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OGLALA SIOUX TRIBAL COURT

IN TRIBAL COURT

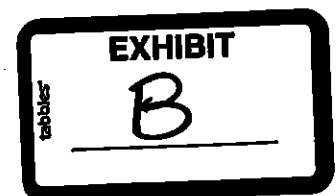
PINE RIDGE INDIAN RESERVATION

PINE RIDGE, SOUTH DAKOTA

| | |
|---|---|
| <p>RENA SHORT HORN,</p> <p>Plaintiff,</p> <p>vs.</p> <p>KYLE GROCERY, INC., a South Dakota corporation,</p> <p>Defendant.</p> | <p>Civil No. 2019-_____</p> <p>VERIFIED COMPLAINT</p> <p>Filed on: <u>4-30-19</u></p> <p>Docket No.: <u>CIV-19-0128</u></p> <p>Recorded on: <u>5</u></p> <p>By: <u>RM</u></p> <p>Clerk of Court/Deputy Clerk Oglala Sioux Tribal Court</p> |
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Plaintiff, Rena Short Horn, for her verified complaint against defendant, Kyle Grocery, Inc., a South Dakota corporation, states and alleges:

1. Plaintiff Rena Short Horn is an enrolled member of the Oglala Sioux Tribe and is a resident of Kyle, South Dakota, on the Pine Ridge Indian Reservation.
2. Defendant Kyle Grocery, Inc. is a South Dakota corporation with its principal place of business in Kyle, South Dakota, on the Pine Ridge Indian Reservation.
3. Defendant owns and operates a retail grocery store and supermarket located in Kyle, South Dakota.
4. This court has subject matter jurisdiction over this matter and the parties are subject to personal jurisdiction.
5. On February 5, 2019, plaintiff entered the grocery store in order to shop for groceries and supplies.
6. Plaintiff proceeded to walk down one of the aisles lined with shelves which were stocked with various food products and supplies.
7. Plaintiff unexpectedly encountered boxes and various items/products left on



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the floor, partially blocking the aisle.

8. There were no signs placed anywhere to alert customers of these objects, and of potential leaks and spills from these food products.

9. There was no partition, bright-colored ribbon or tape, cones, or other form of temporary barricades put up to prevent customers from unexpectedly encountering these objects.

10. Plaintiff tripped over the objects left on the floor.

11. She fell to the floor, landing hard on her right knee.

12. Plaintiff felt immediate pain in her right knee and was unable to get up and walk on it.

13. She was transported by ambulance to the Bennett County Hospital emergency department.

14. An x-ray of her right knee was taken which revealed a comminuted displaced distal femur (thighbone) fracture.

15. Plaintiff was transported by medical air rescue to Rapid City Regional Hospital and was admitted to the hospital.

16. The following day, plaintiff underwent surgery to repair the fracture.

17. She was put to sleep under general anesthesia for the surgical procedure.

18. She was discharged from the hospital on February 8, 2019.

19. Defendant had the duty and responsibility to properly monitor, inspect and maintain the common walkways and aisles where plaintiff tripped and fell to the floor.

20. Defendant had the duty and responsibility to undertake reasonable and necessary measures to ensure that customers who used the common walkways and aisles, such as plaintiff, would not be subjected to the risk of serious injury or physical harm

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caused by any dangerous condition -- most importantly objects left on the floor.

21. As a direct and proximate result of the negligence and carelessness of defendant, plaintiff sustained serious and debilitating injuries, permanent in nature, resulting in reasonable and necessary medical expenses, pain and suffering, lost earnings and loss of future earning capacity, reasonable and necessary medical expenses for future care and treatment, and loss of enjoyment of life.

WHEREFORE, plaintiff Rena Short Horn prays for relief as follows:

1. For judgment against defendant, to compensate her for all injuries and losses sustained as a result of defendant's negligence;
2. For prejudgment interest;
3. For her costs and disbursements herein; and
4. For such other relief as the Court deems just and equitable in the circumstances.

Dated: April 25, 2019.

THE SHULTZ LAW FIRM, PROF. LLC

By: 

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Attorneys for Plaintiff

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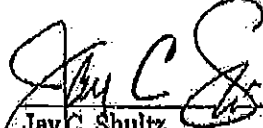
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VERIFICATION OF COMPLAINT

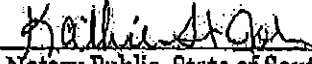
State of South Dakota)
) ss.
County of Pennington)

Jay C. Shultz, being first duly sworn upon oath, states that he is the attorney for the Plaintiff above named and as such, is authorized to sign this Verified Complaint, and that he has read this Complaint, understands the contents thereof, and the same is true according to his knowledge, except as to matters therein stated upon information and belief, and as to such matters he believes the same to be true.

Dated: April 25, 2019.


Jay C. Shultz
Attorney for Plaintiff

Subscribed and sworn to before me this 25 day of April, 2019.


Kathie St. John
Notary Public, State of South Dakota
My Commission Expires: 06/2024

(SEAL)

