

IN THE CIRCUIT COURT OF SCOTT COUNTY
STATE OF MISSOURI

██████████, by and through his)
Next Friend and Natural Mother, ██████████)
██████████)
Plaintiff,)
vs.)
SCOTT COUNTY CENTRAL SCHOOL)
DISTRICT)
SERVE: Superintendent Al McFerren)
or Authorized Agent)
20794 US Hwy 61)
Sikeston, MO 63801-7201)
Defendant.)

No.:
Division No.:

PETITION – PERSONAL INJURY FROM DANGEROUS CONDITION

COMES NOW Plaintiff, ██████████, by and through his undersigned attorney and his natural mother and legal guardian ██████████, and for his Petition against Defendant, Scott County Central School District states as follows:

1. Defendant Scott County Central School District is a public entity located in Scott County Missouri. At all times mentioned herein Defendant acted by and through its agents and public employees.
2. The cause of action that is the subject of this Petition arose in Scott County, Missouri.
3. ██████████, at all times herein mentioned is the natural mother of ██████████ and has been appointed Next Friend of ██████████ for purposes of prosecuting this cause of action.

4. On October 10, 2008 Plaintiff was a student at the Scott County Central School District and while on Defendant's premises the Plaintiff walked through the gymnasium door after being opened by Defendant and a center pole fell from the door frame and struck Plaintiff on the head.

5. Said condition was an unreasonably dangerous condition.

6. The Plaintiff's injury resulted directly from that dangerous condition.

7. The dangerous condition created a reasonably foreseeable risk of the kind of harm that occurred to Plaintiff.

8. Defendant negligently created the dangerous condition or had actual or constructive notice of the condition in time to protect against said condition and failed to do so.

9. Defendant owed Plaintiff a reasonable degree of care in maintaining the door, the frame, and its parts in a safe condition while under its control, inspect the door, frame, and parts, to make sure it is safe, and to warn of any dangerous conditions created by Defendant or reasonably known to Defendant.

10. Defendant breached the duty it owed Plaintiff in the following respects:

A) Defendant allowed the use of an unsafe doorway at the premises that created an unreasonably dangerous condition;

B) Defendant knew or should have known about the condition and knew that such condition was not reasonably safe;

C) In the exercise of ordinary care, Defendant should have known that persons such as the Plaintiff would not discover such condition or realize the risk of harm;

- D) Defendant failed to use ordinary care to inspect or discover the dangerous condition and make safe;
- E) Defendant failed to make the dangerous condition reasonably safe or adequately warn of the condition or barricade it;

11. As a direct and proximate result of Defendant's negligence, Plaintiff was struck in the head by a heavy center pole or other door mechanism causing him to suffer permanent and progressive injuries, including but not limited to a closed head injury and resulting symptoms which have required or caused to require extensive medical care. In addition to his injuries, Plaintiff has endured and will endure future pain and suffering, loss of enjoyment of life, and past and future medical expenses.

WHEREFORE, Plaintiff requests the Court to enter judgment in his favor and against the Defendant, and award him compensatory damages in an amount to be proven at trial to be fair and reasonable in excess of \$25,000; to award him prejudgment interest and the costs of this action, and to grant such other relief as the Court may deem just, necessary, and proper.

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