

**IN THE DISTRICT COURT OF RILEY COUNTY, KANSAS**

[REDACTED]  
Kansas City, MO 64111

Plaintiff,

v.

1863 L.L.C.  
Serve at:  
Richard Xavier Galli  
Registered Agent  
710 N. Manhattan Ave.  
Manhattan, KS 66502

Defendant.

Case No.

Division No.

Chapter 60

**PETITION PURSUANT TO K.S.A. CHAPTER 60**

Plaintiff [REDACTED], through her undersigned counsel, states and alleges as follows in support of this action against Defendant 1863 L.L.C.

1. At all times relevant to this Petition, Plaintiff [REDACTED] was a citizen of the State of Missouri attending college at Kansas State University in Manhattan, Kansas.

2. Defendant 1863 L.L.C. is a for profit Kansas limited liability company doing business as Eighteen63.

3. Eighteen63 is a bar and restaurant located in the City of Manhattan, County of Riley, State of Kansas, with a street address of 710 N. Manhattan Avenue.

4. This Court has subject matter jurisdiction over this action pursuant to Article 3, sections 1 and 6(b) of the Kansas Constitution and Kan. Stat. Ann. § 20-301.

5. This Court has personal jurisdiction over Defendant because this action arises from tortious acts Defendant committed in the State of Kansas.

6. Venue is proper under Kan. Stat. Ann. § 60-603 because the cause of action arose in Riley County.

7. The events described below occurred on March 5, 2016.

8. The events described below occurred at Eighteen63, a property and business owned and/or operated by Defendant.

9. Eighteen63 is open to the public.

10. On March 5, 2016, Plaintiff was lawfully present at Eighteen63.

11. On March 5, 2016, while Plaintiff was exiting the restroom at Eighteen63, the bathroom door closed quickly, smashing and severing from her body approximately one-half of her left pinky finger.

12. Plaintiff retrieved her severed finger by re-opening the door and peeling her now-disconnected finger off of the door jam.

13. Plaintiff sought immediate medical attention, but her finger could not be re-attached; Plaintiff is now permanently disfigured.

### **COUNT I: NEGLIGENCE**

14. All previous paragraphs are hereby incorporated as if fully set forth herein.

15. Plaintiff's injury occurred as a result of and was proximately caused by Defendant's negligence and carelessness, which included the following:

- a. That Defendant failed to use ordinary care and negligently and carelessly failed to maintain the door in a safe condition that would have prevented the harm done to Plaintiff as described above; and/or
- b. That Defendant failed to use ordinary care and negligently and carelessly allowed the door to become a dangerous and unsafe condition; and/or
- c. That Defendant negligently failed to install proper door guards that would have prevented the injury suffered by Plaintiff; and/or
- d. That Defendant negligently failed to inspect the door; and/or
- e. That Defendant failed to use ordinary care and negligently and carelessly failed to warn customers and the public that the door

was dangerous and unsafe and provide a type of sign warning to customers and the public that the door was dangerous and unsafe; and/or

- f. That Defendant knew or, by the exercise of ordinary care, should have known that there was a dangerous and unsafe condition at Eighteen63, namely, the restroom door, which likely would cause serious injuries to members of the public such as Plaintiff.

16. Plaintiff did not know and did not receive notice and/or warning of any kind of the dangerous and unsafe condition described above and the condition was not readily apparent and could not have been seen by Plaintiff prior to Plaintiff's sustaining her injury.

17. As a result of Defendant's negligence and carelessness in permitting the general unsafe condition to exist, Plaintiff suffered a permanent and severe personal injury in addition to enduring significant discomfort, pain, suffering, and medical expenses, including, but not limited to, hospital expenses and physician's expenses.

18. As a direct and proximate result of the negligence and carelessness of Defendant, Plaintiff has sustained the following injuries:

- a. Permanent disfigurement resulting in a permanent diminished capacity to enjoy life;

- b. Extreme physical pain and emotional distress; and
- c. Medical bills for treatment and care.

WHEREFORE, Plaintiff [REDACTED] prays for judgment against Defendant 1863 L.L.C. for a reasonable sum of money damages in excess of \$75,000, and for Plaintiff's costs, and for such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby requests a trial by jury on all claims so triable.

Dated: August 4, 2016

Respectfully submitted,

[REDACTED]

By: 

Tim J. Riemann, KS Bar # 21737

[REDACTED]

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**ATTORNEY FOR PLAINTIFF**