

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE**

JACKSON E. WARE,)	
)	
Plaintiff,)	
)	
v.)	Case No.: _____
)	
JOHN J. MASSEN,)	
Serve at:)	
7909 Hedges)	
Kansas City, MO 64130)	
)	
Defendants.)	

PETITION FOR DAMAGES (8101)

COMES NOW the plaintiff, Jackson E. Ware, for his cause of action against the defendant, John Massen, and states as follows:

PARTIES

1. Plaintiff Jackson Ware is a resident of Jackson County, Missouri, residing at 5214 Wabash, Kansas City, Missouri 64130.
2. Defendant John Massen is a resident of the State of Missouri, residing at 7909 Hedges, Kansas City, Missouri 64133.

JURISDICTION AND VENUE

3. Jurisdiction is proper in the State of Missouri pursuant to R.S.Mo. § 506.500 because all of the parties are residents of the State of Missouri and because defendant committed a tortious act within the state.
4. Venue is proper in the Jackson County Circuit Court pursuant to R.S.Mo. § 508.010(1) and R.S.Mo. § 508.010(6) .

GENERAL ALLEGATIONS

5. On February 9, 2002, plaintiff was driving his 1990 Honda Civic eastbound on I-70.
6. Plaintiff encountered a 1994 Ford Ranger being driven by defendant.
7. The 1994 Ford Ranger suddenly stopped after passing the I-435 entrance ramp.
8. Plaintiff's 1990 Honda Civic was traveling in the right lane and another series of vehicles were in the left lanes of traffic.
9. Defendant told the Kansas City, Missouri Police Department that he was traveling eastbound on I-70 when he realized that he had missed his exit and stopped. The Kansas City, Missouri Police Officer noted that defendant then refused to give any further information and that probable contributing circumstances were that defendant was improperly stopped on the roadway and that he was improperly backing his vehicle.
10. Defendant John Massen received a ticket from the Kansas City, Missouri Police Department.
11. Defendant John Massen was backing up on an interstate highway in order to make turn onto the I-435 exit which he has missed.
12. Although plaintiff attempted to avoid the defendant, however, plaintiff struck the rear of the defendant. Plaintiff was then struck from the rear by Roena Owens.
13. As a result of the collision, plaintiff sustained serious injuries.

COUNT I
NEGLIGENCE OF DEFENDANT JOHN MASSEN

14. Plaintiff incorporates by reference all averments contained in Paragraphs 1 through 13 of this Petition and further alleges as follows:
15. Defendant John Massen owed a duty to the other drivers and individuals

on the road, including plaintiff Jackson Ware, to operate the vehicle with the highest degree of care.

16. Defendant John Massen failed to operate his vehicle with the highest degree of care and was negligent in one or more of the following ways:
 - a. failing to keep a careful lookout;
 - b. failing to turn on his hazard blinkers;
 - c. improper operation of his vehicle;
 - d. backing up on an interstate highway;
 - e. failing to pull all of the way onto a shoulder;
 - f. stopping on an interstate, although there was no emergency nor vehicle malfunction, in violation of Missouri law;
 - g. careless and imprudently operating his vehicle; and
 - h. stopping his automobile in a lane reserved for moving traffic.
17. As a direct and proximate result of defendant John Massen's negligent operation of his vehicle on February 9, 2002, plaintiff Jackson Ware sustained:
 - a. severe injuries;
 - b. past and future loss of time and income;
 - c. medical bills;
 - d. pain and suffering;
 - e. personal property damage; and
 - f. other damages.
18. Defendant's willful and wanton violations of Missouri state law, to include illegally stopping a vehicle on an Interstate, failing to turn on his hazard signals and backing up on an interstate highway demonstrates a callous disregard for the safety of plaintiff and other individuals on the road. As such, plaintiff seeks to punish defendant John Massen for this type of behavior and discourage other drivers from violating Missouri state law.

COUNT II
NEGLIGENCE PER SE OF DEFENDANT JOHN MASSEN

19. Plaintiff incorporates by reference all averments contained in Paragraphs 1 through 18 of this Petition and further alleges as follows:
20. Defendant John Massen is charged with operating his vehicle with the highest duty of care and with obeying the laws of the State of Missouri.
21. The traffic laws of the State of Missouri are designed to protect all citizens of the State of Missouri from automobile accidents, injury to person and injury to property.
22. Defendant Morrison violated one or more of the following traffic laws:
 - a. R.S. Mo. § 307.110;
 - b. R.S. Mo. § 304.351;
 - c. R.S. Mo. § 304.022;
 - d. R.S. Mo. § 304.015; and
 - e. other traffic laws.
23. As a direct and proximate result of defendant John Massen's violations of Missouri law on February 9, 2002, plaintiff Jackson Ware sustained:
 - a. severe injuries;
 - b. past and future loss of time and income;
 - c. medical bills;
 - d. pain and suffering;
 - e. personal property damage; and
 - f. other damages.
24. Defendant's willful and wanton violations of Missouri state law, to include illegally stopping a vehicle on an Interstate, failing to turn on his hazard signals and backing up on an interstate highway demonstrates a callous disregard for the safety of plaintiff and other individuals on the road. As such, plaintiff seeks to

punish defendant John Massen for this type of behavior and discourage other drivers from violating Missouri state law.

WHEREFORE, plaintiff Jackson Ware requests that this Court enter judgment in his favor against defendant John Massen and to award plaintiff a fair and reasonable amount to compensate him for his actual and special damages, to include punitive damages, and pain and suffering and for such other and further relief as the Court deems just and proper.

HENNING & BOUGH, P.C.

By _____

Stephen R. Bough, #46239
R. Denise Henning, #43327
1044 Main, Suite 500
Kansas City, MO 64105
(816) 221-8442
(816) 221-8449 FAX

ATTORNEYS FOR PLAINTIFF

DEMAND FOR JURY TRIAL

COMES NOW the plaintiff and hereby requests a trial by jury on all the issues in the above-captioned case.

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