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| ADAMS COUNTY DISTRICT COURT, STATE OF COLORADO D  Court Address: 1100 Judicial Center Drive FI  Brighton, Colorado 80601 C  Phone Number: 303-659-1161 | TE FILED: June 30, 2017 4:35 ING ID: FD0028FACC713  SE NUMBER: 2017CV31051 |
| Plaintiff: |  |
| **CARA DOLAN** |  |
| v. | Court Use Only |
| Defendant: |  |
| **LCM PROPERTY MANAGEMENT, INC. and ALPINE VISTA OWNERS ASSOCIATION, INC.** |  |
| David Krivit, #25916 Clayton R. Skeen, #48695  BACHUS & SCHANKER, L.L.C.  1899 Wynkoop Street, Suite 700  Denver, Colorado 80202 Attorneys for Plaintiff  Phone Number: (303) 893-9800  Fax Number: (303) 893-9900  E-mail address[: dkrivit@coloradolaw.net](mailto:dkrivit@coloradolaw.net)  [clayton.skeen@coloradolaw.net](mailto:clayton.skeen@coloradolaw.net) | Case Number: Courtroom: |
| **CIVIL COMPLAINT AND JURY DEMAND** | |

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COMES NOW the Plaintiff, Cara Dolan, by and through her undersigned attorneys, BACHUS & SCHANKER, L.L.C., and hereby submits the following Civil Complaint and Jury Demand as follows:

# GENERAL ALLEGATIONS

1. At all times relevant to this action, Plaintiff, was a resident of Adams County.
2. Upon information and belief, at all times relevant to this action, Defendant LCM Property Management, Inc. (“LCM”) was a Colorado business with a principal place of business located at 1776 S. Jackson St., Ste. 300, Denver, CO 80210.
3. Upon information and belief, at all times relevant to this action, Defendant Alpine Vista Owners Association, Inc. (“Alpine Vista”) was a Colorado business with a

principal place of business located at 1776 S. Jackson St., Ste. 300, Denver, CO 80210.

1. Venue is proper in Adams County pursuant to C.R.C.P. 98(c) as the alleged torts giving rise to this action occurred in said county.

# FACTUAL ALLEGATIONS

1. Plaintiff incorporates all foregoing allegations.
2. Upon information and belief, on or about February 1, 2016, Defendants were “landowners” with regards to the property at 12151 Bannock Street, Unit D, Westminster, CO 80234 “the Premises”).
3. At all times relevant to this action, Defendants had a duty and responsibility to exercise reasonable care in maintaining the real property, buildings, and facilities at the Premises.
4. On or about February 1, 2016 Plaintiff, was a tenant of the Premises.
5. At that time, Plaintiff was an invitee and was lawfully on the Premises.
6. At that time, the Premises had a dangerous condition, consisting of ice and snow covered steps and walkways.
7. Defendants did not place any signs warning of the dangerous steps and walkways.
8. Defendants did nothing to protect Plaintiff from the icy steps and walkways.
9. At that time, Defendants knew or should have known that the Premises contained the dangerous condition.
10. Multiple times prior to this incident, other individuals had slipped and fallen at the Premises, and some of those individuals had filed lawsuits against Defendants.
11. Prior to this incident, Defendants knew that the snow removal companies they had hired to clear snow and ice had performed very poorly, if at all, in doing so, and had consistently allowed dangerous conditions of snow and ice to remain on the Premises for an unreasonable amount of time.
12. At the time of the incident, Plaintiff slipped and fell on the steps and walkway, suffering injuries and damages.
13. Defendants held exclusive control over the premises.
14. Plaintiff was not contributorily negligent in causing the incident or his injuries or damages.

# FIRST CLAIM FOR RELIEF

**Statutory Premises Liability of Defendant - C.R.S. § 13-21-115 –Defendant LCM**

1. Plaintiff incorporates all foregoing allegations.
2. Defendant LCM is a “landowner” as defined by C.R.S. § 13-21-115(1).
3. Plaintiff is an “invitee” in accordance with C.R.S. § 13-21-115(5)(a).
4. Defendant LCM, as a “landowner,” had a duty to exercise reasonable care to protect against dangers of which it actually knew or should have known, to carry on activities in a reasonably safe manner, and to warn of the dangerous condition pursuant to C.R.S. § 13-21-115.
5. Defendant LCM knew or should have known of the dangerous condition existing on its premises.
6. Defendant LCM had a duty to exercise reasonable care to protect against dangers of which it actually knew or should have known.
7. Defendant LCM had a duty to exercise reasonable care to warn against dangers of which it actually knew.
8. Defendant failed to use reasonable care to protect Plaintiff against the dangerous conditions.
9. Defendant failed to use reasonable care to warn Plaintiff of the dangerous conditions.
10. Defendant’s failure to use reasonable care to protect and warn Plaintiff against the dangerous conditions are a cause of Plaintiff’s injuries.
11. As a result of Defendant LCM’s breach of the aforementioned duties, Plaintiff has incurred past and future economic and non-economic damages.

# SECOND CLAIM FOR RELIEF

**Negligence - LCM**

1. Plaintiff incorporates all foregoing allegations.
2. Defendant LCM knew or should have known that a dangerous condition existed on its premises.
3. Defendant LCM owed Plaintiff a duty to exercise reasonable care in protecting her from, and warning her about the dangerous conditions.
4. Defendant LCM breached the above-mentioned duty owed to Plaintiff by negligently, carelessly and recklessly failing to protect Plaintiff from and to warn Plaintiff about the dangerous condition.
5. The above-mentioned breach of the duty owed by Defendant LCM to Plaintiff directly and proximately caused Plaintiff to incur past and future economic and non-economic losses as are set forth above.

# THIRD CLAIM FOR RELIEF

**Statutory Premises Liability of Defendant - C.R.S. § 13-21-115 –Alpine Vista**

1. Plaintiff incorporates all foregoing allegations.
2. Defendant Alpine Vista is a “landowner” as defined by C.R.S. § 13-21-115(1).
3. Plaintiff is an “invitee” in accordance with C.R.S. § 13-21-115(5)(a).
4. Defendant Alpine Vista, as a “landowner,” had a duty to exercise reasonable care to protect against dangers of which it actually knew or should have known, to carry on activities in a reasonably safe manner, and to warn of the dangerous condition pursuant to C.R.S. § 13-21-115.
5. Defendant Alpine Vista knew or should have known of the dangerous condition existing on its premises.
6. Defendant Alpine Vista had a duty to exercise reasonable care to protect against dangers of which it actually knew or should have known.
7. Defendant Alpine Vista had a duty to exercise reasonable care to warn against dangers of which it actually knew.
8. Defendant Alpine Vista failed to use reasonable care to protect Plaintiff against the dangerous conditions.
9. Defendant Alpine Vista failed to use reasonable care to warn Plaintiff of the dangerous conditions.
10. Defendants Alpine Vista’s failure to use reasonable care to protect and warn Plaintiff against the dangerous conditions are a cause of Plaintiff’s injuries.
11. As a result of Defendant Alpine Vista’s breach of the aforementioned duties, Plaintiff has incurred past and future economic and non-economic damages.

# FOURTH CLAIM FOR RELIEF

**Negligence – Alpine Vista**

1. Plaintiff incorporates all foregoing allegations.
2. Defendant Alpine Vista knew or should have known that a dangerous condition existed on its premises.
3. Defendant Alpine Vista owed Plaintiff a duty to exercise reasonable care in protecting her from, and warning her about the dangerous conditions.
4. Defendant Alpine Vista breached the above-mentioned duty owed to Plaintiff by negligently, carelessly and recklessly failing to protect Plaintiff from and to warn Plaintiff about the dangerous condition.
5. The above-mentioned breach of the duty owed by Defendant Alpine Vista to Plaintiff directly and proximately caused Plaintiff to incur past and future economic and non-economic losses as are set forth above.

# JURY DEMAND

Trial to jury of six (6) is demanded on all issues so triable.

WHEREFORE, Plaintiff prays for judgment against Defendants in an amount to be determined at trial, pre and post-judgment interest, cost, and expert witness fees, and for such other and further relief as the Court may deem proper.

DATED: June 30, 2017

Respectfully submitted, BACHUS & SCHANKER, LLC

*/Original Signature on File in Attorney’s Office/*

David Krivit