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| ADAMS COUNTY DISTRICT COURT STATE OF COLORADO  Court Address:  1100 Judicial Center Drive Brighton, Colorado 80601 | DATE FILED: March 2, 2018 11:42 AM  FILING ID: 708711E46CA76 CASE NUMBER: 2018CV30347  Court Use Only |
| **Plaintiff(s):** | Case Number: 18 CV 030347 |
| **Defendant(s):** | Division/ Courtroom: W |
| *Attorneys for Plaintiff:*  ADDRESS:  Phone Number:  Fax Number: |  |
| **AMENDED COMPLAINT AND JURY DEMAND** | |

**COMES NOW,** the Plaintiff Judith Makowski, as widow and and lineal heir to Edward Makowski (now deceased) by and through her attorneys Anderson Hemmat, LLC and for her Complaint and Jury Demand against the Defendants, states and alleges as follows:

# INTRODUCTORY ALLEGATIONS

1. The Plaintiff is an individual who is a resident and domiciliary of the City of Thornton, County of Adams, State of Colorado and is the widow and lineal heir to Edward R.

Makowski (now deceased). Plaintiff is also the Personal Representative of the Estate of Edward Richard Makowski.

1. Defendant FPA5 Washington Park, LLC d/b/a The Oslo Apartments (hereinafter referred to as “Defendant Oslo”) is a for profit corporation organized under the laws of the State of Delaware and actively doing business in the State of Colorado. Upon information and belief, Defendant Oslo owns the subject apartment housing located at 11501 North Washington Street in the City of Northglenn, County of Adams, State of Colorado.
2. Defendant Trinity Property Consultants (hereinafter referred to as “Defendant Trinity”) is a for profit corporation organized under the laws of the State of California and actively doing business in the State of Colorado. Upon information and belief, Defendant Trinity is the property manager of the subject apartment housing located at 11501 North Washington Street in the City of Northglenn, County of Adams, State of Colorado.
3. This court has jurisdiction over the subject matter of this action and the parties hereto and venue is proper in the County of Adams as the county where the subject accident giving rise to the present action occurred.
4. On February 2, 2017, Edward J. Makowski was looking for an apartment with an employee/agent for The Oslo Apartments located at 11501 North Washington Street in the City of Northglenn, County of Adams, State of Colorado.
5. Upon information and belief, during the tour conducted by Defendants’ employee/agent, Edward J. Makowski slipped on icy unmaintained stairs on the property and fell resulting in his death.

# FIRST CLAIM FOR RELIEF AGAINST DEFENDANTS

(Wrongful Death)

1. Plaintiff incorporates herein all allegations contained in paragraphs 1 through 6 in the Introductory Allegations.
2. Pursuant to C.R.S. § 13-21-202 the death of Edward R. Makowski was caused by Defendants constitutes a “wrongful act, neglect or default.”
3. Defendants’ conduct breached duties found in C.R.S. § 13-21-115(c) including:
   1. Edward R. Makowski was an invitee on Defendants’ premises at the time of the incident giving rise to the wrongful death;
   2. Defendants actually knew about the icy condition on the at-issue stairway or using reasonable care should have known about it.
   3. Defendants failed to use reasonable care to protect the deceased against the dangers on the property.
   4. Defendants’ failure was the cause of Edward R. Makowski’s wrongful

death.

1. Plaintiff asserts wrongful death damages for the benefit of the Plaintiff and against the Defendants in accordance with C.R.S. §§ 13-20-101 et seq., 13-21-201, 13-21-202,

13-21-203, and 13-21-203.5.

1. As a direct and proximate result of the Defendants’ negligence, Plaintiff’s damages arising out of the death of her husband, include grief, loss of companionship, impairment of the quality of her life, inconvenience, pain and suffering, and emotional distress.

Plaintiff has also incurred and are entitled to recovery for reasonable funeral expenses as well as net financial loss sustained by the Plaintiff due to the death of Edward R. Makowski.

WHEREFORE, Plaintiff prays for relief all is as more particularly hereinafter set forth. WHEREFORE, on account of the matters set forth in the First Claim For Relief, Plaintiff,

Judith Makowski as widow and lineal heir to Edward R. Makowski (now deceased) prays for a judgment in favor of the Plaintiff, Judith Makowski as widow and lineal heir to Edward R. Makowski (now deceased) and against the Defendant, FPA5 Washington Park, LLC d/b/a The Oslo Apartments pursuant to Colorado’s Wrongful Death Act, C.R.S. § 13-21-201 et seq. and

C.R.S. 15-22-803(7) for damages and losses sustained both as to economic and non-economic losses as a result of the untimely death of Plaintiff’s husband Edward R. Makowski; for the reasonable value of the necessary medical and rehabilitation care necessary, prejudgment interest for monetary damages as are necessary to fully compensate the Plaintiff (estate) for losses and for such other and further relief available in accordance with C.R.S. §13-20-101 and for such other and further relief as to the Court may deem appropriate and just including all costs, attorney’s fees and for such other and further relief as to the Court appears proper on the premises.

WHEREFORE, on account of the matters set forth in the First Claim For Relief, Plaintiff, Judith Makowski as widow and lineal heir to Edward R. Makowski (now deceased) prays for a judgment in favor of the Plaintiff, Judith Makowski as widow and lineal heir to Edward R. Makowski (now deceased) and against the Defendant Trinity Property Consultants pursuant to Colorado’s Wrongful Death Act, C.R.S. § 13-21-201 et seq. and C.R.S. 15-22-803(7) for

damages and losses sustained both as to economic and non-economic losses as a result of the

untimely death of Plaintiff’s husband Edward R. Makowski; for the reasonable value of the necessary medical and rehabilitation care necessary, prejudgment interest for monetary damages as are necessary to fully compensate the Plaintiff (estate) for losses and for such other and further relief available in accordance with C.R.S. §13-20-101 and for such other and further relief as to the Court may deem appropriate and just including all costs, attorney’s fees and for such other and further relief as to the Court appears proper on the premises.

# PLAINTIFF DEMANDS A TRIAL TO A JURY OF SIX (6) PERSONS

Respectfully submitted this 1st day of March, 2018.

FIRM NAME

*s/ LAWYER, Esq.*

*Attorneys for Plaintiff*

Plaintiff’s Address: