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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

COREEN ANN O'NEAL,)	
)	CASE NO. 2:20-CV-708-KJD-VCF
Plaintiff,)	
)	
vs.)	
)	
KEOLIS TRANSIT SERVICES, LLC d/b/a))	
KEOLIS TRANSIT AMERICA, INC., a)	
Foreign Limited-Liability Company;)	
DOE BUS DRIVER, individually;)	
DOES I through X, inclusive; and ROE)	
CORPORATIONS I through X,)	
inclusive,)	
)	
Defendants.)	
.....)	

STIPULATION AND ORDER TO AMEND COMPLAINT

22
 23 Plaintiff, COREEN ANN O'NEAL, by and through her counsel, Cory M. Jones, Esq. of the
 24 law firm of JONES WILSON LLP, and Defendant KEOLIS TRANSIT SERVICES, LLC d/b/a
 25 KEOLIS TRANSIT AMERICA, INC., by and through its counsel Michael P. Lowry, Esq., of the
 26 law offices of WILSON ELSERMOSKOWITZ EDELMAN & DICKER LLP, hereby stipulate that
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1 Plaintiff may amend her Complaint to substitute TIESHEA DAVIS, the individual represented by
2 counsel for Defendant KEOLIS TRANSIT SERVICES, LLC to be the bus driver, in the place and
3 stead of Defendant DOE BUS DRIVER, who was named as a Doe fictitious name in the Complaint
4 filed on March 18, 2020. A copy of the proposed Amended Complaint is attached hereto as Exhibit
5 “1”.

6
7 DATED this ____ day of June, 2020.

8 **JONES WILSON LLP**

**WILSON ELSER MOSKOWITZ
EDELMAN & DICKER LLP**

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10
11 By /s/ Cory M. Jones
12 Cory M. Jones, ESQ.
13 Nevada Bar No. 5028
14 1522 W. Warm Springs Road
Henderson, NV 89014
Attorneys for Plaintiff

By /s/ Michael P. Lowry
Michael P. Lowry, ESQ.
Nevada Bar No. 10666
300 S. Fourth Street, 11th Floor
Las Vegas, NV 89101
Attorney for Defendant
Attorney s for Keolis Transit Services, LLC

ORDER

Pursuant to the Stipulation of the parties and good cause appearing:

IT IS HEREBY ORDERED that Plaintiff may amend her Complaint to substitute
TIESHEA DAVIS in the place and stead of Defendant DOE BUS DRIVER, who was named as a
Doe fictitious name in the Complaint filed on March 18, 2020.

IT IS HEREBY ORDERED that the proposed
amended complaint must be filed on or
before June 19, 2020.

UNITED STATES MAGISTRATE JUDGE

6-12-2020

DATED: _____

Prepared and Submitted by:

JONES WILSON LLP

By _____

CORY M. JONES, ESQ.
Nevada Bar No. 5028
1522 W. Warm Springs Road
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Attorneys for Plaintiff

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EXHIBIT 1

1 CORY M. JONES, ESQ.
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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
10

JONES WILSON LLP
1522 W. Warm Springs Road
Henderson, Nevada 89014
(702) 405-6000

11 COREEN ANN O’NEAL,)
12)
Plaintiff,)
13)
14 vs.)
15 KEOLIS TRANSIT SERVICES, LLC d/b/a)
16 KEOLIS TRANSIT AMERICA, INC., a)
Foreign Limited-Liability Company;)
17 TIESHEA DAVIS, individually;)
DOES I through X, inclusive; and ROE)
18 CORPORATIONS I through X,)
inclusive,)
19 Defendants.)
20)

CASE NO. 2:20-CV-708-KJD-VCF

21 **AMENDED COMPLAINT**

22 COMES NOW Plaintiff, COREEN ANN O’NEAL, by and through her attorney, CORY M.
23 JONES ESQ., of JONES WILSON LLP, and for her causes of action against Defendants, and each of
24 them, alleges as follows:

25 1. At all times relevant to these proceedings, Plaintiff, COREEN ANN O’NEAL
26 (hereinafter “PLAINTIFF”), is a resident of King County, Washington.
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1 2. Upon information and belief, at all times relevant to these proceedings, Defendant,
2 TIESHEA DAVIS, was and is a resident of Clark County, Nevada.

3 3. Upon information and belief, at all times relevant to these proceedings, Defendant,
4 KEOLIS TRANSIT SERVICES, LLC d/b/a KEOLIS TRANSIT AMERICA, INC., was and is a Foreign
5 Limited-Liability Company, registered in the State of Nevada and conducting business in the State of
6 Nevada.

7
8 4. The true names and capacities, whether individual, corporate, associate or otherwise of
9 Defendants named herein as DOES and ROE CORPORATIONS I through X are unknown to Plaintiff
10 who therefore, sues said Defendants by said fictitious names. Plaintiff is informed and believes and
11 thereon alleges that each of the Defendants designated as DOES and ROES are responsible in some
12 manner for the events and happenings referred to, and caused damages proximately to Plaintiff as herein
13 alleged, and Plaintiff will ask leave of this Court to amend this Complaint to insert the true names and
14 capacities of DOES and ROE CORPORATIONS I through X when the same have been ascertained and
15 to join such Defendants in this action. At all times mentioned herein, each Defendant was acting as the
16 agent, servant, and employee of each other Defendant.
17

18 **FIRST CAUSE OF ACTION**

19 **NEGLIGENCE**

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21 5. On or about April 22, 2018, in Clark County, Nevada, Defendant, TIESHEA DAVIS, was
22 operating a bus/motor vehicle and was stopped at the intersection of Boulder Highway and Major
23 Avenue.

24 6. The mechanical lifting ramp was down to allow a passenger in a wheelchair to board the
25 bus.

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1 7. Plaintiff was boarding the bus and was on the mechanical lifting ramp and was instructed
2 by Defendant, TIESHEA DAVIS to get off the ramp and board the bus through the rear door.

3 8. Defendant, TIESHEA DAVIS began to raise the ramp before Plaintiff was able to get
4 off causing Plaintiff to fall off the ramp.

5 9. That Defendant, TIESHEA DAVIS, carelessly, recklessly and negligently operated the
6 mechanical lifting ramp, and/or the mechanical lifting ramp malfunctioned, and/or was being
7 maintained in such a fashion as to cause it to malfunction, which caused the Plaintiff to fall off the ramp.

8 10. At the time of said incident Defendant, TIESHEA DAVIS was operating the bus/motor
9 vehicle in the course and scope of her employment for her employer and the bus/motor vehicles owner,
10 Defendant KEOLIS TRANSIT SERVICES, LLC d/b/a KEOLIS TRANSIT AMERICA, INC.

11 11. The sole and proximate cause of the collision described above was the negligence,
12 carelessness, recklessness, and/or conscious disregard for the health and safety of the Plaintiff, by these
13 named Defendants.

14 12. As a direct and proximate result of the negligence, carelessness, recklessness and wanton
15 disregard for the health and safety of the public by these Defendants, Plaintiff suffered injuries to her
16 body and severe pain and suffering, all or some of which conditions may be permanent or disabling in
17 nature.

18 13. As a further direct and proximate result of the negligence, carelessness, recklessness and
19 wanton disregard for the health and safety of the public by these Defendants, Plaintiff incurred, and will
20 incur in the future, medical expenses in an amount to be proven at the time of trial.

21 14. Plaintiff has had to retain the services of an attorney to prosecute this action and is
22 entitled to reasonable attorneys' fees and costs of suit incurred herein.

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SECOND CAUSE OF ACTION

NEGLIGENT SUPERVISION AND/OR TRAINING AND/OR MAINTENANCE

15. Plaintiff repeats and realleges those allegations contained within the preceding portion of the Complaint as if the same were more fully set forth herein.

16. The Defendants, and each of them, owed a duty to the public, including the Plaintiff, a duty to determine the qualifications of its employee/drivers, including but not limited to, training said drivers on the use of the handicap assistant devices for their buses, and or assist in continual education to ensure their drivers are familiar and proficient in the use of the handicap assistant devices, including providing routine maintenance on their subject buses to ensure the proper mechanical functioning of the subject handicap assistant devices. The Defendants, and each of them, owed a duty to the public, including the Plaintiff, a duty to supervise and train its employees after they were hired, and maintain their buses for use by the general public before said employee or machinery could cause damage to property and/or the public.

17. That these Defendants breached the duty owed to the general public, including the Plaintiff, by failing to hire, supervise and or train qualified, and/or competent and/or non-negligent employees, and by failing to adequately maintain their handicap assistant equipment for use by the general public.

18. As a direct and proximate result of the negligence of Defendants, and each of them, the Defendants are liable to the Plaintiff for her damages, which are in excess of \$15,000.00.

WHEREFORE, Plaintiff, expressly reserving the right to amend her Complaint at the time of trial of the actions herein to include all items of damages not yet ascertained, demands judgment against Defendants, and each of them, as follows:

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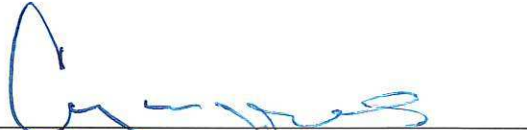
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1. General damages in an amount in excess of \$15,000.00;
2. Damages for costs of medical care and treatment and costs incidental therein, when the same have been fully ascertained;
3. For reasonable attorneys' fees and costs of suit incurred herein; and,
4. For such other and further relief as the Court may deem proper.

DATED this 11th day of June, 2020.

JONES WILSON LLP

By



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