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21SL-CC01753 - JULIE HART ET AL V QUIKTRIP CORPORATION (E-CASE)

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/Execution
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05/03/2021 ☐ [Corporation Served](#)

Document ID - 21-SMCC-3425; Served To - QUIKTRIP CORPORATION; Server - CT CORP; Served Date - 03-MAY-21; Served Time - 00:00:00; Service Type - Territory 30; Reason Description - Served; Service Text - LC

04/20/2021 ☐ [Summons Issued-Circuit](#)

Document ID: 21-SMCC-3425, for QUIKTRIP CORPORATION. Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service. Note* You must not forward summons to the St. Louis County Sheriff/Process Server before issue date on summons. Failure to follow these instructions may result in your summons being returned.

☐ [Note to Clerk eFiling](#)

Filed By: TIMOTHY P OMARA

☐ [Memorandum Filed](#)

Memo of service fee.

Filed By: TIMOTHY P OMARA

On Behalf Of: JULIE HART, JAMES HART

04/19/2021 ☐ [Judge/Clerk - Note](#)

NO SUMMONS ISSUED DUE TO MISSING SERVICE FEES OR SPECIAL PROCESS SERVER FORM. SERVICE FEE = \$36.00 PER DEFENDANT WITH A ST. LOUIS COUNTY ADDRESS. PLEASE E-FILE A SERVICE MEMO WITH THE MISSING SERVICE FEES ATTACHED. WHEN CORRECTED, PLEASE CALL CLERK, MOLLY, (314) 615-8470.

☐ [Filing Info Sheet eFiling](#)

Filed By: TIMOTHY P OMARA

☐ [Confidential Address Filed](#)

Confidential Case Filing Information Sheet.

Filed By: TIMOTHY P OMARA

On Behalf Of: JULIE HART, JAMES HART

☐ [Pet Filed in Circuit Ct](#)

Petition.

Filed By: TIMOTHY P OMARA

☐ [Judge Assigned](#)

DIV 9

**IN THE CIRCUIT COURT OF THE ST. LOUIS COUNTY
STATE OF MISSOURI**

JULIE HART and JAMES HART,	)	
	)	
Plaintiffs,	)	
	)	Cause No.:
v.	)	
	)	Division No.:
QUIKTRIP CORPORATION,	)	
Serve Registered Agent:	)	
CT Corporation System	)	
120 South Central Avenue	)	
Clayton, MO 63105	)	
	)	JURY TRIAL DEMANDED
Defendant.	)	

PETITION

COMES NOW Plaintiffs, **JULIE HART and JAMES HART**, by and through their attorney, Timothy P. O'Mara, and for their Petition against Defendant, **QUIKTRIP CORPORATION**, state to the Court as follows:

1. At all times mentioned herein, Plaintiffs are residents of St. Louis County, State of Missouri.
2. Defendant QuikTrip Corporation is a foreign corporation doing business in the State of Missouri, qualified to do business and in good standing in the State of Missouri.
3. Defendant is the owner and operator of the QuikTrip located at 11444 St. Charles Rock Road, Bridgeton, MO 63044 ("QuikTrip"). Defendant is responsible for operating and maintaining the QuikTrip, including the parking lot, in a reasonably safe condition.

COUNT I- NEGLIGENCE
(Julie Hart)

4. On or about November 28, 2016, Plaintiff Julie Hart was an invitee at the QuikTrip. Plaintiff Julie Hart parked her vehicle, immediately in front of the entrance to the QuikTrip, and

EXHIBIT A

as she was stepping out of her vehicle she slipped on a banana peel that was laying on the parking lot.

5. Defendant was negligent and failed to use ordinary care by not maintaining the QuikTrip in a reasonably safe manner and by failing to regularly inspect, maintain and clean its parking lot for items left on its parking lot by other invitees.

6. Due to Defendant failing to use ordinary care by failing to regularly inspect, maintain and clean QuikTrip's parking lot, QuikTrip's parking lot was not in a reasonably safe condition.

7. QuikTrip knew or by using ordinary care could have known that other invitees would leave trash and other items on the parking lot, that if stepped on, could cause someone to slip and fall and be injured.

8. As a direct result of said negligence, Plaintiff Julie Hart was caused to suffer severe bodily injuries to her left hip and leg. Plaintiff Julie Hart's injuries have required numerous surgeries including the repair of a torn labrum and two total left hip replacements. Plaintiff has suffered and will continue to suffer pain as a direct result of these injuries and her injuries are permanent.

9. As a direct result of said injuries, Plaintiff has incurred medical and hospital expenses with a reasonable value of over \$200,000.00

10. As a direct result of the negligence of Defendant, Plaintiff will incur medical and hospital expenses in the future.

11. As a direct result of the negligence of the Defendant, Plaintiff has incurred lost wages in excess of \$10,000.00.

12. Plaintiff's damages are in excess of Twenty-Five Thousand Dollars (\$25,000.00).

13. Plaintiff demands a jury trial.

WHEREFORE, Plaintiff Julie Hart prays for judgment against Defendant QuikTrip Corporation, in an amount that is fair and reasonable under the circumstances; for all medical, doctor and hospital bills incurred or to be incurred in the future; for all lost wages incurred or to be incurred in the future; for all pain and suffering suffered as a result of her injuries; for the Court costs incurred herein, for reasonable attorney's fees, and for such other and further relief as this Court deems just and proper.

COUNT II-LOSS OF CONSORTIUM
(James Hart)

14. Plaintiff James Hart restates and realleges paragraphs 1-13 as if fully set forth herein.

15. As a direct result of Defendant's negligence to use ordinary care in maintaining its property and the resulting injuries to Julie Hart, James Hart has lost the consortium, companionship, comfort, instruction, guidance, counseling, training and support of his wife Julie Hart.

16. Said loss of consortium, companionship, comfort, instruction, guidance, counseling, training and support of his wife Julie Hart is continuing and will continue in the future.

17. James Hart's damages are in excess of Twenty-Five Thousand Dollars (\$25,000.00).

18. James Hart demands a jury trial.

WHEREFORE, James Hart respectfully request this court find that James Hart has lost the consortium, companionship and comfort, instruction, guidance, counseling, training and support of his wife Julie Hart, due to the negligence of Defendant QuikTrip Corporation; that James Hart be awarded damages for the loss of the consortium, companionship and comfort,

instruction, guidance, counseling, training and support of his wife Julie Hart; that Defendant QuikTrip Corporation be ordered to pay all reasonable costs incurred, including attorneys' fees and for such other and further relief as this court deems just and proper.

Respectfully submitted,

SPECTOR, WOLFE, McLAUGHLIN & O'MARA, L.L.C.

/s/ Timothy P. O'Mara
TIMOTHY P. O'MARA, #41835
710 South Kirkwood Road
Kirkwood, Missouri 63122
(314) 909-0303 Telephone
(314) 909-0306 Facsimile
tim@spectorwolfe.com
Attorney for Plaintiff



IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: DAVID L VINCENT III	Case Number: 21SL-CC01753	SHERIFF FEE PAID
Plaintiff/Petitioner: JULIE HART	Plaintiff's/Petitioner's Attorney/Address TIMOTHY P OMARA Spector, Wolfe, McLaughlin and Omara LLC 710 S. Kirkwood Road Kirkwood, MO 63122	
Defendant/Respondent: QUIKTRIP CORPORATION	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105	
Nature of Suit: CC Pers Injury-Other		

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: QUIKTRIP CORPORATION

Alias:

CT CORPORATION SYSTEM
120 SOUTH CENTRAL AVENUE
CLAYTON, MO 63105

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.

20-APR-2021

Date

Further Information:

MT

Joan P. Dilmy
Clerk

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☐ other _____

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00 _____

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

Twenty First Judicial Circuit

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

Purpose of Notice

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

Your Rights and Obligations in Court Are Not Affected By This Notice

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

Alternative Dispute Resolution Procedures

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

(1) Advisory Arbitration: A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

(2) Mediation: A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

(3) Early Neutral Evaluation (“ENE”): A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

(4) Mini-Trial: A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

(5) Summary Jury Trial: A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

Selecting an Alternative Dispute Resolution Procedure and a Neutral

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 105 South Central Ave., 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73

County Satellite Court Now Open in St. Ann

Hours: Mon-Fri 8:30 a.m. to 5:00 p.m. FREE PARKING

For the convenience of North County residents, a satellite branch of the St. Louis County Circuit Court is now open at the St. Louis County Government Center Northwest at the 715 Northwest Plaza Drive in St. Ann.

Attending Court Hearings Remotely using E-Courts

If you are scheduled to appear in court, you can access the courtroom remotely using the public computer stations (E-courts) in St. Ann and Clayton. These are available for use when courtroom access is restricted due to the pandemic.

Please note: Hearings for juvenile and paternity cases are confidential, and can only be accessed from the Clayton E-court at this time.

Be sure to bring your paperwork with you; you will need your case number, as well as the date, time and number of the Division where you are scheduled to appear.

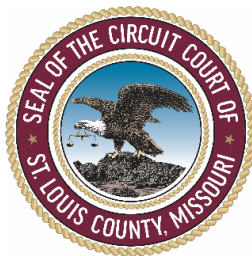
Filing Pleadings/New Petitions

If you are representing yourself, you may file your paperwork at the St. Ann satellite court, in addition to the Clayton courthouse, using the secure drop box located inside the Court reception area.

Filing Orders of Protection

Starting March 1, you may file for an Order of Protection at the Adult Abuse office in the St. Ann satellite court, in addition to the Clayton courthouse. Clerks will be available on-site to help you fill out and file the necessary paperwork.

For more information call: 314-615-8029



**IN THE CIRCUIT COURT OF THE ST. LOUIS COUNTY
STATE OF MISSOURI**

JULIE HART and JAMES HART,	)	
	)	
Plaintiffs,	)	
	)	Cause No.: 21SL-CC01753
v.	)	
	)	Division No.: 9
QUIKTRIP CORPORATION,	)	
	)	
Defendant.	)	

MEMORANDUM

COMES NOW Plaintiffs, by and through their attorney, and hereby give notice of filing of the service fee for issuance of summons for service by the St. Louis County Sheriff upon Defendant.

Respectfully submitted,

SPECTOR, WOLFE, McLAUGHLIN & O'MARA, L.L.C.

/s/ Timothy P. O'Mara
TIMOTHY P. O'MARA, #41835
710 South Kirkwood Road
Kirkwood, Missouri 63122
(314) 909-0303 Telephone
(314) 909-0306 Facsimile
tim@spectorwolfe.com
Attorney for Plaintiff

EXHIBIT A

Return

FILED

5/20 C



IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

MAY 10 2021

Judge or Division: DAVID L VINCENT III	Case Number: 21SL-CC01753	JUAN M. GILMER CIRCUIT CLERK, ST. LOUIS COUNTY
Plaintiff/Petitioner: JULIE HART	Plaintiff's/Petitioner's Attorney/Address TIMOTHY P OMARA Spector, Wolfe, McLaughlin and Omara LLC 710 S. Kirkwood Road Kirkwood, MO 63122	
Defendant/Respondent: QUIKTRIP CORPORATION	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105	
Nature of Suit: CC Pers Injury-Other		SHERIFF FEE PAID

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: QUIKTRIP CORPORATION

Alias:

CT CORPORATION SYSTEM
120 SOUTH CENTRAL AVENUE
CLAYTON, MO 6310530
CTCOR
W

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

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20-APR-2021

Date

Further Information:
MT

Juan M. Gilmer
Clerk
2021 APR 26 PM 2:13
ST. LOUIS COUNTY
SHERIFF'S OFFICE

RECEIVED

APR 26 2021

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.

- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

LCW - B. LOVE

(name)

INTAKE SPECIALIST

(title).

- ☒ other

CT CORPORATION

Served at

in St. Louis County (County/City of St. Louis), MO, on MAY 03 2021 (date) at 9 AM (time).

(Seal)

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

429#