

IN THE IOWA DISTRICT COURT IN AND FOR SCOTT COUNTY

WHITNEY JOYNER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	LAW NO.
	)	
DEANDRE PATRICK, and	)	PETITION AT LAW
HERE WE GO AGAIN, INC., an Iowa	)	
corporation doing business as	)	
SHENANIGANS,	)	
	)	
Defendants.	)	

COMES NOW the Plaintiff WHITNEY JOYNER, by and through Attorney Michelle N. Schneiderheinze, of the law firm of VanDerGinst Law, P.C, and for his cause of action against the Defendants DEANDRE PATRICK and HERE WE GO AGAIN, INC., an Iowa corporation doing business as SHENANIGANS, states and alleges as follows:

**COMMON ALLEGATIONS**

1. That at all times material hereto, Plaintiff WHITNEY JOYNER was a resident of the City of Davenport, Scott County, Iowa.
2. That at all times material hereto, Defendant DEANDRE PATRICK was a resident of the City of Davenport, Scott County, Iowa.
3. That at all times material hereto, Defendant HERE WE GO AGAIN, INC., doing business as SHENANIGANS, (hereinafter "SHENANIGANS"), was an Iowa Corporation in the business of selling alcoholic beverages to the general public, with its principal place of business at 303 W. 3<sup>rd</sup> Street, Davenport, Iowa.
4. That on or about May 6, 2019, Plaintiff WHITNEY JOYNER was a patron at SHENANIGANS.
5. That on or about May 6, 2019, Defendant DEANDRE PATRICK was a patron at SHENANIGANS.

6. That on or about May 6, 2019, other patrons at SHENANIGANS consumed alcohol served to them by the agents, assigns or employees of Defendant SHENANIGANS, the patrons became intoxicated as a result, and they spilled liquid on the floor.

7. That on or about May 6, 2019, Defendant DEANDRE PATRICK consumed alcohol served to him by the agents, assigns or employees of Defendant SHENANIGANS and became intoxicated as a result.

8. That on or about May 6, 2019, Defendant DEANDRE PATRICK struck Plaintiff WHITNEY JOYNER from behind causing Plaintiff to fall to the ground in the liquid spilled by other intoxicated patrons.

9. That on or about May 6, 2019, after being struck by Defendant DEANDRE PATRICK, and after rising to his feet again, Plaintiff WHITNEY JOYNER slipped on liquid spilled by other intoxicated patrons and fell to the ground again.

**DIVISION I**  
**(Claim Against DEANDRE PATRICK - NEGLIGENCE)**

For his cause of action against Defendant DEANDRE PATRICK, Plaintiff, WHITNEY JOYNER states as follows:

1-9. Plaintiff WHITNEY JOYNER restates and realleges paragraphs 1 through 9 of the Common Allegations as and for paragraphs 1 through 9 of Division I.

10. At said time and place, it was the duty of Defendant DEANDRE PATRICK to exercise reasonable care with regards to the safety of others.

11. In derogation of aforesaid duty, Defendant DEANDRE PATRICK was negligent in that he became intoxicated and hit Plaintiff WHITNEY JOYNER from behind.

12. Defendant, DEANDRE PATRICK'S negligence was the proximate cause of the damages described below and Plaintiff WHITNEY JOYNER has been damaged in

one or more of the following respects:

- a. Plaintiff received severe and permanent personal injuries;
- b. Plaintiff endured and will continue to endure pain, physical disability and inconvenience;
- c. Plaintiff has incurred and will continue to incur medical and hospital expenses;  
and;
- d. Plaintiff has experienced loss of enjoyment of life.

13. By reason of personal injuries, Plaintiff WHITNEY JOYNER is entitled to damages in a sum in excess of the jurisdictional amount.

WHEREFORE, Plaintiff WHITNEY JOYNER prays for judgment against Defendant DEANDRE PATRICK for an amount in excess of the jurisdictional limit together with interest as provided by law, and the costs of this action.

**DIVISION II**  
**(Claim Against DEANDRE PATRICK - ASSAULT)**

For his cause of action against Defendant DEANDRE PATRICK, Plaintiff WHITNEY JOYNER states as follows:

1-9. Plaintiff WHITNEY JOYNER restates and realleges paragraphs 1 through 9 of the Common Allegations as and for paragraphs 1 through 9 of Division II.

10. At the aforesaid time, date and location, Defendant DEANDRE PATRICK intentionally hit Plaintiff WHITNEY JOYNER from behind.

11. That said assault and battery of Plaintiff WHITNEY JOYNER was without consent, and was willful, intentional, malicious and without sufficient provocation.

12. That as a proximate result of aforesaid, Plaintiff WHITNEY JOYNER has been

damaged in one or more of the following respects:

- a. Plaintiff received severe and permanent personal injuries;
- b. Plaintiff endured and will continue to endure pain, physical disability and inconvenience;
- c. Plaintiff has incurred and will continue to incur medical and hospital expenses;  
and;
- d. Plaintiff has experienced loss of enjoyment of life.

13. By reason of said personal injuries, Plaintiff WHITNEY JOYNER is entitled to damages in a sum in excess of the jurisdictional amount.

WHEREFORE, Plaintiff WHITNEY JOYNER prays for judgment against Defendant DEANDRE PATRICK for an amount in excess of the jurisdictional limit together with interest as provided by law, and the costs of this action.

**DIVISION III**  
(Claim Against SHENANIGANS)

For a cause of action against Defendant SHENANIGANS the Plaintiff WHITNEY JOYNER states as follows:

1-9. Plaintiff WHITNEY JOYNER restates and realleges paragraphs 1-9 of the Common Allegations as and for paragraphs 1-9 of Division III.

10. At all times material hereto, Defendant SHENANIGANS was licensed by the State of Iowa to sell beer, wine, or liquor.

11. At all times material hereto, Defendant SHENANIGANS, or its employees, agents, or assigns, sold and served alcoholic beverages to DEANDRE PATRICK when it knew or should have known that DEANDRE PATRICK was intoxicated.

12. Thereafter, DEANDRE PATRICK, while intoxicated, by reason of his

intoxication and in consequence thereof, then and there hit Plaintiff in the back, causing him to fall to the ground causing injuries to plaintiff.

13. Defendant SHENANIGANS' negligence was the proximate cause of the damages described below and Plaintiff WHITNEY JOYNER has been damaged in one or more of the following respects:

- a. Plaintiff received severe and permanent personal injuries;
- b. Plaintiff endured and will continue to endure pain, physical disability and inconvenience;
- c. Plaintiff has incurred and will continue to incur medical and hospital expenses;  
and;
- d. Plaintiff has experienced loss of enjoyment of life.

14. By reason of personal injuries, Plaintiff WHITNEY JOYNER is entitled to damages in a sum in excess of the jurisdictional amount.

WHEREFORE, Plaintiff, WHITNEY JOYNER, prays for judgment against Defendant, SHENANIGANS, for an amount in excess of the jurisdictional limit together with interest as provided by law, and the costs of this action.

**DIVISION IV**  
(Claim Against SHENANIGANS)

For a cause of action against Defendant SHENANIGANS, the Plaintiff WHITNEY JOYNER states as follows:

1-9. Plaintiff, WHITNEY JOYNER, restates and realleges paragraphs 1-9 of the Common Allegations as and for paragraphs 1-9 of Division IV.

10. At all times material hereto, Defendant SHENANIGANS, was licensed by the State of Iowa to sell beer, wine, or liquor.

11. At all times material hereto, Defendant SHENANIGANS, or its employees, agents or assigns, sold and served alcoholic beverages to various patrons when it knew or should have known that those patrons were intoxicated.

12. Thereafter on or about May 6, 2019, those patrons, while intoxicated, by reason of said intoxication and in consequence thereof, spilled liquids on the floor.

13. Plaintiff WHITNEY JOYNER slipped on the liquid spilled by the intoxicated patrons, causing him to fall to the ground causing injuries to plaintiff.

14. Defendant SHENANIGANS' negligence was the proximate cause of the damages described below and Plaintiff WHITNEY JOYNER, has been damaged in one or more of the following respects:

- a. Plaintiff received severe and permanent personal injuries;
- b. Plaintiff endured and will continue to endure pain, physical disability and inconvenience;
- c. Plaintiff has incurred and will continue to incur medical and hospital expenses;  
and;
- d. Plaintiff has experienced loss of enjoyment of life.

15. By reason of personal injuries, Plaintiff WHITNEY JOYNER is entitled to damages in a sum in excess of the jurisdictional amount.

WHEREFORE, Plaintiff WHITNEY JOYNER prays for judgment against Defendant SHENANIGANS for an amount in excess of the jurisdictional limit together with interest as provided by law, and the costs of this action.

**DIVISION V**  
(Claim Against SHENANIGANS)

For a cause of action against Defendant SHENANIGANS, the Plaintiff WHITNEY JOYNER states as follows:

1-9. Plaintiff WHITNEY JOYNER restates and realleges paragraphs 1-9 of the Common Allegations as and for paragraphs 1-9 of Division V.

10. At all times material hereto, Defendant SHENANIGANS possessed, owned, maintained and controlled or had a duty to possess, operate, manage and control, both directly and indirectly, individually and through its agents, servants and employees, the property located at 303 W. 3<sup>rd</sup> Street, Davenport, Iowa.

11. On or about May 6, 2019, the floor inside 303 W. 3<sup>rd</sup> Street, Davenport, Iowa was wet and slippery.

12. On or about said date and time, Plaintiff was a patron at 303 W. 3<sup>rd</sup> Street, Davenport, Iowa, exercising reasonable care for his own safety.

13. On or about said date and time, Plaintiff WHITNEY JOYNER, while exercising reasonable care for his own safety, slipped and fell on a wet substance on the floor causing injuries to Plaintiff.

14. It was then and there the duty of Defendant SHENANIGANS to exercise reasonable care in the maintenance and management of its premises so as not to cause damage or injury to patrons, including Plaintiff.

15. In violation of the above duties, Defendant SHENANIGANS did then commit one or more of the following negligent acts or omissions:

(a) Failed to exercise reasonable care to keep the area where the accident occurred clear and free from liquid substances when Defendant SHENANIGANS knew or should have known that such accumulations posed an unsafe slipping hazard to persons walking

in the areas;

(b) Failed to warn Plaintiff of the accumulation of liquid substances in the area where the accident occurred when Defendant SHENANIGANS knew or reasonably should have known that such accumulations posed an unsafe slipping hazard to patrons at said property; and

(c) Failed to warn patrons of the aforesaid dangerous condition Defendant SHENANIGANS knew or should have known would not be noticed by patrons exercising reasonable care for their own safety, including Plaintiff.

16. Plaintiff WHITNEY JOYNER slipped on the liquid substance on the floor causing him to fall to the ground causing injuries to plaintiff.

17. Defendant SHENANIGANS' negligence was the proximate cause of the damages described below and Plaintiff WHITNEY JOYNER has been damaged in one or more of the following respects:

- a. Plaintiff received severe and permanent personal injuries;
  - b. Plaintiff endured and will continue to endure pain, physical disability and inconvenience;
  - c. Plaintiff has incurred and will continue to incur medical and hospital expenses;
- and;
- d. Plaintiff has experienced loss of enjoyment of life.

18. By reason of personal injuries, Plaintiff WHITNEY JOYNER is entitled to damages in a sum in excess of the jurisdictional amount.

WHEREFORE, Plaintiff, WHITNEY JOYNER, prays for judgment against Defendant, SHENANIGANS, for an amount in excess of the jurisdictional limit together with interest as

provided by law, and the costs of this action.

WHITNEY JOYNER, Plaintiff

By:   
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