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7
8 MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY

9 * * * * *

10 ADAM LANCE ATKINS,)

11 Plaintiff,)

12 vs.)

13 JONATHAN JAMES GUNTER and)
14 MISSOULA COUNTY SHERIFF)
15 DEPARTMENT,)

16 Defendants.)

Cause No. ADV 2014-56

MIKE MENAHAN
PRESIDING JUDGE

COMPLAINT AND DEMAND
FOR JURY TRIAL

17 * * * * *

18 Plaintiff for his complaint against Defendants alleges the following:

19 I.

20 All acts and omissions complained of herein occurred within Lewis and Clark
21 County, State of Montana.

22 II.

23 At all times relevant to this claim, Defendant Jonathan James Gunter ("Detective
24 Gunter") was a law enforcement employee of the Defendant Missoula County Sheriff's
25

1 Department ("MCSD"). As an employee, Detective Gunter is an agent of MCSD, the
2 law enforcement entity of Missoula County. Detective Gunter had a duty to act in a
3 reasonably prudent fashion and to follow rules and standards applicable to said law
4 enforcement employees of MCSD.
5

6 III.

7 On December 9, 2011, Plaintiff was driving his vehicle south on Harris Street,
8 immediately south of the intersection of Harris Street and Cedar Street in Helena,
9 Montana. He had pulled his vehicle off to the west side of the roadway. As he proceeded
10 to pull his vehicle back into the lane of traffic, Detective Gunter turned southbound from
11 Cedar Street on to Harris Street, driving at a rate of speed in excess of the posted speed
12 limit, and crashed his vehicle into the vehicle being driven by Plaintiff. As a result of the
13 collision Plaintiff sustained extremely serious and permanent injuries to his head and
14 body.
15

16 IV.

17 At the time of this accident, Plaintiff was making a legal and proper turn to move
18 into the traffic lane. Defendant failed to keep a lookout, was traveling too fast for the
19 conditions, violated the speed limit, and violated official duties as a police officer to
20 follow the necessary requirements of the law in traveling at a reasonable speed.
21

22 V.

23 As a direct and proximate result of Defendants' negligence, Plaintiff sustained
24 severe bodily injury of a permanent nature. He likewise incurred numerous medical bills
25

1 and expenses, diminished earnings and earning capacity, altered and impaired way of life
2 and lifestyle, pain and suffering, missed opportunities to enjoy life, nervousness, tension,
3 emotional stress and suffering, anxiety and will incur said damages on a permanent basis.
4

5 WHEREFORE, Plaintiff prays for such damages including special, general and
6 compensatory damages against Defendants in an amount awarded by the Court and jury
7 together with his costs and disbursements herein and such other and further relief as the
8 Court deems just.

9 **DEMAND FOR JURY TRIAL**

10 Plaintiff demands a trial by jury of all issues triable as a right by jury.

11 DATED this 22nd day of January, 2014.

12 DOUBEK, PYFER & FOX LLP

13
14
15 By 

16 Richard J. Pyfer

17 Patrick T. Fox

18 Attorney for Plaintiff
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