

DISTRICT COURT CIVIL COVER SHEET A-17-753515-C

Clark County, Nevada

Case No. _____
(Assigned by Clerk's Office)

XXX

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): <p align="center">JOHN SEAMAN</p>	Defendant(s) (name/address/phone): CITY OF LAS VEGAS; LAS VEGAS PAVING CORPORATION; SUPERIOR TRAFFIC SERVICES CORP.; TAB CONTRACTORS, INC.
Attorney (name/address/phone): Brian D. Nettles, Esq., Christian M. Morris, Esq., and Edward J. Wynder, Esq. <p align="center">NETTLES LAW FIRM</p> 1389 Galleria Drive, Suite 200, Henderson, NV 89014 Telephone: (702) 434-8282 Facsimile: (702) 434-1488	Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)

Civil Case Filing Types

<p align="center">Real Property</p> <p>Landlord/Tenant</p> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <p>Title to Property</p> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <p>Other Real Property</p> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<p align="center">Negligence</p> <input checked="" type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <p align="center">Malpractice</p> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<p align="center">Torts</p> <p>Other Torts</p> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<p align="center">Probate</p> <p>Probate (select case type and estate value)</p> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <p>Estate Value</p> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<p align="center">Construction Defect & Contract</p> <p>Construction Defect</p> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <p>Contract Case</p> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<p align="center">Judicial Review/Appeal</p> <p>Judicial Review</p> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <p>Nevada State Agency Appeal</p> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <p>Appeal Other</p> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<p align="center">Civil Writ</p> <p>Civil Writ</p> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrantum		<p align="center">Other Civil Filing</p> <p>Other Civil Filing</p> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

9/4/17
Date

Signature of initiating party or representative

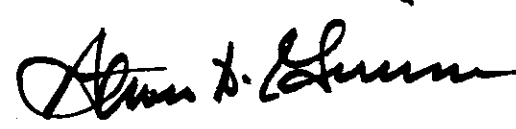
See other side for family-related case filings.

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16 *Attorneys for Plaintiff*

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CLERK OF THE COURT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

13 JOHN SEAMAN, an individual ,
14 Plaintiff,

15 vs.

16 CITY OF LAS VEGAS; a municipal
17 corporation; LAS VEGAS PAVING
18 CORPORATION, a Nevada Corporation;
19 SUPERIOR TRAFFIC SERVICES CORP., a
20 Nevada Corporation; TAB CONTRACTORS,
21 INC., a Nevada Corporation; DOES 1 through
22 10; XYZ CORPORATIONS 11 through 20; and
23 ABC LIMITED LIABILITY COMPANIES 21
24 through 30,

25 Defendants.

CASE NO.:
DEPT NO.:

A-17-753515-C

XXX

COMPLAINT

23 COMES NOW, Plaintiff, JOHN SEAMAN, by and through his counsel, Brian D. Nettles,
24 Esq., Christian M. Morris, Esq., and Edward Wynder, Esq. of the Nettles Law Firm and for his
25 causes of action against Defendants above named, complains and alleges as follows:
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GENERAL ALLEGATIONS

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2 1. Plaintiff John Seaman (hereinafter "Mr. Seaman") is, and at all relevant times
3 was, an individual residing in Clark County, Nevada and married lawfully to Victoria Seaman
4 (hereinafter "Ms. Seaman".)

5 2. On information and belief, Defendant City of Las Vegas is, and at all relevant
6 times was, a municipality in Clark County, Nevada.

7 3. Upon information and belief, Defendant Las Vegas Paving Corporation
8 (hereinafter "Las Vegas Paving") is, and at all relevant times was, a corporation conducting
9 business in Clark County, Nevada.

10 4. Upon information and belief, Defendant Superior Traffic Services Corp
11 (hereinafter "Superior Traffic") is, and at all relevant times was, a corporation conducting
12 business in Clark County, Nevada.

13 5. Upon information and belief, Defendant TAB Contractors Inc. (hereinafter "TAB
14 Contractors") is, and at all relevant times was, a corporation conducting business in Clark
15 County, Nevada.

16 6. Upon information and belief, all of the acts, omissions, and conduct described
17 below of each and every corporate Defendant was duly authorized, ordered, and directed by the
18 respective and collective Defendant corporate employers, officers, and management-level
19 employees of said corporate employers. In addition thereto, said corporate employers
20 participated in the aforementioned acts and conduct of their said employees, agents and
21 representatives and each of them; and upon completion of the aforesaid acts and conduct of said
22 corporate employees, agents and representatives, the Defendant corporations, respectively and
23 collectively, ratified, accepted the benefits of, condoned, lauded, acquiesced, approved, and
24 consented to each and every of the said acts and conduct of the aforesaid corporate employees,
25 agents, and representatives.

26 7. The true names and capacities, whether individual, corporate, associate,
27 governmental, or otherwise, of Defendants Does 1 through 10, XYZ Corporations 11 through 20,
28 and ABC Limited Liability Companies 21 through 30 ("Does/XYZ/ABC"), inclusive, are

1 unknown to Plaintiff at this time, whom therefore sues said defendants by such fictitious names.
2 When the true names and capacities of said defendants have been ascertained, Plaintiff will
3 amend this Complaint accordingly.

4 8. Upon information and belief, Doe/XYZ/ABC Defendants participated in the
5 design, construction, maintenance, ownership, management, control, operation, care, and/or
6 upkeep of the area and devices referenced herein; Doe/XYZ/ABC Defendants include, but are
7 not limited to, owners, operators, occupiers, lessees, managers, manufacturers, developers,
8 producers, general contractors, subcontractors, security companies, maintenance companies,
9 material providers, equipment providers, architects, designers, engineers, governmental
10 authorities, insurers, lenders, investors, and their agents, servants, representatives, employees,
11 partners, joint ventures, related companies, subsidiaries, parents, affiliates, predecessors,
12 partners, and/or successors in interest.

13 9. Upon information and belief, Doe/XYZ/ABC Defendants shall also include any
14 other contractors, subcontractors, or other individuals or entities who were agents, employees,
15 employers of Defendants, or otherwise working with any of the named Defendants in any
16 capacity at the time of the traffic collision. When the true names and capacities of said
17 persons/entities have been ascertained, Plaintiff will amend this Complaint accordingly.

18 10. Upon information and belief, Does/XYZ/ABC Defendants are responsible,
19 negligently or in some other actionable manner, for the events and happenings hereinafter
20 referred to, and caused injuries and damages proximately thereby to Plaintiffs as hereinafter
21 alleged.

22 11. Upon information and belief, Doe/XYZ/ABC Defendants were involved in the
23 initiation, approval, support, or execution of the wrongful acts upon which this litigation is
24 premised, or of similar actions against Plaintiffs of which Plaintiffs are presently unaware.

25 12. Upon information and belief, on or about June 10, 2015, and at all times relevant
26 hereto, Mr. Seaman was the driver of a 2014 Honda Accord bearing Nevada Permit Number
27 NVS244 and vehicle identification number 1HGCR3F93EA025424 (hereinafter "Subject
28 Vehicle") in Clark County, Nevada.

1 13. Upon information and belief, on or about June 10, 2015 and at all times relevant
2 hereto, Ms. Seaman was a passenger in the Subject Vehicle.

3 14. Upon information and belief, on or about June 10, 2015 and at all times relevant
4 thereto, Defendants Las Vegas Paving, Superior Traffic and Tab Contractors (collectively,
5 “Defendant Contractors”) were performing road work on Rampart Boulevard between
6 Tournament Hills Drive and Summerlin Parkway (hereinafter “Subject Area”) at the direction of
7 the City of Las Vegas.

8 15. On or before June 10, 2015, Defendant Contractors excavated a large section of
9 asphalt roadway down to the road foundation which completely spanned the middle lane of
10 northbound Rampart Boulevard (hereinafter “the Subject Excavation”).

11 16. On or about June 10, 2015 Defendant Contractors failed to properly mark and
12 barricade the roadway around the Subject Excavation and failed to properly utilize channeling
13 devices, causing Mr. Seaman to be unaware of the Subject Excavation and the danger it posed as
14 he was driving the Subject Vehicle on northbound Rampart Boulevard.

15 17. On or about June 10, 2015, Plaintiff suffered serious injury when the Subject
16 Vehicle drove into the Subject Excavation.

17 18. As a direct and proximate result of Defendants’ negligence, Plaintiff has suffered
18 physical injury, pain and suffering, loss of consortium, loss of income, and property damage.

19 19. Plaintiff has been damaged by Defendants, in an amount in excess of \$15,000.00.

20 20. As a direct and proximate result of the actions or omissions of Defendants,
21 Plaintiff has had to retain the services of the law offices of Nettles Law Firm to pursue this action
22 and is entitled to recover costs of suit and reasonable attorney’s fees incurred herein.

23 **FIRST CAUSE OF ACTION**

24 **(Negligence)**

25 21. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs
26 1 through 20 as though fully set forth herein.

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1 22. Defendants, and each of them, owed a non-delegable duty of care to Plaintiff to
2 maintain the Subject Area in a reasonably safe manner and to warn and protect Plaintiff from
3 dangerous conditions.

4 23. On information and belief, Defendants, and each of them, breached the duties
5 they owed to Plaintiff by allowing dangerous conditions to exist and persist in the Subject Area
6 prior to the Subject Incident, and by failing to adequately remedy or warn of the existence of the
7 dangerous conditions.

8 24. At the time of the above-related incident, applicable State law and City ordinance,
9 required construction on roadways comply with the Manual on Uniform Traffic Control Devices
10 (hereinafter, "MUTCD").

11 25. Plaintiff(s) belong(s) to a class of persons that the MUTCD was intended to
12 protect.

13 26. On information and belief, at the time of the above-related incident, Defendants,
14 and each of them, violated the MUTCD by failing to properly mark and barricade the roadway
15 around the Subject Excavation and failing to properly utilize channeling devices. These
16 violations were each an actual and legal cause of Plaintiff's injuries.

17 27. On information and belief, Plaintiff's injuries were the type against which the
18 MUTCD was intended to protect.

19 28. Under the doctrine of Negligence Per Se, each violation of the MUTCD
20 constitutes a breach of a duty owed to Plaintiff by Defendants, and each of them.

21 29. As a direct and proximate result of the actions or omissions of Defendants,
22 Plaintiff suffered physical injury, pain and suffering, loss of income, and property damage.

23 30. Plaintiff has been damaged by the negligence of Defendants in an amount in
24 excess of \$15,000.00.

25 31. As a direct and proximate result of the actions or omissions of Defendants,
26 Plaintiff has had to retain the services of the law offices of Nettles Law Firm to pursue this action
27 and is entitled to recover costs of suit and reasonable attorney's fees incurred herein.
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SECOND CAUSE OF ACTION

(Negligent Hiring, Training, Retention, and Supervision)

32. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 31 as though fully set forth herein.

33. Defendants, and each of them, owed a non-delegable duty to Plaintiff to exercise due care in the selection, training, oversight, direction, retention, and control of their contractors, including Defendant Contractors.

34. Defendants, and each of them, breached the non-delegable duty to Plaintiff by failing to properly hire, retain, train, staff, and supervise Defendant Contractors.

35. As a direct and proximate result of the actions or omissions of Defendants, and each of them, Plaintiff suffered physical injury, pain and suffering, loss of income, and property damage.

36. Plaintiff has been damaged by the negligence of Defendants, and each of them, in an amount in excess of \$15,000.00.

37. As a direct and proximate result of the actions or omissions of Defendants, and each of them, Plaintiff has had to retain the services of the law offices of Nettles Law Firm to pursue this action and are entitled to recover costs of suit and reasonable attorney's fees incurred herein.

THIRD CAUSE OF ACTION

(Loss of Consortium)

38. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 37 as though fully set forth herein.

39. Mr. Seaman was, at all times relevant hereto, and is the spouse of Ms. Seaman, and as such lives and cohabitates with her.

40. Ms. Seaman was, at all times relevant hereto, and is the spouse of Mr. Seaman, and as such lives and cohabitates with him.

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1 41. Defendants, and each of them, owed a non-delegable duty of care to Plaintiff to
2 maintain the Subject Area in a reasonably safe manner and to warn and protect Plaintiff from
3 dangerous conditions.

4 42. On information and belief, Defendants, and each of them, breached the duties
5 they owed to Plaintiff by allowing dangerous conditions to exist and persist in the Subject Area
6 prior to the Subject Incident, and by failing to adequately remedy or warn of the existence of the
7 dangerous conditions.

8 43. As a direct and proximate result of the actions or omissions of Defendants, and
9 each of them, Plaintiff has been caused, presently and in the future, to suffer a loss of
10 consortium.

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WHEREFORE, Plaintiff prays for relief against Defendants, and each of them, as follows:

1. For damages in excess of \$15,000.00 medical expenses, pain and suffering, loss of consortium, loss of income, and property damage;
2. For punitive damages;
3. For interest as permitted by law;
4. For costs and attorney's fees incurred herein; and
5. For such other and further relief as the Court deems proper.

DATED this 4th day of April, 2017.

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16 *Attorneys for Plaintiff*

DISTRICT COURT
CLARK COUNTY, NEVADA

17 JOHN SEAMAN, an individual ,
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19 Plaintiff,

20 vs.

21 CITY OF LAS VEGAS; a municipal
22 corporation; LAS VEGAS PAVING
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25 Nevada Corporation; TAB CONTRACTORS,
26 INC., a Nevada Corporation; DOES 1 through
27 10; XYZ CORPORATIONS 11 through 20;
28 and ABC LIMITED LIABILITY
COMPANIES 21 through 30,
Defendants.

CASE NO.: A-17-753515-C
DEPT NO.: XXX

**INITIAL APPEARANCE FEE
DISCLOSURE**

Pursuant to NRS Chapter 10, as amended by Senate Bill 106, filing fees are submitted for parties appearing in the above entitled action as indicated below:

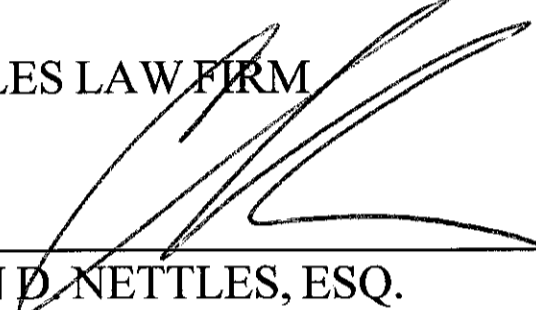
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New Complaint Fee	1 st Appearance Fee
<input type="checkbox"/> \$1530 <input type="checkbox"/> \$520 <input type="checkbox"/> \$299 <input checked="" type="checkbox"/> \$270.00	<input type="checkbox"/> \$1483.00 <input type="checkbox"/> \$473.00 <input type="checkbox"/> \$223.00
JOHN SEAMAN, Plaintiff	
	<input type="checkbox"/> \$30
	<input type="checkbox"/> \$30
	<input type="checkbox"/> \$30
<input type="checkbox"/> Total of Continuation Sheet Attached	<input type="checkbox"/> \$ _____
TOTAL REMITTED: (Required)	Total Paid <u>\$270.00</u>

DATED this 4th day of April, 2017.

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