

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

JOHN MICHAEL ANDERSON,
Plaintiff,

v.

CHRISTOPHER ALAN SMITH,
Defendant.

CASE NO.:
DEPT. NO.:

COMPLAINT

COMES NOW, the Plaintiff, John Michael Anderson, by and through his attorney of record, Andrew Miller, of Miller & Smith, LLC, and for his Complaint against the Defendant, Christopher Alan Smith, alleges as follows:

PARTIES

1. Plaintiff, John Michael Anderson, is, and at all relevant times was, a resident of Washoe County, Nevada.
2. Defendant, Christopher Alan Smith, is, and at all relevant times was, a business owner operating a grocery store located and/or conducting business in Washoe County, Nevada.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this matter pursuant to NRS Chapter 13 as the acts and omissions complained of occurred in Washoe County, Nevada, and Defendant is subject to personal jurisdiction in this State.
4. Venue is proper in this Court pursuant to NRS Chapter 13 as the acts and/or omissions

complained of herein took place in Washoe County, Nevada.

GENERAL ALLEGATIONS

5. On or about August 25, 2024, Plaintiff, John Michael Anderson, was lawfully on the premises of the grocery store located at 500 West Main Street, which is owned, operated, and maintained by Defendant, Christopher Alan Smith.
6. At all relevant times, Defendant, as the owner and operator of the grocery store, owed a duty of care to maintain the premises in a reasonably safe condition for all invitees, including Plaintiff.
7. On or about August 25, 2024, Plaintiff was shopping in the frozen food aisle of the grocery store when he attempted to open a freezer door to retrieve an item. The freezer door in question was known by Defendant and/or Defendant's agents, employees, or staff to be defective and prone to malfunctioning, causing it to swing back forcefully when opened.
8. Defendant had received multiple complaints from customers and employees regarding the defective nature of the freezer door over a period of several weeks prior to Plaintiff's incident. Despite being aware of the defective freezer door and the potential danger it posed, Defendant failed to take any reasonable steps to repair, replace, or warn invitees about the hazardous condition.
9. As Plaintiff, John Michael Anderson, opened the defective freezer door, it suddenly swung back with force, striking Plaintiff in the face and causing him to sustain serious injuries, including but not limited to a broken nose, facial bruising, and emotional distress.

10. Defendant's failure to properly maintain the freezer door and provide adequate warnings about its dangerous condition created an unreasonable risk of harm to Plaintiff and other invitees.
11. As a direct and proximate result of Defendant's negligence, Plaintiff has suffered, and continues to suffer, physical injuries, pain and suffering, emotional distress, medical expenses, lost wages, and other damages in an amount to be determined at trial.

FIRST CAUSE OF ACTION - NEGLIGENCE

12. Plaintiff, John Michael Anderson, hereby incorporates by reference and re-alleges the allegations contained in paragraphs 1 through 11 of this Complaint as though fully set forth herein.

Duty

13. At all relevant times, Defendant, Christopher Alan Smith, owed a duty of care to maintain the premises of the grocery store, including its equipment and fixtures, in a reasonably safe condition for all invitees, including Plaintiff.

Breach

14. Defendant breached this duty of care by failing to repair, replace, or adequately warn of the defective freezer door, despite being aware of the dangerous condition and the associated risk to customers.

Causation

15. As a direct and proximate result of Defendant's breach of his duty of care, Plaintiff was struck by the defective freezer door, causing serious injuries and damages as described in paragraphs 7 through 9. Defendant's actions and omissions constitute negligence, which was the direct cause of Plaintiff's injuries and resulting damages.

Damages

16. As a result of Defendant's negligence, Plaintiff, John Michael Anderson, has suffered and continues to suffer physical injuries, pain and suffering, emotional distress, medical expenses, lost wages, and other damages in an amount to be determined at trial.

17. Plaintiff has incurred damages in an amount in excess of \$15,000, exclusive of interest, costs, and attorney's fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. For general damages in an amount to be determined at trial;
2. For special damages, including but not limited to medical expenses and lost wages, in an amount to be proven at trial;
3. For costs of suit incurred herein;
4. For reasonable attorney's fees, if applicable;
5. For interest at the statutory rate; and

6. For such other and further relief as the Court deems just and proper.

DATED this eighteenth day of September, 2024.

Respectfully submitted,

/s/ Andrew Miller

Andrew Miller

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Attorney for Plaintiff

WRITING SAMPLE 1

STEPHEN J. BOLIN

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