

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

IN THE MONROE CIRCUIT COURT

CAUSE NO. 53C01-1909-CT-002237

STEVEN MELTON

VS.

CITY OF BLOOMINGTON and
B VENTURAS LIMITED LIABILITY COMPANY

FIRST AMENDED COMPLAINT FOR DAMAGES

Comes now the plaintiff, Steven Melton, by counsel, Ken Nunn Law Office, and for cause of action against the defendants, City of Bloomington and B Venturas Limited Liability Company, alleges and says:

1. That on or about October 18, 2018, the plaintiff, Steven Melton, was riding a scooter at or near 1115 North College Avenue in Bloomington, Monroe County, Indiana.

2. That on or about October 18, 2018, the plaintiff, Steven Melton, suffered serious injuries when he was ejected from the scooter as it passed over the cracked and broken concrete sidewalk at or near said address.

3 The damages claimed are a result of negligence on the part of the City of Bloomington and B Venturas Limited Liability Company as follows:

- a. for negligence in the design, construction, upkeep, repair or replacement of sidewalks and walkways that pedestrians regularly use;
- b. for negligence in failing to take the proper steps to correct the obvious defects at this location where the above named parties had actual knowledge or notice of a dangerous condition;
- c. for negligence for lack of positive guidance at this location;
- d. for negligence in failing to properly and adequately illuminate a dangerous location;
- e. for negligence in failing to warn pedestrians about hazardous walkways and/or sidewalks;

f. for negligence in marking and/or barricading a dangerous and hazardous sidewalk and/or walkway.

4. That the aforesaid acts of negligence on the part of the defendants were the proximate cause of the injuries sustained by the plaintiff.

5. That the plaintiff has incurred medical expenses, lost wages, and other special expenses, and will incur future medical expenses, lost wages and other special expenses, as a direct and proximate result of defendants' negligence.

6. That the plaintiff served Notice of Claim pursuant to I.C. 34-13-3-6, 8, and 10 on or about November 16, 2018, a copy of which is attached hereto as Exhibit A.

WHEREFORE, the plaintiff demands judgment against the defendants for permanent injuries in a reasonable amount to be determined at the trial of this cause, for medical expenses, lost wages, and other special expenses, for future medical expenses, lost wages, and other special expenses, court costs, and all other proper relief in the premises.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been provided to opposing party or their counsel via the Court's electronic e-mail service and filing system this 9th day of October, 2020.

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