

1. Plaintiff is an individual who resides in the state of Kansas.
2. Defendant is a Missouri corporation currently in good standing. Defendant may be served with process in this case by and through its registered agent, David W. Laverentz, 1 Royal Way, POB 419969, Kansas City, Missouri 64141-6969.
3. This court has personal jurisdiction over Defendant.
4. Venue is proper in this court.
5. At all times relevant herein, including September 8, 2009, Defendant operated and maintained the premises commonly known as Kauffman Stadium, 1 Royal Way, Kansas City, MO 64129-1695.
6. Defendant's responsibilities at Kauffman Stadium included providing promotional activities and entertainment during the Kansas City Royals baseball games.

7. These promotional activities included the hiring of the Kansas City Royals' mascot commonly known as "Slugger," who is portrayed by a person in a lion's costume.

8. Slugger is an agent, servant and/or employee of Defendant.

9. At all times relevant herein, Slugger was acting in the scope and course of his employment for Defendant.

10. On the evening of September 8, 2009, Plaintiff was an invitee at Kauffman Stadium and was attending a Kansas City Royals baseball game. Plaintiff was seated approximately six rows up from the third base dugout.

11. During a break in the game, Slugger climbed atop the third base dugout and started shooting hotdogs into the stands from an air gun. After he finished with the air gun, Slugger started throwing hot dogs into the stands. While doing so, Slugger attempted to throw a hotdog into the stands with a throw behind his back. Instead of throwing the hotdog at an arch high into the stands, Slugger lost control of his throw, or was reckless with his throw, and threw the hotdog directly into Plaintiff, who was sitting a few feet away. The hotdog struck Plaintiff in his left eye.

12. As a direct result of being struck in the eye by the hotdog, Plaintiff suffered serious personal injuries, including but not limited to, a detached retina in his left eye and the development of cataracts in his left eye. As a direct result of being struck, Plaintiff suffered pain and suffering, underwent two surgeries and has incurred medical expenses. Plaintiff has also suffered permanent impairment of his vision in his left eye, is at a greater risk of suffering future eye problems, and is likely to incur future medical treatment and expenses.

13. Plaintiff's damages exceed \$25,000.

### **Count I - Negligence**

14. Plaintiff incorporates the allegations contained in paragraphs 1 – 13 above, as if fully set forth herein.

15. Defendant owed a duty to Plaintiff to ensure that it safely operated and maintained Kauffman Stadium, and in particular, Defendant owed a duty to Plaintiff to ensure that Defendant's agents, servants and employees did not injure invitees at Kauffman Stadium.

16. Defendant violated this duty and was thereby negligent in the following respects:

- a. Defendant, by and through its agents, servants or employees, failed to exercise ordinary care in throwing hotdogs into the stands at Kauffman Stadium;
- b. Defendant failed to adequately train its agents, servants, and employees as to the proper method of throwing hotdogs into the stands of Kauffman Stadium;
- c. Defendant failed to adequately supervise its agents, servants and employees in the proper method in which to throw hotdogs into the stands at Kauffman Stadium;

17. As a result of Defendant's negligence, Plaintiff suffered painful and permanent personal injuries and incurred medical expenses. Plaintiff will also likely incur future medical treatment and expenses to treat these injuries.

18. By virtue of Defendant's negligence, Defendant is liable to Plaintiff for the damages he has suffered and will likely incur in the future.

**Count II - Battery**

19. Plaintiff incorporates the allegations in paragraphs 1 – 18 above, as if fully set forth herein.

20. Defendant, by and through its agent, servant or employee, intentionally threw a hotdog that struck Plaintiff in his left eye, thereby causing Plaintiff to suffer bodily harm and personal injuries.

20. Defendant is liable to Plaintiff for the damages he has suffered and will likely incur in the future.

WHEREFORE, Plaintiff prays for a judgment against Defendant for the damages he has suffered and sustained; for his cost incurred in this case; and for such further relief as the court deems just and proper.

**Demand for Jury Trial**

Plaintiff hereby requests a jury trial on all issues.

Respectfully submitted,

LEWIS, RICE & FINGERSH, L.C.

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