

LAW OFFICES OF LAWRENCE Y. GEE, PLLC

310 S. Williams Blvd., Suite 185

Tucson, Arizona 85711

(520) 790-9663

lyg@lawintucson.com

Lawrence Y. Gee

AZ Bar #: 014437 P.C.C. #: 65033

Attorney for Plaintiff

IN THE PIMA COUNTY SUPERIOR COURT

STATE OF ARIZONA

NICHOLAS WILLIAM SKITZKI, an
individual,

Case No.:

Plaintiff,

COMPLAINT

vs.

(Tort-Motor Vehicle)

THE CITY OF TUCSON; THE TUCSON
POLICE DEPARTMENT; JOHN DOES I-
X; JANE DOES I-X; ABC
CORPORATIONS I-X; XYZ
PARTNERSHIPS I-X,

Tier 2

Assigned to:

Defendants.

COMES NOW Plaintiff, NICHOLAS WILLIAM SKITZKI, by and through his undersigned attorney, and for his complaint against Defendants, hereby alleges as follows:

PARTIES

1. Plaintiff NICHOLAS WILLIAM SKITZKI is a resident of Tucson, Pima County, Arizona, at the time of the offense complained of.

2. All events complained of herein occurred in Tucson, Pima County, Arizona.

1
2 3. Defendant THE CITY OF TUCSON is an Arizona municipality, doing
3 business in Pima County, State of Arizona. Plaintiff further alleges that Defendant City
4 of Tucson has duly authorized officers, agents, and/or servants and/or employees within
5 Pima County, Arizona, and that said officers, agents and/or servants and/or employees
6 were acting within the course and scope of their authority and for the benefit of this
7 Defendant at the time of all incidents, acts and omissions alleged herein, such that
8 Defendant is vicariously liable, and such that legal liability is imputed to this Defendant
9 under the doctrine of *respondeat superior* and agency principles, for the acts and/or
10 omissions of said officers, agents, and/or servants and/or employees.
11

12
13 4. Defendant TUCSON POLICE DEPARTMENT (hereinafter “TPD”) is a
14 governmental entity, incorporated, authorized and licensed to do business in Pima
15 County, State of Arizona. Plaintiff further alleges that Defendant TPD has duly
16 authorized officers, agents and/or servants and/or employees within Pima County,
17 Arizona, and that said agents and/or servants and/or employees were acting within the
18 course and scope of their authority and for the benefit of this Defendant at the time of
19 all incidents, acts and omissions alleged herein, such that Defendant is vicariously
20 liable, and such that legal liability is imputed to this Defendant under the doctrine of
21 *respondeat superior* and agency principles, for the acts and/or omissions of said
22 officers, agents, and/or servants and/or employees.
23

24
25 5. John Does I-X and Jane Does I-X are individuals or are married couples
26 who were owners, managers, agents or employees of the owners of ABC Corporations
27 I-X or XYZ Partnerships, or one or all of the Defendants, and whose identities are
28

1 presently unknown to the Plaintiffs, and who individually or for the benefit of their
2 marital communities committed some or all of the acts complained of herein.
3

4 6. Defendants ABC Corporations I-X and XYZ Partnerships I-X are
5 Arizona, foreign, general or limited partnerships who were owners, managers, agents,
6 employers, or employees of one or all of the Defendants, whose identities are presently
7 unknown to Plaintiffs, and who committed some or all of the acts complained of herein.
8

9 JURISDICTION & VENUE

10 7. This Court has jurisdiction over this matter pursuant to A.R.S. § 12-123.
11

12 8. Venue is proper in Pima County, pursuant to A.R.S. § 12-401.

13 FACTUAL AND LEGAL BACKGROUND

14 9. On or about March 31, 2024, Plaintiff NICHOLAS WILLIAM SKITZKI
15 was traveling southbound in a white Hyundai on Campbell Avenue and near Sixth
16 Street in Tucson, Pima County, Arizona. As Plaintiff approached the intersection to
17 make a left-hand turn, Tucson Police Officer and Non-Party Adam Buckner entered the
18 intersection at a high rate of speed (67 MPH). He was in a TPD issued vehicle and had
19 activated his siren for a non-emergency call.
20

21 10. Officer Buckner's vehicle struck Plaintiff's vehicle and as a result of the
22 collision, Plaintiff sustained physical injuries and damages. Officer Buckner passed
23 shortly after the collision.
24

25 COUNT I-NEGLIGENCE

26 11. Plaintiff re-alleges and incorporates by reference the allegations set forth
27 in each of the preceding paragraphs of this complaint.
28

1
2 12. On March 31, 2024, TPD officer failed to avoid a collision by traveling
3 too fast for the conditions (67 MPH). Officer Buckner, who was within the course and
4 scope of his employment, should have been aware that Plaintiff was within the
5 intersection and intending to make a left turn. Officer Buckner should have yielded the
6 right-of-way to a vehicle approaching from the opposite direction and that is within the
7 intersection or so close to the intersection as to constitute an immediate hazard.
8

9 13. Officer Buckner owed a duty of care to Plaintiff NICOLAS WILLIAM
10 SKITZKI to operate the vehicle in a reasonable and prudent manner.
11

12 14. Officer Buckner operated his vehicle in an unlawful, reckless, and
13 negligent manner, causing it to strike Plaintiff NICOLAS WILLIAM SKITZKI's
14 vehicle.
15

16 15. Officer Buckner breached the duty of care to Plaintiff NICOLAS
17 WILLIAM SKITZKI, causing the collision and causing bodily injury to Plaintiff by
18 failing to exercise due care in the operation of the vehicle.
19

20 16. As a result of the collision caused by Officer Buckner's negligence,
21 Plaintiff NICOLAS WILLIAM SKITZKI suffered pain and suffering, inconvenience,
22 curtailment of his usual activities, loss of enjoyment of life, great pain of body and
23 mind, inconvenience, and pain and suffering in the future.
24

25 17. As a result of the collision caused by Officer Buckner's negligence,
26 Plaintiff NICOLAS WILLIAM SKITZKI incurred expenses for medical treatment and
27 will continue to incur such expenses in the future.
28

18. As a result of Officer Buckner's breach of duty of care, Plaintiff

1 NICOLAS WILLIAM SKITZKI sustained vehicle damage and loss of use of his
2 vehicle, loss of personal items, as well as other costs such as storage and towing.
3

4 COUNT II-NEGLIGENCE PER SE

5 19. Plaintiff re-alleges and incorporates by reference the allegations set forth
6 in each of the preceding paragraphs of this Complaint.
7

8 20. Officer Buckner and Defendants and each of them, owed a duty of care to
9 Plaintiff NICOLAS WILLIAM SKITZKI, along with other motorists on the roadway,
10 to operate his vehicle in a reasonable and safe manner, in accordance with a respecting
11 of Arizona's traffic laws and to not create a hazard for motorists on the roadway.
12

13 21. Officer Bruckner's and Defendants' breach of that duty constitutes a
14 violation of A.R.S. § 28-701. Hence, Officer Buckner's Defendants' acts and/or
15 omissions referred to in this Complaint violate Arizona statutes, City Code, and/or
16 Arizona County Ordinances enacted for public safety, and may be negligent per se.
17

18 22. The violation was the direct and proximate cause of Plaintiff's injuries
19 and damages.

20 23. Officer Buckner's and Defendants' failure to use reasonable care resulting
21 in damage or injury to another.
22

23 COUNT III – RESPONDEAT SUPERIOR

24 24. Plaintiff re-alleges and incorporates by reference the allegations set forth
25 in each of the preceding paragraphs of this Complaint.
26

27 25. In this case, the superiors (The City of Tucson and the Tucson Police
28 Department) are responsible for any acts of omission by a person of less responsibility

1 to it. Defendants the City of Tucson and the Tucson Police Department are responsible
2 for the acts of their employees, where the proper steps were not taken by the employees
3 to avoid injury to another motorist.
4

5 26. At all times material, Defendants the City of Tucson and The Tucson
6 Police Department employed Adam Buckner. Officer Buckner was under the direct
7 supervision, employment, and control of the City of Tucson and the Tucson Police
8 Department when he committed the wrongful and negligent acts described herein.
9

10 27. Officer Buckner and Defendants, and each of them, injured Plaintiff
11 NICOLAS WILLIAM SKITZKI while acting in the course and scope of their
12 employment.
13

14 28. Defendants the City of Tucson and The Tucson Police Department
15 granted Officer Buckner the authority to perform as an agent within the agencies. The
16 agencies held Officer Buckner out to the community as a fit and competent agent of the
17 agencies. Officer Buckner committed the acts alleged within the apparent authority
18 arising from his agencies. Said conduct was undertaken in the course and scope of
19 Officer Buckner's employment with the City of Tucson and The Tucson Police
20 Department.
21
22

23 29. Officer Buckner was acting at least in part to serve the interests of his
24 employers when he committed the negligent acts that led to the Plaintiff's injuries.
25 Specifically, Officer Buckner was acting as an agent of the agencies when he caused
26 the collision.
27

28 30. Defendants the City of Tucson and The Tucson Police Department and

1 the other listed under the law of vicarious liability, pursuant to the doctrine of
2
3 *respondeat superior*.

4 31. As a direct result of the conduct described herein, Plaintiff has suffered
5 the injuries and damages described herein.

6 COUNT IV- AGENCY/VICARIOUS LIABILITY
7

8 32. Plaintiff re-alleges and incorporates by reference the allegations set forth
9 in each of the preceding paragraphs of this Complaint.

10 33. Officer Buckner was an agent or employee of Defendants the City of
11 Tucson and The Tucson Police Department. Hence, Defendants the City of Tucson and
12 the Tucson City Police Department are liable for the actions of Officer Buckner to the
13 extent that his actions or inactions resulted in liability. Officer Buckner was an agent or
14 employee of Defendant the City of Tucson and The Tucson Police Department, and
15 therefore Defendant the City of Tucson and The Tucson Police Department are
16 vicariously liable for the negligence of Officer Buckner.
17
18

19 COUNT V-GROSS NEGLIGENCE

20 34. Plaintiff re-alleges and incorporates by reference the allegations set forth
21 in each of the preceding paragraphs of this Complaint.
22

23 35. Officer Buckner's conduct of operating a vehicle in an extremely violent
24 and dangerous manner showing a conscious disregard for the health, welfare and safety
25 of others by driving at a rate nearly twice the rate of the posted speed limit was a direct
26 and proximate cause of the subject collision that resulted in injuries to Plaintiff.
27

28 36. Officer Buckner and Defendants' conduct constitutes extreme and

1 outrageous conduct that displays a conscious disregard for the safety of others, such
2 that a jury may award exemplary and/or punitive damages against Officer Buckner and
3 each Defendant.
4

5 PRAYER FOR RELIEF

6 WHEREFORE, Plaintiff respectfully requests that this Honorable Court take
7 action to this matter as follows:
8

- 9 1) Order Judgment in favor of Plaintiff and against Defendants;
10 2) Award Plaintiff Compensatory Damages for physical injury incurred, loss
11 of wages (past, present and future), pain and suffering, and medical expenses;
12 3) Award all costs incurred by Plaintiff in the pursuit of this action; and
13 4) Grant such other and further relief as this Honorable Court may deem
14 appropriate.
15

16 DATED this 27th day of March, 2025.

17 LAW OFFICES OF LAWRENCE Y. GEE, PLLC

18 By: /s/Lawrence Y. Gee

19 Lawrence Y. Gee

20 Attorney for Plaintiff
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