

19. As a result of the unreasonably dangerous condition of the Accident Site, Amy Morse, Cody Grace, and the minor children were unable to escape the vehicle and all ultimately drowned.

20. Had the Accident Site been free of the body of water, all occupants of the vehicle would have survived the accident.

COUNT I—NEGLIGENCE

(Plaintiffs Taylor Schumacher et al vs. Defendants James Hawk, Penny Hawk & Hawk Truck Leasing, LLC)

21. Plaintiffs incorporate by reference the allegations in the preceding paragraphs as if fully set forth herein.

22. Defendants James Hawk and Penny Hawk, individually, and by and through their LLC, Hawk Truck Leasing, had a duty to the public to keep their property safe and free of hazardous conditions.

23. On April 9, 2021, Defendants Hawk breached that duty when they recklessly and negligently failed to assure that their property met a reasonable standard of safety, specifically allowing a 6-foot-deep ditch capable of holding large volumes of water to remain on their property.

24. As a direct and proximate result of Defendant Hawks' negligence, Plaintiffs have suffered damages including the loss of companionship; loss of consortium; loss of the benefit of the love, comfort, guidance, counsel and support; mental anguish; death and funeral expenses; and emotional pain, torment, and suffering experience by Plaintiffs as a result of the death of their son, daughter, niece, and nephew.

WHEREFORE, Plaintiffs pray for judgment against Defendants in an amount in excess of Twenty Five Thousand Dollars (\$25,000.00) and for the costs and expenses incurred herein, and for such further relief as this Honorable Court deems just and proper.