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| DENVER DISTRICT COURT, COLORADOCourt Address:1437 Bannock StreetDenver, Colorado 80202 | DATE FILED: May 1, 2018 3:50 PMFILING ID: DF7A00AEA93DD CASE NUMBER: 2018CV31586Court Use Only |
| **Plaintiff(s):**  |  |
| **Defendant(s):** | Case Number: |
| *Attorneys for Plaintiffs*ADDRESS:Phone Number: Fax Number:  | Division/ Courtroom: |
| **COMPLAINT AND JURY DEMAND** |

**COMES NOW,** the Plaintiff Camie Randall, as mother and lineal heir to Terrin Spitz (now deceased) by and through her attorneys Anderson Hemmat, LLC and for her Complaint and Jury Demand against the Defendant, states and alleges as follows:

# INTRODUCTORY ALLEGATIONS

1. The Plaintiff is an individual who is a resident and domiciliary of the City and County of Broomfield, State of Colorado.

2 Defendant Denver Transfer Group a/k/a Gentle Hands Moving and Delivery (hereinafter referred to as “Defendant Gentle)” is a for profit corporation organized under the laws of the State of Colorado and actively doing business in the State of Colorado with a principal address of 1888 Sherman Street, Denver, Colorado 80203.

1. This court has jurisdiction over the subject matter of this action and the parties hereto and venue is proper in the City and County of Denver as the county where one or more Defendants is located.
2. On February 27, 2018, Terrin Spitz was riding as a passenger in a 2012 International Truck driven by Justin Schwear.
3. Upon information and belief, Justin Schwear and Mr. Spitz were acting in the course and scope of their employment with Defendant Gentle at the time of the accident.
4. Justin Schwear was proceeding eastbound on Highway 40 in the County of Grand, State of Colorado and in a reckless, careless and negligent manner, lost control of his vehicle and travelled off of the south side of the road, colliding with multiple trees. As a result of the subject collision, Terrin Spitz suffered fatal injuries.
5. Defendant Gentle had no Workers’ Compensation coverage available for Terrin Spitz and is accordingly limited to defenses in this action pursuant to C.R.S. § 8-41-101.
6. All damages to Plaintiff are in the past, present and future.

# FIRST CLAIM FOR RELIEF AGAINST DEFENDANT

(Wrongful Death)

1. Plaintiff incorporates herein all allegations contained in paragraphs 1 through 8 in the Introductory Allegations.
2. Plaintiff asserts wrongful death damages for the benefit of the Plaintiff and against the Defendant 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 Defendant’s negligence, Plaintiff’s damages arising out of the death of her son, include grief, loss of companionship, impairment of the quality of their 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 Terrin Spitz.

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,

Camie Randall as mother and lineal heir to Terrin Spitz (now deceased) pray for a judgment in favor of the Plaintiff, Camie Randall as mother and lineal heir to Terrin Spitz (now deceased) and against the Defendant, Denver Transfer Group a/k/a Gentle Hands Moving and Delivery 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 son; 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.

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

Respectfully submitted this 1st day of May, 2018.

FIRM NAME

*s/ Lawyer Name, Esq.*

Plaintiffs’ Address:

*Attorney for Plaintiff*