
- c. Past, present, and future loss of use of the mind and body;
- d. Any and all other damages as allowed by law.

20) That the damages sustained by the Plaintiff, Tina Lee-Chenet, include but are not limited to:

- a. Past, present, and future medical and hospital care and treatment;

- b. Past, present, and future loss of wages and loss of earning capacity;
- c. Past, present, and future mental and physical pain and suffering;
- d. Past, present, and future loss of use of the mind and body;
- e. Any and all other damages as allowed by law.

21) That as a direct and proximate cause of the negligence of the Defendant herein, the Plaintiffs, each individually, have been damaged and are entitled to the damages as set forth above or as provided by law.

WHEREFORE, Plaintiff, Mark Mullen, prays for judgment against the Defendant, Duane L. Reed, in an amount of just, reasonable and adequate compensation for the injuries and damages he has sustained together with interest as by law allowed and the costs of this action.

WHEREFORE, Plaintiff, Tina Lee-Chenet, prays for judgment against the Defendant, Duane L. Reed, in an amount of just, reasonable and adequate compensation for the injuries and damages she has sustained together with interest as by law allowed and the costs of this action.

DIVISION II
VICARIOUS LIABILITY – VEHICLE OWNERSHIP
vs. Defendant Marion County

22) That Plaintiffs adopt and incorporate all above paragraphs as though fully set forth herein.

23) That at all times material hereto, the vehicle driven by Defendant Reed was owned by Defendant Marion County.

24) That by operation of Iowa law, both common law and statutory, including but not limited to Iowa Code 321.493, Defendant Marion County is vicariously liable for the negligence of Defendant Reed as set forth above.

25) That the injuries and damages sustained by Plaintiffs, each of them individually, are as set forth above.

26) That as a direct and proximate cause of the negligence of the Defendant herein, the Plaintiffs, each individually, have been damaged and are entitled to the damages as set forth above or as provided by law.

WHEREFORE, Plaintiff, Mark Mullen, prays for judgment against the Defendant, Marion County, in an amount of just, reasonable and adequate compensation for the injuries and damages he has sustained together with interest as by law allowed and the costs of this action.

WHEREFORE, Plaintiff, Tina Lee-Chenet, prays for judgment against the Defendant, Marion County, in an amount of just, reasonable and adequate compensation for the injuries and damages she has sustained together with interest as by law allowed and the costs of this action.

DIVISION II
VICARIOUS LIABILITY – RESPONDEAT SUPERIOR (EMPLOYER)
vs. Defendant Marion County

27) That Plaintiffs adopt and incorporate all above paragraphs as though fully set forth herein.

28) That at all times material hereto, Defendant Reed was working the course and scope of his employment with Defendant Marion County.

29) That by operation of Iowa law, both common law and statutory, including but not limited to the doctrine of respondeat superior, Defendant Marion County is vicariously liable for the negligence of Defendant Reed as set forth above.

30) That the injuries and damages sustained by Plaintiffs, each of them individually, are as set forth above.

31) That as a direct and proximate cause of the negligence of the Defendant herein, the Plaintiffs, each individually, have been damaged and are entitled to the damages as set forth above or as provided by law.

