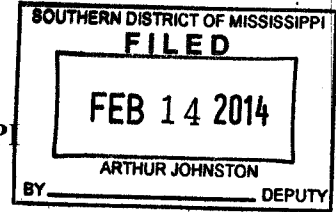


UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION



BESSIE SPRIGGINS

PLAINTIFF

VS.

CIVIL ACTION NO. 3:14cv132 HTW-
LRA

MAGNOLIA HILL, LLC D/B/A
RIVERWALK CASINO HOTEL, LLC;
AND JOHN DOES 1-3

DEFENDANTS

COMPLAINT

Trial by Jury Requested

COMES NOW the Plaintiff, Bessie Spriggins, and files this her Complaint against the Defendants, Magnolia Hill, LLC d/b/a Riverwalk Casino Hotel, LLC (hereinafter referred to as "Riverwalk"); and John Does 1-3 in support thereof would respectfully show the Court the following facts to-wit:

PARTIES

1. Plaintiff, Bessie Spriggins (hereinafter "Spriggins") is an adult resident citizen of Hinds County, Mississippi.
2. Defendant, Magnolia Hill, LLC d/b/a Riverwalk Casino Hotel, LLC (hereinafter "Riverwalk"), is a foreign corporation licensed to do business in the state of Mississippi with its principal office located at 1046 Warrenton Road, Vicksburg, Mississippi 39180 and who may be served with process through its registered agent for process C T Corporation System at 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.
3. John Does 1-3 are entities and/or individuals, including but not limited to, employees, agents, owners and operators of the Riverwalk in Vicksburg, Mississippi who are

liable to Plaintiff and who maintained authority and discretion regarding the maintenance of, control of, or standards for the safety procedures of Riverwalk.

JURISDICTION

4. This civil action arises out of the negligent acts and omissions of Defendant committed whole or in part in Warren County, Mississippi against Plaintiff, a resident of Hinds County, Mississippi. This matter exceeds the amount in controversy of \$75,000.00 This Court holds *in personam* jurisdiction over the Defendant pursuant to Mississippi Code §13-3-57- service on nonresidents, 28 U.S.C. § 1332 and Fed. R. Civ. P. 4.

5. Venue is proper in the Southern District of Mississippi, Northern Division pursuant to 28 U.S.C. § 1391, since Plaintiff resides in Hinds County, Mississippi, and the incident which gives rises to this Complaint occurred in Warren County, Mississippi.

FACTS

6. At all pertinent times, Defendants owned, possessed, controlled, and/or managed or provided security for Riverwalk located at 1046 Warrenton Road, Vicksburg, Mississippi 39180.

7. On or about, February 14, 2013, Plaintiff was a guest of Riverwalk in Vicksburg, Mississippi located at 1046 Warrenton Road. Plaintiff was walking in the Magnolia Hill Buffet restaurant area and slipped on water which was leaking from the salad bar area. Defendants did not have this area marked for caution and presented an unknown danger to the Plaintiff.

Defendants were aware this condition existed, had been previously warned and requested to correct the condition, and took no measures to dry the floor or to warn of the hidden danger.

8. Plaintiff received injuries including, but not limited to a cut thumb, back pain radiating into her legs (L1-2), and a torn left shoulder due to the negligence of the Defendant. Plaintiff anticipates a future back surgery due to the injuries sustained from her fall.

9. Contributing and/or proximate factors or causes of the injuries of the Plaintiff include, but are not limited to, the Defendant's failure to maintain a safe environment, to maintain their property in a manner which is reasonably safe for public use, reasonable care in hiring and retention of competent and safety-oriented employees. Defendants were negligent in their duties to hire and retain employees, to properly train their employees in the duty to maintain a safe environment for invitees in order to protect those invitees from injuries, including that suffered by Plaintiff.

NEGLIGENCE OF RIVERWALK CASINO HOTEL, LLC

10. Plaintiff adopt by reference the foregoing paragraphs as if fully set forth herein.

11. Contributing and/or proximate factors or causes of the serious injuries of the Plaintiff caused by the negligence of Defendant Riverwalk include, but are not limited to, the failure to maintain their property in a manner which is reasonably safe for public use, failure to inform guests including Plaintiff of the unsafe area where she slipped by means of markings and/or caution of any type, failure to hire and maintain an inadequate amount of personnel, failure to hire, supervise and maintain proper safety on the property, failure of the property owner to provide adequate instruction and supervision of the floor crew as well as management and employees, and creating and enabling the unsafe conditions of the Riverwalk property in general, including the gaming area, failure to adequately maintain and perform safety on the property in the casino; allowing the casino floors to be inadequately safe, maintained, monitoring, cleaned, failure to instruct its employees to check the floor for any faults, failure to maintain its equipment and food service cooling machines, failure to act to a request and notice to clean up water and repair the machine that was leaking water, failure to place a warning cone or warning sign or provide a warning to guests in the area of the leaking machine, failure to

follow its policy and procedure regarding cleaning, maintenance and monitoring the floors and equipment for defects and or liquids, failure to provide adequate first aid to the Plaintiff, strict liability, negligence per se, negligence based upon reasonable foreseeability, and negligence based on assumption of duty. Plaintiff asserts any other act of negligence that may apply and exists but has not been discovered at this time but may be discovered during discovery.

12. Defendant was negligent in that it did not maintain the floor surface in a safe condition, did not properly warn Plaintiff of the unreasonably dangerous condition of the floor, did not properly inspect the floor for hazardous conditions, or take steps to correct the dangerous condition.

13. Defendant knew or in the exercise of reasonable care, should have known that Plaintiff would be subject to accident and injury from the condition of the floor. Plaintiff was without notice and unaware of the fact said floor was dangerous. Plaintiff used due care for her own safety when on Defendant's property, and in no manner contributed to the accident.

NEGLIGENCE OF JOHN DOES 1-3

14. Plaintiffs adopts by reference the foregoing paragraphs as if fully set forth herein.

15. John Does 1-3 are alleged casino staff, or other owners, managers or operators of Riverwalk who may have negligently acted or otherwise been a contributing cause to the injuries of the Plaintiff. John Does 1-3 may have been employed or acting as casino employees or other staff or owners and on the property at the time the Plaintiff was injured. The John Does 1-3 will be named when and if they are located and found to be party to this cause.

16. At the time of the serious injuries of the Plaintiff, all Defendants had failed to fulfill their joint, several, and/or collective duties of providing ordinary, reasonable maintenance

of the Riverwalk property and to take other such reasonable precautions or measures to protect invitees from foreseeable harm and danger, including the harm suffered by Plaintiff.

DAMAGES

17. As a direct and proximate result of the above and foregoing acts and omissions on the part of the Defendants, and without any negligence of the Plaintiff, she received injuries including, but not limited to a cut thumb, back pain radiating into her legs (L1-2), and a torn left shoulder. Plaintiff anticipates a future back surgery. Plaintiff has incurred medical bills and is currently treating with physicians and is expected to continue to require future medical treatment for her injuries. Plaintiff has also suffered severe emotional, mental and physical pain and suffering from this incident. Plaintiff reasonably anticipate future damages, proximately caused by said negligence of Defendants, including future medical expenses, future pain, suffering and mental anguish, permanent physical impairment, permanent disfigurement, future travel expenses and other damages.

CLAIMS FOR RELIEF

18. Plaintiffs adopt and incorporate by reference the foregoing paragraphs.

19. Defendants, individually, jointly and severally, owed to the Plaintiff an ordinary duty of care. Defendants breached said duty owed to the Plaintiff and were negligent by failing to reasonably inspect, monitor and make safe the premises from the foreseeable harm suffered by the Plaintiff, including the failure to properly maintain and perform upkeep on the Riverwalk property, including the dining areas.

20. As a result and proximate consequence of the Defendants' negligence, breach of their duty of care, the Plaintiff suffers physical pain and injuries, ongoing chronic pain, as well as, emotional pain and suffering and can reasonably be expected to incur further physical and

emotional pain and suffering in the future. Plaintiff, therefore, is entitled to all damages of every type and variety that are permitted by law, including, but not limited to, past, present and future physical and mental pain and suffering, past, present and future medical expenses, and lost wages. Plaintiff is further entitled to other general damages as well as punitive damages.

WHEREFORE PREMISES CONSIDERED, the Plaintiff demands a trial by jury and judgment from Defendants Magnolia Hill, LLC d/b/a Riverwalk Casino Hotel, LLC; and John Does 1-3 jointly and severally for actual, compensatory, consequential and incidental damages in an amount exceeding the jurisdictional minimal limits of this Court for compensatory damages and for punitive damages including all expenses and costs of this civil action, and such other general relief as the Court and the jury deem just.

This the 14th day of February, 2014.

Respectfully Submitted,

BESSIE SPRIGGINS

By: 

J. ASHLEY OGDEN

OF COUNSEL:

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