

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE**

MICHELLE TALIAFERRO,)
MARIETTA TALIAFERRO and)
KEITH TALIAFERRO,)

Plaintiffs,)

v.)

Case No. 02CV233442

GREEN VALLEY TRANSPORTATION)
CORP.,)
30131 S. Highway 33)
Tracy, CA 95376)

Serve Registered Agent at:)
Steve Grove)
30131 S. Highway 33)
Tracy, CA 95376,)

and)

CAROL L. KLAUDT,)
Serve at:)
492 Banning Way)
Vallejo, CA 94591)

and)

MISSOURI HIGHWAY &)
TRANSPORTATION COMMISSION,)
Serve: The Director)
211 East Capitol)
Jefferson City, MO 65102)

Defendants.)

PETITION FOR DAMAGES

[Action Code—8109]

Plaintiffs Michelle Taliaferro, Marietta Taliaferro, and Keith Taliaferro state as follows for their cause of action against defendants Green Valley Transportation

Corporation (Green Valley), Carol L. Klaudt and Missouri Highway & Transportation Commission (“MHTC”):

1. Michelle Taliaferro is an individual residing at 300 East Roy Barnes Road, Sturgeon, Missouri. Michelle Taliaferro is the wife of decedent Christopher Taliaferro and is therefore entitled to bring an action for the wrongful death of her husband pursuant to RSMo § 537.080.

2. Marietta and Keith Taliaferro are individuals residing at 6297 Decatur Road, Effingham, Kansas. Marietta and Keith Taliaferro are the natural parents of decedent Christopher Taliaferro are therefore entitled to bring an action for the wrongful death of their son pursuant to RSMo § 537.080.

3. Defendant Green Valley is a California company organized and existing under the law of the State of California.

4. Defendant Carol L. Klaudt is an individual residing at 492 Banning Way, Vallejo, California.

5. At all relevant times, defendant Carol L. Klaudt was an employee, agent or servant of defendant Green Valley Transportation Corporation.

6. Defendant Missouri Highway & Transportation Commission, “MHTC,” is an entity of the state of Missouri which controls and maintains the highways of the state of Missouri.

Jurisdiction And Venue

7. This cause of action accrued in Jackson County, Missouri.

8. At all relevant times, defendant Green Valley was a motor carrier operating in Jackson County, Missouri and the death of Christopher Taliaferro was

caused as a result of the negligence of defendants Green Valley and Klaudt in Kansas City, Jackson County, Missouri and thus venue is proper under RSMo § 508.070 and RSMo § 508.010(6).

9. Defendant MHTC controls the highways of the State of Missouri, including those in Jackson County; this incident occurred within Jackson County on a road controlled by MHTC, and thus venue is proper under RSMo § 508.010(6).

Facts Common to All Counts

10. On September 11, 2002, at approximately 1:00 p.m., defendant Carol Klaudt was driving a 1997 International tractor-trailer, in the course and scope of her employment with defendant Green Valley, in a westbound direction on US 50 in Jackson County, Missouri.

11. On September 11, 2002, at approximately 1:00 p.m., Christopher Taliaferro was operating a 1968 John Deere 4020 in a westbound direction on US 50 in Jackson County, Missouri.

12. At a point approximately three tenths of a mile from the intersection of Route F with US 50, the tractor-trailer operated by defendant Klaudt collided with the John Deere tractor operated by decedent Christopher Taliaferro causing fatal injuries to decedent Christopher Taliaferro.

COUNT I Allegations Against Defendant Green Valley Transportation Corporation

13. Plaintiffs incorporate the foregoing paragraphs of this petition as though fully set forth herein.

14. At all relevant times, defendant Carol L. Klaudt was an employee, agent or servant of defendant Green Valley Transportation Corporation.

15. Defendant Green Valley has a duty to ascertain the competence of its drivers and make sure its drivers are qualified to operate a commercial tractor-trailer.

16. Defendant Klaudt, in the course and scope of her employment with defendant Green Valley, failed to operate the commercial motor vehicle she was driving with the highest degree of care as required by law and was negligent in one or more of the following respects:

- a. She drove her vehicle at an excessive speed;
- b. She drove her vehicle too fast for conditions;
- c. She failed to keep a careful lookout;
- d. She failed to maintain proper control of her commercial vehicle;
- e. She failed to stop, swerve, slacken speed, and/or maintain control of her commercial motor vehicle when she knew, could and/or should have known that there was a reasonable likelihood of a collision with another motor vehicle;
- f. She drove her commercial motor vehicle in violation of state and federal laws and/or regulations applicable to commercial motor vehicles;
- g. She drove a motor carrier in excess of the hours allowed pursuant to §395.3 of the Federal Motor Carrier Safety Regulations;
- h. She failed to keep a current record of her duty status as required by §395.8 of the Federal Motor Carrier Safety Regulations;

- i. She drove a motor carrier when her ability or alertness was so impaired or so likely to become impaired through fatigue as to make it unsafe for her to continue to operate a motor vehicle in violation of § 392.3 of the Federal Motor Carrier Safety Regulations;
- j. She followed another vehicle closer than was reasonably safe and prudent in violation of RSMo § 304.017;
- k. She drove in a careless and imprudent manner;
- l. She failed to slow or stop her vehicle to avoid collision with another vehicle;
- m. She failed to give a proper warning; and
- n. She operated a motor vehicle in a defective condition, including faulty brakes in violation of RSMo. § 307.170.

17. Defendant Green Valley was negligent in that it failed to provide proper training, instruction and guidance to its drivers regarding driving fatigue, alertness, maintenance of its vehicles and requirements under the Federal Motor Carrier Safety Regulations.

18. Defendant Green Valley negligently entrusted its tractor-trailer to defendant Carol Klaudt without the proper training, experience and ability to safely operate a commercial vehicle which created an unreasonable risk of harm to others.

19. Defendant Green Valley was negligent in hiring and retaining defendant Carol Klaudt in that defendant Green Valley failed to obtain certain background information required by the Federal Motor Carrier Safety Regulations before allowing

defendant Carol Klaudt to operate its tractor-trailer which created an unreasonable risk of harm to others.

20. As a direct and proximate result of the negligence of defendant Green Valley, through its employee, agent or servant, Carol Klaudt, decedent Christopher Taliaferro sustained great personal injury, pain and suffering, and mental anguish directly resulting in his death on September 11, 2002.

21. The negligence of defendant Green Valley, through its employee, agent or servant, Carol Klaudt, directly caused or directly contributed to cause the death of Christopher Taliaferro.

22. As a result of the death of Christopher Taliaferro, decedent's survivors have lost the financial assistance, earnings, love, affection, services, companionship, comfort, instruction, guidance, counsel, training, and support of decedent and have sustained great pecuniary loss as a direct result of the death of Christopher Taliaferro.

23. As a direct result of the injuries and death of decedent Christopher Taliaferro, funeral and burial expenses were incurred.

24. In addition, decedent Christopher Taliaferro suffered damages between the time he became aware of his imminent harm at approximately 1:00 p.m. on September 11, 2002 and the time of his death on that same date in that he endured great fear and conscious pain and suffering from injuries suffered due to the negligence of defendants Green Valley and Carol Klaudt.

25. Aggravating circumstances attended the death of Christopher Taliaferro and should be considered by the trier of fact because defendant Green Valley showed a conscious disregard for the health, safety and welfare of decedent Christopher Taliaferro

and others. Damages should be awarded in a sum that will serve to punish defendant Green Valley and deter it and others from such conduct now and in the future.

COUNT II
Allegations Against Defendant Carol Klaudt

26. Plaintiffs incorporate the foregoing paragraphs of this petition as though fully set forth herein.

27. Defendant Klaudt, in the course and scope of her employment with defendant Green Valley, failed to operate the commercial motor vehicle she was driving with the highest degree of care as required by law and was negligent in one or more of the following respects:

- a. She drove her vehicle at an excessive speed;
- b. She drove her vehicle too fast for conditions;
- c. She failed to keep a careful lookout;
- d. She failed to maintain proper control of her commercial vehicle;
- e. She failed to stop, swerve, slacken speed, and/or maintain control of her commercial motor vehicle when she knew, could and/or should have known that there was a reasonable likelihood of a collision with another motor vehicle;
- f. She drove her commercial motor vehicle in violation of state and federal laws and/or regulations applicable to commercial motor vehicles;
- g. She drove a motor carrier in excess of the hours allowed pursuant to §395.3 of the Federal Motor Carrier Safety Regulations;
- h. She failed to keep a current record of her duty status as required by §395.8 of the Federal Motor Carrier Safety Regulations;

- i. She drove a motor carrier when her ability or alertness was so impaired or so likely to become impaired through fatigue as to make it unsafe for her to continue to operate a motor vehicle in violation of §392.3 of the Federal Motor Carrier Safety Regulations;
- j. She followed another vehicle closer than was reasonably safe and prudent in violation of RSMo § 304.017;
- k. She drove in a careless and imprudent manner;
- l. She failed to slow or stop her vehicle to avoid collision with another vehicle;
- m. She failed to give a proper warning; and
- n. She operated a motor vehicle in a defective condition in violation of RSMo. § 307.170.

28. As a direct and proximate result of the negligence of defendant Carol Klautd, through her actions as an employee, agent or servant of defendant Green Valley, decedent Christopher Taliaferro sustained great personal injury, pain and suffering, and mental anguish directly resulting in his death on September 11, 2002.

29. The negligence of defendant Carol Klautd, through her actions as an employee, agent or servant of defendant Green Valley, directly caused or directly contributed to cause the death of Christopher Taliaferro.

30. As a result of the death of Christopher Taliaferro, decedent's survivors have lost the financial assistance, earnings, love, affection, services, companionship, comfort, instruction, guidance, counsel, training, and support of decedent and have sustained great pecuniary loss as a direct result of the death of Christopher Taliaferro.

31. As a direct result of the injuries and death of decedent Christopher Taliaferro, funeral and burial expenses were incurred.

32. In addition, decedent Christopher Taliaferro suffered damages between the time he became aware of his imminent harm at approximately 1:00 p.m. on September 11, 2002 and the time of his death on that same date in that he endured great fear and conscious pain and suffering from injuries suffered due to the negligence of defendants Green Valley and Carol Klautd.

33. Aggravating circumstances attended the death of Christopher Taliaferro and should be considered by the trier of fact because defendant Carol Klautd showed a conscious disregard for the health, safety and welfare of decedent Christopher Taliaferro and others. Damages should be awarded in a sum that will serve to punish defendant Klautd and deter her and others from such conduct now and in the future.

COUNT III
Allegations Against Missouri Highway & Transportation Commission

34. Plaintiff incorporates the other paragraphs of this Petition for Damages as though fully set forth.

35. Defendant MHTC is an entity of the state of Missouri, which controls and maintains the highways of the state of Missouri.

36. US 50 in Jackson County, Missouri, is a public highway under the control and care of the MHTC.

37. Defendant MHTC was negligent and breached its duty of ordinary care in its control and maintenance of US 50, in that the road conditions were defective and unsafe due to some or all of the following:

- a. Lack of adequate shoulder area on US 50 at the point of impact;

- b. Lack of adequate warning of uneven pavement, low and uneven shoulders;
- c. Inadequate markings to warn of frequent use of US 50 by farm vehicles, tractors and other slow-moving vehicles; and
- d. Inadequate markings as to the edge of the roadway.

38. As a direct and proximate result of the negligence of defendant MHTC, decedent Christopher Taliaferro sustained great personal injury, pain and suffering, and mental anguish directly resulting in his death on September 11, 2002.

39. The negligence of defendant MHTC directly caused or directly contributed to cause the death of Christopher Taliaferro.

40. As a result of the death of Christopher Taliaferro, decedent's survivors have lost the financial assistance, earnings, love, affection, services, companionship, comfort, instruction, guidance, counsel, training, and support of decedent and have sustained great pecuniary loss as a direct result of the death of Christopher Taliaferro.

41. As a direct result of the injuries and death of decedent Christopher Taliaferro, funeral and burial expenses were incurred.

42. In addition, decedent Christopher Taliaferro suffered damages between the time he became aware of his imminent harm at approximately 1:00 p.m. on September 11, 2002 and the time of his death on that same date in that he endured great fear and conscious pain and suffering from injuries suffered due to the negligence of defendant MHTC.

Plaintiffs Michelle Taliaferro, Marietta Taliaferro and Keith Taliaferro pray for judgment against defendants Green Valley, Carol Klautt and MHTC, ask this Court to award such sum as will justly compensate decedent Christopher Taliaferro's survivors for

the damages they sustained and will sustain in the future as a direct result of the death of Christopher Taliaferro, including damages for aggravating circumstances, for pain and suffering experienced by Christopher Taliaferro prior to his death, for the costs and expenses incurred in the litigation of this matter and for such other relief as the Court deems necessary and proper.

HENNING & BOUGH, P.C.

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