

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

Vivika A. Deviney,)	Doc. ____ No. ____
)	
Plaintiff,)	
)	
vs.)	COMPLAINT
)	
Union Pacific Railroad Company,)	
a Delaware corporation,)	JURY TRIAL DEMANDED
)	
Defendant.)	

COMES NOW the plaintiff, Vivika A. Deviney, by and through her attorney hereinafter identified, and for her cause of action against Defendant, Union Pacific Railroad Company, a Delaware corporation, states and alleges as follows:

1. That the jurisdiction of the above-named Court is based upon the Federal Employers' Liability Act, Title 45, U.S.C.A., §51, et seq., and that this action is timely commenced within the meaning of 45 U.S.C. §56.
2. That at all times material herein, Defendant, Union Pacific Railroad Company, a Delaware corporation, was the owner of and was operating various tracks and yards in the County of Douglas, State of Nebraska, and was and is engaged as a common carrier in interstate commerce.
3. That at all times material herein, Plaintiff was in the employ of Defendant working as a conductor, and that at the time of the occurrence of the accident herein, all or part of Plaintiff's duties were in the furtherance of Defendant's business of interstate commerce.
4. On or about the 3rd day of August, 2003, Plaintiff was in the course and scope of her employment working as a conductor, at the mine near Bill, Wyoming. While performing roll by inspections of trains over a several hour period, Plaintiff was bitten by mosquitoes, resulting

in the diagnosis of West Nile Virus. As a result, Plaintiff suffered severe and permanent injuries and disability and was otherwise damaged.

5. That the injuries and damages sustained by Plaintiff were caused by the negligence of Defendant in violation of the Federal Employers' Liability Act, 45 U.S.C. Sec. 51 et. seq.

6. That as a result, Plaintiff was injured, suffered pain in the past and will suffer pain in the future; has incurred expenses for medical attention and hospitalization, and will incur further like expenses in the future; has suffered loss of earnings and loss of future earning capacity; has suffered loss of her enjoyment of living; and has suffered permanent injury and disability, all to her injury and damage.

WHEREFORE, Plaintiff, Vivika A. Deviney, prays for judgment against the above named Defendant, Union Pacific Railroad, upon her cause of action for present special damages of \$102,560.00, future specials together with any and all general damages allowed by law, together with the costs of this action.

Plaintiff demands a trial by jury.

DATED this ____ day of December, 2005

Vivika A. Deviney, Plaintiff

**HUNEGS, STONE, LeNEAVE, KVAS &
THORNTON, P.A.**

By: _____

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ATTORNEYS FOR PLAINTIFF