

IN THE CIRCUIT COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF MULTNOMAH

7	RICHARD A. SPRING,	)	No.
		)	
8	Plaintiff,	)	<b>COMPLAINT</b>
		)	<b>(Personal Injury; ORS 20.080)</b>
9	v.	)	
		)	<b>Subject to Mandatory</b>
10	DENISE LANDERS; WHOLE FOODS	)	<b>Arbitration</b>
	MARKET PACIFIC NORTHWEST, INC.	)	
11	(doing business as Whole Food	)	<b>JURY TRIAL REQUESTED</b>
	Market), a foreign business	)	
12	corporation; and	)	Amount claimed: \$10,000
	ELLIOTT ASSOCIATES, INC., a	)	(aggregate)
13	domestic business corporation,	)	
			Fee Authority: ORS 21.160(1)(a)
14	Defendants.		

Plaintiff RICHARD A. SPRING alleges:

**First Claim for Relief**

**(Negligence - Landers)**

1.

At all times material herein, defendant Denise Landers was and is the owner of a dog ("Nola"); she resides in Portland, Multnomah County, Oregon.

2.

At all times material herein, defendant WHOLE FOODS MARKET PACIFIC NORTHWEST, INC., d/b/a Whole Food Market (hereinafter "Whole Foods") was and is a foreign business entity authorized to conduct business in Oregon, and was the owner and/or operator of a

1 retail market on NE 15<sup>th</sup> Street in Portland, Oregon.

2 3.

3 At all times material herein, defendant ELLIOTT ASSOCIATES,  
4 INC. was and is an Oregon corporation authorized to conduct  
5 business in Oregon, and was the owner, operator, manager and/or  
6 maintainer of certain real property on which defendant Whole Foods  
7 operated a market (NE 15th St., Portland).

8 4.

9 At all times material herein, plaintiff was a pedestrian near  
10 the entrance to the store/market operated by defendant Whole Foods.

11 5.

12 At all times pertinent, plaintiff was an invitee of Whole  
13 Foods and an invitee of the commercial premises located on NE 15<sup>th</sup>  
14 Street occupied by Whole Foods and maintained by Elliott  
15 Associates.

16 6.

17 On November 20, 2015, plaintiff was walking towards the  
18 entrance of the Whole Foods Market on NE 15<sup>th</sup> Street when he was  
19 bitten by a dog owned by defendant Landers, causing bodily injuries  
20 to plaintiff as hereinafter set forth.

21 7.

22 Defendant LANDERS was negligent in one or more of the  
23 following particulars which caused injuries to plaintiff:

- 24 a) In failing to maintain proper control of her animal  
25 (dog);

1           b)     In failing to properly muzzle her animal (dog) while it  
2                 was in a place used by the general public.

3                                 8.

4           As a direct, proximate and foreseeable result of the acts and  
5 omissions of defendant LANDERS, plaintiff Richard Spring sustained  
6 a puncture injury to his right leg, all to plaintiff's non-economic  
7 damage in an amount exceeding \$10,000.

8                                 9.

9           As a direct and foreseeable result of the acts and omissions  
10 of defendant LANDERS, plaintiff incurred health care expenses and  
11 other economic damages. The total of plaintiff's economic damages  
12 not paid a health insurance, subject to direct reimbursement under  
13 ORS 742.534, together with his non-economic damages, exceeds  
14 \$10,000 but plaintiff hereby limits the amount sought for both non-  
15 economic damages and non-742.534 economic damages to \$10,000 for  
16 purposes of ORS 20.080.

17                               10.

18           By letter dated February 15, 2016, plaintiff made demand upon  
19 defendant LANDERS and her insurer for damages in the manner  
20 provided by ORS 20.080.

21                               11.

22           Plaintiff is entitled to recover attorney fees incurred herein  
23 pursuant to ORS 20.080 as well as her damages and costs and  
24 disbursements.

25    //

26    //

**Second Claim for Relief**  
**(Negligence - Whole Foods)**

12.

Plaintiff re-alleges paragraphs 1-6 above.

13.

Defendant WHOLE FOODS was negligent in one or more of the following particulars which caused injuries to plaintiff:

- a) In providing an unsafe "tie-up" area near its store entrance for the use of its patrons who owned animals;
- b) In failing to properly monitor and/or safeguard the "tie-up" area;
- c) In failing to provide appropriate warning (via signs, placards, cones, etc.) to members of the public that the "tie-up" area could be in use by dangerous animals;
- d) In failing to properly segregate the "tie-up" area (via cones, fencing, distance, etc.) from business invitees and other members of the public;
- e) In failing to maintain its store premises, including the entrance, in a safe condition for business invitees and other members of the public.

14.

As a direct, proximate and foreseeable result of the acts and omissions of defendant WHOLE FOODS, plaintiff Richard Spring sustained a puncture injury to his right leg, all to plaintiff's non-economic damage in an amount exceeding \$10,000.

15.

As a direct and foreseeable result of the acts and omissions of defendant WHOLE FOODS, plaintiff incurred health care expenses and other economic damages. The total of plaintiff's economic damages not paid a health insurance, subject to direct reimbursement under ORS 742.534, together with his non-economic damages, exceeds \$10,000 but plaintiff hereby limits the amount sought for both non-economic damages and non-742.534 economic damages to \$10,000 for purposes of ORS 20.080.

16.

By letter dated February 15, 2016, plaintiff made demand upon defendant WHOLE FOODS for damages in the manner provided by ORS 20.080.

17.

Plaintiff is entitled to recover attorney fees incurred herein pursuant to ORS 20.080 as well as her damages and costs and disbursements.

### **Third Claim for Relief**

#### **(Negligence - Elliott Associates, Inc.)**

18.

Plaintiff re-alleges paragraphs 1-6 above.

19.

Defendant ELLIOTT ASSOCIATES, INC. was negligent in one or more of the following particulars which caused injuries to plaintiff:

a) In providing an unsafe animal "tie-up" area near the

Whole Foods store entrance;

b) In failing to properly monitor and/or safeguard the "tie-up" area;

c) In failing to provide appropriate warning (via signs, placards, cones, etc.) to members of the public that the "tie-up" area could be in use by dangerous animals;

d) In failing to properly segregate the "tie-up" area (via cones, fencing, distance, etc.) from business invitees and other members of the public;

e) In failing to maintain its premises in a safe condition for business invitees and other members of the public.

20.

As a direct, proximate and foreseeable result of the acts and omissions of defendant ELLIOTT ASSOCIATES, INC., plaintiff Richard Spring sustained a puncture injury to his right leg, all to plaintiff's non-economic damage in an amount exceeding \$10,000.

21.

As a direct and foreseeable result of the acts and omissions of defendant ELLIOTT ASSOCIATES, INC., plaintiff incurred health care expenses and other economic damages. The total of plaintiff's economic damages not paid a health insurance, subject to direct reimbursement under ORS 742.534, together with his non-economic damages, exceeds \$10,000 but plaintiff hereby limits the amount sought for both non-economic damages and non-742.534 economic damages to \$10,000 for purposes of ORS 20.080.

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22.

By letter dated February 15, 2016, plaintiff made demand upon defendant ELLIOTT ASSOCIATES, INC. for damages in the manner provided by ORS 20.080.

23.

Plaintiff is entitled to recover attorney fees incurred herein pursuant to ORS 20.080 as well as her damages and costs and disbursements.

**WHEREFORE**, plaintiff RICHARD A. SPRING prays for Judgment against defendants, and each of them, as follows:

1. For his non-economic damages and non-health insurer-paid (ORS 742.534) economic damages, in the amount of \$10,000;
2. For his attorney fees pursuant to ORS 20.080;
3. For his costs and disbursements herein.

**DATED** this 14<sup>th</sup> day of April, 2016.

GLAZER, MAURER & PETERSON, P.C.

s/ David L. Robinson  
David L. Robinson, OSB #115042  
Of attorneys for Plaintiff