

**IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS**

MATTHEW A. GARNER,

Plaintiff,

vs.

No. 20L0816

FEDEX CORPORATE SERVICES, INC., a
Corporation, and; FEDERAL EXPRESS, a
Corporation d/b/a FedEx; and FEDEX
GROUND PACKAGE SYSTEM, INC., a
Corporation d/b/a FEDEX GROUND;
MREIC SAUGET IL, LLC, a Corporation, and
ANY OTHER DEFENDANTS CURRENTLY
UNKNOWN,

Defendants.

COMPLAINT

COUNT I: NEGLIGENCE AGAINST FEDEX CORPORATE SERVICES, INC.

Comes now the Plaintiff, MATTHEW A. GARNER, by and through his attorneys, PRATT & TOBIN, P.C., and for his cause of action against the Defendant, FEDEX CORPORATE SERVICES, INC., a Corporation d/b/a FEDEX CORPORATION, and states as follows:

1. Defendant, FEDEX CORPORATE SERVICES, INC., (hereinafter "FEDEX CORP"), is a federally registered motor carrier that contracts with Independent Service Providers, or subcontractors, for package pick-up and delivery services, and that it operates a nationwide network of package handling facilities.

2. Plaintiff, MATTHEW A. GARNER, was an employee of MW Trucking Company, a Corporation. MW Trucking Company is one of FEDEX CORP's subcontractors.

3. That on or about October 31, 2018, Plaintiff, MATTHEW A. GARNER, was working for MW Trucking Company, a Corporation. His job was to drive to the warehouse located at 1602 Vincent Drive, Sauget, Illinois, so that FEDEX CORP employees could load boxes from a conveyor belt into his truck.

4. That on or about October 31, 2018, when MATTHEW A. GARNER exited his truck at the warehouse located at 1602 Vincent Drive in Sauget, Illinois, he tripped and fell over boxes that were scattered throughout the area behind his truck and near the conveyor belt by FEDEX CORP employees. He tripped and fell due to the boxes being placed there by FEDEX CORP employees. MATTHEW A. GARNER fell and injured his right ankle, back, and body.

5. It was then and there that FEDEX CORP, and its employees had a duty to place said boxes in an orderly fashion on the truck, or so that they could be placed on the truck. Notwithstanding said duty, said boxes were scattered haphazardly over the aforementioned area causing Plaintiff to trip and fall injuring his right ankle, back, and body.

6. That the Defendant, FEDEX CORP, breached its duty of care to the Plaintiff, MATTHEW A. GARNER, and was guilty of negligence thereby, in one or more the following ways:

- a. Failed to place the boxes in an orderly fashion; and/or
- b. Failed to have enough employees that could handle the boxes coming off the conveyor system; and/or
- c. Failed to warn Plaintiff of the dangerous conditions; and/or
- d. Had said boxes placed in a manner haphazardly which was likely to cause a person to trip and fall and injure himself.
- e. Failed to properly train its employees regarding safety standards.
- f. Failed to enforce safety standards and protocols

- g. Failed to maintain its property such that it would be safe and free from dangerous hazards.
- h. Failed to inspect its property to ensure that it would be safe and free from dangerous hazards.

7. That as a direct and proximate result of Defendant, FEDEX CORP's, negligence the Plaintiff, MATTHEW A. GARNER, fell injuring his right ankle, back, and body.

8. That as a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions of the Defendant and each of them, the Plaintiff then and there sustained permanent injuries. The Plaintiff suffered great pain and anguish, both in mind and body, and will in the future continue to suffer. The Plaintiff has suffered disfigurement and will in the future. The Plaintiff has suffered a loss of a normal life and will in the future. The Plaintiff has suffered a loss of earning capacity. The Plaintiff further expended and became liable for and will expend and become liable for large sums of money for medical care and services endeavoring to become healed and cured of his injuries, and has sustained lost wages and will in the future.

WHEREFORE, Plaintiff, MATTHEW A. GARNER, prays that judgment be entered against the Defendant, FEDEX CORPORATE SERVICES, INC., a Corporation d/b/a FEDEX CORP, in a sum in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), and the costs of this action and whatever other remedy this Court deems appropriate.

COUNT II: NEGLIGENCE AGAINST FEDERAL EXPRESS

Comes now the Plaintiff, MATTHEW A. GARNER, by and through his attorneys, PRATT & TOBIN, P.C., and for his cause of action against the Defendant, FEDERAL EXPRESS, a Corporation d/b/a FEDEX, (hereinafter "FEDEX") and states as follows:

1. Defendant, FEDEX, is a federally registered motor carrier that contracts with Independent Service Providers, or subcontractors, for package pick-up and delivery services, and that it operates a nationwide network of package handling facilities.

2. Plaintiff, MATTHEW A. GARNER, was an employee of MW Trucking Company, a Corporation. MW Trucking Company is one of FEDEX'S subcontractors.

3. That on or about October 31, 2018, the Plaintiff, MATTHEW A. GARNER, was working for MW Trucking Company, a Corporation. His job was to drive to the warehouse located at 1602 Vincent Drive, Sauget, Illinois, so that FEDEX employees could load boxes from a conveyor belt into his truck.

4. That on or about October 31, 2018, when MATTHEW A. GARNER exited his truck at the warehouse located at 1602 Vincent Drive in Sauget, Illinois, he tripped and fell over boxes that were scattered throughout the area behind his truck and near the conveyor belt by FEDEX employees. He tripped and fell due to the boxes being placed there by FEDEX employees. MATTHEW A. GARNER fell and injured his right ankle, back, and body.

5. It was then and there that FEDEX, and its employees had a duty to place said boxes in an orderly fashion on the truck, or so that they could be placed on the truck. Notwithstanding said duty, said boxes were scattered haphazardly over the aforementioned area causing Plaintiff to trip and fall injuring his right ankle, back, and body.

6. That the Defendant, FEDEX, breached its duty of care to the Plaintiff, MATTHEW A. GARNER, and was guilty of negligence thereby, in one or more the following ways:

- a. Failed to place the boxes in an orderly fashion; and/or
- b. Failed to have enough employees that could handle the boxes

coming off the conveyor system; and/or

- c. Failed to warn Plaintiff of the dangerous conditions; and/or
- d. Had said boxes placed in a manner haphazardly which was likely to cause a person to trip and fall and injure himself.
- e. Failed to properly train its employees regarding safety standards.
- f. Failed to enforce safety standards and protocols
- g. Failed to maintain its property such that it would be safe and free from dangerous hazards.
- h. Failed to inspect its property to ensure that it would be safe and free from dangerous hazards.

7. That as a direct and proximate result of Defendant, FEDEX's, negligence the Plaintiff, MATTHEW A. GARNER, fell injuring his right ankle, back, and body.

8. That as a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions of the Defendant and each of them, the Plaintiff then and there sustained permanent injuries. The Plaintiff suffered great pain and anguish, both in mind and body, and will in the future continue to suffer. The Plaintiff has suffered disfigurement and will in the future. The Plaintiff has suffered a loss of a normal life and will in the future. The Plaintiff has suffered a loss of earning capacity. The Plaintiff further expended and became liable for and will expend and become liable for large sums of money for medical care and services endeavoring to become healed and cured of his injuries, and has sustained lost wages and will in the future.

WHEREFORE, Plaintiff, MATTHEW A. GARNER, prays that judgment be entered against the Defendant, FEDERAL EXPRESS, a Corporation d/b/a FEDEX, in a sum in excess of FIFTY

THOUSAND DOLLARS (\$50,000.00), and the costs of this action and whatever other remedy this Court deems appropriate.

COUNT III: NEGLIGENCE AGAINST FEDEX GROUND PACKAGE SYSTEM, INC.

Comes now the Plaintiff, MATTHEW A. GARNER, by and through his attorneys, PRATT & TOBIN, P.C., and for his cause of action against the Defendant, FEDEX GROUND PACKAGE SYSTEM, INC., a Corporation d/b/a FEDEX GROUND, (hereinafter "FEDEX GROUND"), and states as follows:

1. Plaintiff, MATTHEW A. GARNER, was an employee of MW Trucking Company, a Corporation. MW Trucking Company is one of FEDEX GROUND's subcontractors. FEDEX GROUND is a subsidiary of FEDEX CORP.

2. That on or about October 31, 2018, the Plaintiff, MATTHEW A. GARNER, was working for MW Trucking Company, a Corporation. His job was to drive to the warehouse located at 1602 Vincent Drive, Sauget, Illinois, so that FEDEX GROUND employees could load boxes from a conveyor belt into his truck.

3. That on or about October 31, 2018, when MATTHEW A. GARNER exited his truck at the warehouse located at 1602 Vincent Drive in Sauget, Illinois, he tripped and fell over boxes that were scattered throughout the area behind his truck and near the conveyor belt by FEDEX GROUND employees. He tripped and fell due to the boxes being placed there by FEDEX GROUND employees. MATTHEW A. GARNER fell and injured his right ankle, back, and body.

4. It was then and there that FEDEX GROUND, a Corporation, and its employees had a duty to place said boxes in an orderly fashion on the truck, or so that they could be placed on the

truck. Notwithstanding said duty, said boxes were scattered haphazardly over the aforementioned area causing Plaintiff to trip and fall injuring his right ankle, back, and body.

5. That the Defendant, FEDEX GROUND, breached its duty of care to the Plaintiff, MATTHEW A. GARNER, and was guilty of negligence thereby, in one or more the following ways:

- a. Failed to place the boxes in an orderly fashion; and/or
- b. Failed to have enough employees that could handle the boxes coming off the conveyor system; and/or
- c. Failed to warn Plaintiff of the dangerous conditions; and/or
- d. Had said boxes placed in a manner haphazardly which was likely to cause a person to trip and fall and injure himself.
- e. Failed to properly train its employees regarding safety standards.
- f. Failed to enforce safety standards and protocols.
- g. Failed to maintain its property such that it would be safe and free from dangerous hazards.
- h. Failed to inspect its property to ensure that it would be safe and free from dangerous hazards.

6. That as a direct and proximate result of Defendant, FEDEX GROUND's, negligence the Plaintiff, MATTHEW A. GARNER, fell injuring his right ankle, back, and body.

7. That as a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions of the Defendant and each of them, the Plaintiff then and there sustained permanent injuries. The Plaintiff suffered great pain and anguish, both in mind and body, and will in the future continue to suffer. The Plaintiff has suffered disfigurement and will in the future. The Plaintiff has suffered a loss of a normal life and will in the future. The Plaintiff has suffered a loss of earning capacity. The Plaintiff further expended and became liable for and will

expend and become liable for large sums of money for medical care and services endeavoring to become healed and cured of his injuries, and has sustained lost wages and will in the future.

WHEREFORE, Plaintiff, MATTHEW A. GARNER, prays that judgment be entered against the Defendant, FEDEX GROUND PACKAGE SYSTEM, INC., a Corporation d/b/a FEDEX GROUND, in a sum in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), and the costs of this action and whatever other remedy this Court deems appropriate.

**COUNT IV: NEGLIGENCE AGAINST MONMOUTH REAL ESTATE
INVESTMENT CORPORATION SAUGET ILLINOIS, LLC**

Comes now the Plaintiff, MATTHEW A. GARNER, by and through his attorneys, PRATT & TOBIN, P.C., and for his cause of action against the Defendant, MONMOUTH REAL ESTATE INVESTMENT CORPORATION SAUGET ILLINOIS, LLC, a Corporation d/b/a MREIC SAUGET IL, LLC, (hereinafter "MREIC"), and ANY OTHER DEFENDANTS CURRENTLY UNKNOWN, and states as follows:

1. Plaintiff, MATTHEW A. GARNER, was an employee of MW Trucking Company, a Corporation. MW Trucking Company is one of FEDEX's subcontractors.
2. That on or about October 31, 2018, the Plaintiff, MATTHEW A. GARNER, was working for MW Trucking Company, a Corporation. His job was to drive to a property owned by MREIC, a warehouse located at 1602 Vincent Drive, Sauget, Illinois, so that FEDEX CORP, FEDEX, and/or FEDEX GROUND employees could load boxes from a conveyor belt into his truck.
3. That on or about October 31, 2018, when MATTHEW A. GARNER exited his truck at the property owned by MREIC, a warehouse in Sauget, Illinois, he tripped and fell over boxes that were scattered throughout the area behind his truck and near the conveyor belt by FEDEX CORP,

FEDEX, and/or FEDEX GROUND employees. He tripped and fell due to the boxes being placed there by FEDEX CORP, FEDEX, and/or FEDEX GROUND employees. MATTHEW A. GARNER fell and injured his right ankle, back, and body.

4. It was then and there that MREIC, and its agents and employees had a duty to ensure that said boxes were placed in an orderly fashion on the truck, or so that they could be placed on the truck. Notwithstanding said duty, said boxes were scattered haphazardly over the aforementioned area causing Plaintiff to trip and fall injuring his right ankle, back, and body.

5. That the Defendant, MREIC, breached its duty of care to the Plaintiff, MATTHEW A. GARNER, and was guilty of negligence thereby, in one or more the following ways:

- a. Failed to ensure that the boxes were placed in an orderly fashion; and/or
- b. Failed to have enough employees that could handle the boxes coming off of the conveyor system; and/or
- c. Failed to warn Plaintiff of the dangerous conditions; and/or
- d. Allowed said boxes to be placed in a manner haphazardly which was likely to cause a person to trip and fall and injure himself.
- e. Failed to maintain its property such that it would be safe and free from dangerous hazards.
- f. Failed to inspect its property to ensure that it would be safe and free from dangerous hazards.
- g. Failed to properly train its employees regarding safety standards.
- h. Failed to enforce safety standards and protocols

6. That as a direct and proximate result of Defendant, MREIC's, negligence the Plaintiff, MATTHEW A. GARNER, fell injuring his right ankle, back, and body.

7. That as a direct and proximate result of one or more of the aforesaid careless and negligent acts and/or omissions of the Defendant and each of them, the Plaintiff then and there sustained permanent injuries. The Plaintiff suffered great pain and anguish, both in mind and body, and will in the future continue to suffer. The Plaintiff has suffered disfigurement and will in the future. The Plaintiff has suffered a loss of a normal life and will in the future. The Plaintiff has suffered a loss of earning capacity. The Plaintiff further expended and became liable for and will expend and become liable for large sums of money for medical care and services endeavoring to become healed and cured of his injuries, and has sustained lost wages and will in the future.

WHEREFORE, Plaintiff, MATTHEW A. GARNER, prays that judgment be entered against the Defendant, MONMOUTH REAL ESTATE INVESTMENT CORPORATION SAUGET ILLINOIS, LLC, a Corporation d/b/a MREIC SAUGET IL, LLC, and ANY OTHER DEFENDANTS CURRENTLY UNKNOWN, in a sum in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), and the costs of this action and whatever other remedy this Court deems appropriate.

MATTHEW A. GARNER, Plaintiff
PRATT & TOBIN, P.C.

BY: 

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**NOTE: PLAINTIFF DEMANDS
TRIAL BY JURY AS TO ALL COUNTS**