

IN THE DISTRICT COURT IN AND FOR POTTAWATTAMIE COUNTY

ANTHONY GRESS,) CASE NO. _____
)
Plaintiff,)
)
vs.)
)
JAKE BERTRAND and) PETITION AT LAW
SARAH BERTRAND,) and
) JURY DEMAND
Defendants.)

COMPLAINT

COMES NOW, the Plaintiff, Anthony Gress (hereinafter referred to as "Plaintiff"), by and through his counsel of record, J. Joseph Narmi and Kristina M. Kaeding, brings suit against the Defendants Jake Bertrand and Sarah Bertrand (hereinafter referred to as "Defendants") and in support thereof states as follows:

I. VENUE AND JURISDICTION

1. The Plaintiff, Anthony Gress, is a resident of Neola, Pottawattamie County, Iowa.
2. The Defendant, Jake Bertrand, is a resident of Council Bluffs, Pottawattamie County, Iowa.
3. The Defendant, Sarah Bertrand, is a resident of Council Bluffs, Pottawattamie County, Iowa.
4. The incident took place in Council Bluffs, Pottawattamie County, Iowa.

II. FACTS

5. Plaintiff incorporates by reference paragraphs 1 through 4.
6. On or about April 20, 2014, Defendant Jake Bertrand gave permission to Defendant Sarah Bertrand to operate his vehicle.
7. That on or about April 20, 2014 Plaintiff was in a rear-end collision with Defendant Sarah Bertrand.
8. Defendant Sarah Bertrand was traveling in Council Bluffs, Iowa, when the vehicle she was operating struck the vehicle in which Plaintiff Anthony Gress was a passenger in.
9. Plaintiff suffered an injury to his back and neck area as a result of the automobile accident.

III. COUNT I – NEGLIGENCE

10. Plaintiff incorporates by reference paragraphs 1 through 8.

11. Defendant Sarah Bertrand had a duty to act reasonable and use due care while driving and to avoid distractions. Defendant Sarah Bertrand had a duty to pay attention to traffic, to maintain a proper lookout, to yield to Plaintiff's right-of-way, to obey traffic control devices, to obey the laws and rules of the State of Iowa, to maintain proper speed for the conditions, to reduce speed to avoid an accident, to maintain a proper distance between vehicles and to control her vehicle to avoid a collision.

12. Defendant Sarah Bertrand breached that duty of due care by failing to pay proper attention to the roadway and the traffic, failing to maintain a proper lookout, failing to yield to Plaintiff's right-of-way, failing to obey the traffic control device, failing to obey the laws and rules of the State of Iowa, failing to maintain proper speed given all of the relevant road conditions, failing to reduce speed to avoid the collision, and failing to control her vehicle in order to avoid a collision.

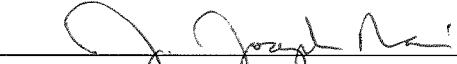
13. As a direct and proximate result of the negligence of Defendants, Plaintiff has sustained damages, injuries, and losses in the following particulars:

- a. Plaintiff suffered, continues to suffer, and in the future will suffer physical and mental pain and suffering;
- b. Loss of function of mind and body;
- c. Loss of enjoyment of life;
- d. Pecuniary loss;
- e. Loss of support, companionship and services;
- f. Other damages to be specified.

WHEREFORE, Plaintiff Anthony Gress prays for judgment against Defendants and each of them, jointly and severally, in an amount which would reasonably compensate Plaintiff for his special damages, general damages, injuries, losses, damages, together with interest thereon at the maximum legal rate and the costs of this action.

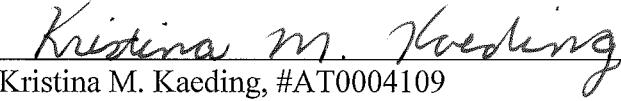
JURY DEMAND

Plaintiff demands trial by jury of all fact issues herein.



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