

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

| | | |
|-------------------------------|---|----------|
| LISA ALLEN and |) | |
| MICHAEL ALLEN, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | Case No. |
| v. |) | |
| |) | Division |
| TERRELL WATKINS, |) | |
| Serve at: 9325 Newton Avenue, |) | |
| Kansas City, Missouri 64138 |) | |
| |) | |
| Defendant. |) | |

PETITION

COME NOW Plaintiffs, through counsel, and for their cause of action against the Defendant, allege and state as follows:

PARTIES

1. Plaintiff Lisa Allen is a citizen and resident of the State of Washington. Plaintiff Lisa Allen brings a personal injury action.
2. Plaintiff Michael Allen is a citizen and resident of the State of Washington. Plaintiff Michael Allen is and was at all relevant times lawfully married to Lisa Allen. He brings a loss of consortium claim.
3. Defendant Terrell Watkins is a Missouri citizen and resident, whose residence is 9325 Newton Avenue, Kansas City, Jackson County, Missouri 64138. Defendant may be served personally by process server at his place of residence.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this action pursuant to Mo. Const. Art. V §14.

5. This Court has personal jurisdiction over Terrell Watkins, because the acts and omissions of defendant which give rise to Plaintiffs' claims caused injuries and damages to Plaintiffs in the State of Missouri. Moreover, Defendant is subject to general personal jurisdiction in Missouri as a citizen and resident of the State of Missouri.

6. Venue is proper in this judicial circuit at Kansas City pursuant to Mo. Rev. Stat. § 508.010 because Plaintiff Lisa Allen was first injured in Jackson County, Missouri.

FACTUAL ALLEGATIONS

7. On October 21, 2018, at approximately 4:05 p.m., Lisa's brother, Chandan Rajanna, was driving their father's 2017 Mitsubishi Lancer north on Interstate 435 in the far right lane near the Stadium Drive exit in Kansas City, Jackson County, Missouri. Lisa Allen was a passenger in the 2017 Mitsubishi Lancer. Lisa was in town for her high school reunion. She, Chandan and their father, Krishna Rajanna, were headed to a Kansas City Chiefs game where they planned to join two of Lisa's other brothers.

8. At the same time and place, Terrell Watkins was driving a 2007 Ford Econoline E-350, VIN 1FBSS31L37DB45909.

9. Upon information and belief, traffic in the far right lane was backed up and stopped as Defendant Terrell Watkins approached the Stadium Drive exit.

10. Upon information and belief, Terrell Watkins was driving too fast for the conditions.

11. Upon information and belief, Terrell Watkins failed to stop as he approached the Mitsubishi Lancer.

12. Defendant Terrell Watkins struck the rear of the vehicle Plaintiff was riding in, pushing the vehicle into the vehicle in front of it and then into a guardrail.

13. As a direct and proximate result of the crash, Plaintiff Lisa Allen suffered a severe traumatic brain injury.

COUNT I –
PLAINTIFF LISA ALLEN’S NEGLIGENCE CLAIM
AGAINST DEFENDANT TERRELL WATKINS

14. Plaintiff incorporates by reference the facts and allegations in paragraphs 1 through 13 of this Petition as though fully set forth below.

15. Defendant Terrell Watkins had a duty to exercise the highest degree of care in the operation of a motor vehicle and to comply with all motor vehicle laws and regulations.

16. Defendant Terrell Watkins breached his duty to exercise the highest degree of care through the following acts of negligence:

- a. Failing to maintain a proper lookout;
- b. Exceeding the posted speed limit;
- c. Exceeding the appropriate speed for the conditions;
- d. Following more closely than reasonably safe and prudent;
- e. Failing to timely brake and avoid the Rajanna family’s vehicle; and
- f. In such other ways as may be proven by the evidence.

17. As a direct and proximate result of defendant Terrell Watkins’ negligence, Plaintiff Lisa Allen suffered severe, permanent and disabling injuries, including but not limited to pre-impact fear and apprehension, past and future pain, suffering, mental anguish, disability, disfigurement, and loss of enjoyment of life; past and future hospital, doctor, rehabilitation and related expenses, past and future loss of earnings; and loss of earning capacity.

COUNT II –
PLAINTIFF LISA ALLEN’S NEGLIGENCE PER SE CLAIM
AGAINST DEFENDANT TERRELL WATKINS

18. Plaintiff incorporates by reference the facts and allegations in paragraphs 1 through 17 of this Petition as though fully set forth below.

19. With regard to the subject occurrence described above, Defendant violated multiple statutes and/or regulations, including without limitation:

- a. Mo. Rev. Stat. § 304.012 (Duty to exercise the highest degree of care in the operation of a motor vehicle);
- b. Mo. Rev. Stat. § 304.010 (Travel within the speed limit while operating a motor vehicle); and
- c. Mo. Rev. Stat. § 304.017 (Shall not follow another vehicle more closely than is reasonably safe and prudent).

20. Defendant Terrell Watkins breached his statutory duty to exercise the highest degree of care through the following acts of negligence:

- a. Failing to maintain a proper lookout;
- b. Exceeding the posted speed limit;
- c. Exceeding the appropriate speed for the conditions;
- d. Following more closely than reasonably safe and prudent;
- e. Failing to timely brake and avoid the Rajanna family’s vehicle; and
- f. In such other ways as may be proven by the evidence.

21. Defendant Terrell Watkins breached his statutory duty to travel within the speed limit by exceeding the speed limit.

22. Defendant Terrell Watkins breached his statutory duty not to follow another vehicle more closely than is reasonably safe and prudent by following the Rajanna family's vehicle too closely to stop in heavily congested traffic.

23. Plaintiff Lisa Allen, as a traveler in a motor vehicle on a public street, was a member of the class of persons intended to be protected by the above-referenced statutes and/or regulations.

24. The serious personal injuries sustained by Plaintiff Lisa Allen were of the kind the above-referenced statutes and/or regulations were designed to prevent.

25. Defendant's violations of the above-referenced statutes were individually and collectively the proximate cause of Plaintiff Lisa Allen's injuries.

26. In light of the foregoing, Defendant's conduct constitutes negligence per se.

27. As a direct and proximate result of defendant Terrell Watkins' negligence per se, Plaintiff Lisa Allen suffered severe, permanent and disabling injuries, including but not limited to pre-impact fear and apprehension, past and future pain, suffering, mental anguish, disability, disfigurement, and loss of enjoyment of life; past and future hospital, doctor, rehabilitation and related expenses, past and future loss of earnings; and loss of earning capacity.

COUNT III –
PLAINTIFF MICHAEL ALLEN'S LOSS OF CONSORTIUM CLAIM
AGAINST DEFENDANT TERRELL WATKINS

28. Plaintiff Michael Allen incorporates by reference the facts and allegations in paragraphs 1 through 27 of this Petition as though fully set forth below.

29. Plaintiff Lisa Allen is and was at all times herein mentioned the lawfully wedded wife of Michael Allen.

30. As a direct and proximate result of Defendant Terrell Watkins' negligence and negligence per se, Plaintiff Michael Allen suffered the loss and impairment of Plaintiff Lisa Allen's services to him; the loss and impairment of Plaintiff Lisa Allen's companionship, aid, assistance, comfort and society; and these damages are attributable to loss of consortium.

WHEREFORE Plaintiffs respectfully request that this Court enter judgment in favor of Plaintiffs and against Defendant, that the Court award a fair and reasonable amount in excess of \$25,000.00 to compensate Plaintiffs for all their damages; and that the Court award attorneys' fees, prejudgment interest on the judgment, post-judgment interest on the judgment, the costs of this action and any such other relief that the Court deems just, equitable and appropriate.

Respectfully submitted,

SHAMBERG, JOHNSON & BERGMAN,
CHARTERED

By: /s/ David R. Morantz
Lynn R. Johnson, MO #41395
David R. Morantz, MO #57908
Ashley Billam, MO #70878
2600 Grand Boulevard, Suite 550
Kansas City, MO 64108
816-474-0004 / 816-474-0003 Facsimile
ljohnson@sjblaw.com
dmorantz@sjblaw.com
abillam@sjblaw.com
ATTORNEYS FOR PLAINTIFFS

DEMAND FOR JURY TRIAL

COME NOW Plaintiffs and hereby demand a trial by jury on all issues in the above-captioned case.

Respectfully submitted,

SHAMBERG, JOHNSON & BERGMAN,
CHARTERED

By: /s/ David R. Morantz
Lynn R. Johnson, MO #41395
David R. Morantz, MO #57908
Ashley Billam, MO #70878
2600 Grand Boulevard, Suite 550
Kansas City, MO 64108
816-474-0004 / 816-474-0003 Facsimile
ljohnson@sjblaw.com
dmorantz@sjblaw.com
abillam@sjblaw.com
ATTORNEYS FOR PLAINTIFFS