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COMPJD
PAUL R. KIRST, ESQ
CRAIG P. KENNY & ASSOCIATES
Bar No. 3981
501 S. Eighth Street
Las Vegas, Nevada 89101
(702) 380-2800
Attorney for Plaintiff

CASE NO: A-22-850157-C
Department 19

DISTRICT COURT
CLARK COUNTY, NEVADA

JEROME DUCROCQ,

Plaintiffs,

vs.

CASE NO.:

DEPT. NO.:

JORDAN ALEXANDER BARSON, an Individual; DAVID FRANKLIN MERRILL, an Individual; ROADRUNNER TRANSPORT AZ, INC., a Foreign Corporation; ROADRUNNER COURIERS, LLC, a Foreign Limited Liability Company; GENERAL LOGISTICS SYSTEMS US, INC., a Foreign Corporation; GLS-U.S. HOLDINGS INC., a Foreign Corporation; GENERAL LOGISTICS SYSTEMS US INTERIM, INC., a Foreign Corporation; GENERAL LOGISTICS SYSTEMS NORTH AMERICA INC., a Foreign Corporation; PENSKE TRUCK LEASING CO., LP, a Foreign Limited Partnership; PENSKE LEASING AND RENTAL COMPANY BUSINESS TRUST AKA PENSKE LEASING AND RENTAL COMPANY, a Foreign Corporation; DOE INDIVIDUALS 1 through 40; ROE CORPORATIONS 1 through 40; DOE EMPLOYEES 1 through 40; ROE EMPLOYERS 1 through 40; DOE NEGLIGENT EMPLOYEES 1 through 40; ROE NEGLIGENT COMPANIES 1 through 40; DOE NEGLIGENT DRIVERS 1 through 40; ROE NEGLIGENT TRANSPORTATION COMPANIES 1 through 40; ROE COMMERICAL TRANSPORTATION COMPANIES 1 through 40; ROE DELIVERY COMPANIES 1 through 40;

COMPLAINT AND DEMAND
FOR JURY TRIAL

Arbitration Exemption
Requested: Damages Exceed
\$50,000.00

1 ROE FREIGHT COMPANIES 1 through
2 40; ROE TRUCKING COMPANIES 1
3 through 40; ROE COURIER
4 COMPANIES 1 through 40; ROE
5 CARRIER COMPANIES 1 through 40,
6 ROE LEASING COMPANIES 1 through
7 40; ROE RENTAL TRUCK
8 COMPANIES 1 through 40, and ROE
9 SUBCONTRACTORS 1 through 40,
10 inclusive,

11 Defendants.

12 Plaintiff JEROME DUCROCQ by and through his attorneys of record, Paul R. Kirst,
13 Esq., of CRAIG P. KENNY & ASSOCIATES, hereby demands a trial by jury and complains
14 and alleges against Defendants as follows:

15 **I.**

16 **INTRODUCTION**

17 This matter arises out of a horrific traffic crash that occurred when JORDAN
18 ALEXANDER BARSON, while employed as a commercial driver for ROADRUNNER
19 TRANSPORT AZ, INC. and ROADRUNNER COURIERS, LLC, a local subcontractor for
20 GENERAL LOGISTICS SYSTEMS US, INC. and/or GLS-U.S. HOLDINGS INC. and/or
21 GENERAL LOGISTICS SYSTEMS US INTERIM, INC. and/or GENERAL LOGISTICS
22 SYSTEMS NORTH AMERICA INC., was operating a commercial box truck while under the
23 influence of controlled substances and plowed through a group of Las Vegas cyclists, killing
24 five, and injuring Plaintiff, JEROME DUCROCQ.

25 **II.**

26 **PARTIES AND JURISDICTION**

- 27 1. That all incidents described herein occurred in the County of Clark, State of
28 Nevada.
2. That Plaintiff JEROME DUCROCQ at all times mentioned herein, is and was a
resident of Clark County, Nevada.

1 3. That upon information and belief, Defendant JORDAN ALEXANDER
2 BARSON is, and at all times pertinent hereto was, a resident of the State of Arizona.

3 4. That upon information and belief, ROADRUNNER TRANSPORT AZ, INC., is,
4 and at all times pertinent hereto was, a foreign corporation authorized to do, and doing business
5 in the County of Clark, State of Nevada, and was engaged in the business of providing
6 commercial freight, shipping, trucking and/or commercial interstate transportation services.

7 5. That upon information and belief, ROADRUNNER COURIERS, LLC, is, and at
8 all times pertinent hereto was, a foreign limited liability company authorized to do, and doing
9 business in the County of Clark, State of Nevada, and was engaged in the business of providing
10 commercial freight, shipping, trucking and/or commercial interstate transportation services.

11 6. That at all pertinent times hereto, Defendant JORDAN ALEXANDER
12 BARSON, was an employee and/or representative and/or agent of Defendant ROADRUNNER
13 TRANSPORT AZ, INC. and/or Defendant ROADRUNNER COURIERS, LLC.

14 7. That at all pertinent times hereto, Defendant JORDAN ALEXANDER
15 BARSON, was acting within the course and scope of his employment with Defendant
16 ROADRUNNER TRANSPORT AZ, INC. and/or Defendant ROADRUNNER COURIERS,
17 LLC.

18 8. That pursuant to NRS 41.130, Defendants, including but not limited to
19 ROADRUNNER TRANSPORT AZ, INC. and/or ROADRUNNER COURIERS, LLC, are
20 vicariously liable for the damages caused by their employee's actions and negligence.

21 9. That Plaintiff is informed and believes and thereon alleges that at all times
22 mentioned herein, Defendant ROADRUNNER TRANSPORT AZ, INC. and/or Defendant
23 ROADRUNNER COURIERS, LLC, was acting as principal and was negligent in the selection,
24 hiring and/or training of Defendant JORDAN ALEXANDER BARSON, or ratified the conduct
25 of Defendant JORDAN ALEXANDER BARSON, as an agent, servant, employee, employer, or
26 joint venturer.

27 10. That upon information and belief, GENERAL LOGISTICS SYSTEMS US,
28 INC., is, and at all times pertinent hereto was, a foreign corporation authorized to do, and doing

1 business in the County of Clark, State of Nevada, and was engaged in the business of providing
2 commercial freight, shipping, trucking and/or commercial interstate transportation services.

3 11. That upon information and belief, GLS-U.S. HOLDINGS INC., is, and at all
4 times pertinent hereto was, a foreign corporation authorized to do, and doing business in the
5 County of Clark, State of Nevada, and was engaged in the business of providing commercial
6 freight, shipping, trucking and/or commercial interstate transportation services.

7 12. That upon information and belief, GENERAL LOGISTICS SYSTEMS US
8 INTERIM, INC., is, and at all times pertinent hereto was, a foreign corporation authorized to
9 do, and doing business in the County of Clark, State of Nevada, and was engaged in the
10 business of providing commercial freight, shipping, trucking and/or commercial interstate
11 transportation services.

12 13. That upon information and belief, GENERAL LOGISTICS SYSTEMS NORTH
13 AMERICA INC., is, and at all times pertinent hereto was, a foreign corporation authorized to
14 do, and doing business in the County of Clark, State of Nevada, and was engaged in the
15 business of providing commercial freight, shipping, trucking and/or commercial interstate
16 transportation services.

17 14. That upon information and belief, ROADRUNNER TRANSPORT AZ, INC.
18 and/or ROADRUNNER COURIERS, LLC., are, and at all times pertinent hereto were, local
19 subcontractors for GENERAL LOGISTICS SYSTEMS US, INC. and/or GLS-U.S.
20 HOLDINGS INC. and/or GENERAL LOGISTICS SYSTEMS US INTERIM, INC. and/or
21 GENERAL LOGISTICS SYSTEMS NORTH AMERICA INC., and provided commercial
22 freight, shipping, trucking and/or commercial interstate transportation services.

23 15. That upon information and belief, PENSKE TRUCK LEASING CO., LP., is, and
24 at all times pertinent hereto was, a foreign limited partnership authorized to do, and doing
25 business in the County of Clark, State of Nevada, and was engaged in the business of providing
26 commercial truck leases for commercial freight, shipping, trucking and/or commercial interstate
27 transportation services.

28 16. That upon information and belief, PENSKE LEASING AND RENTAL
COMPANY BUSINESS TRUST a/k/a PENSKE LEASING AND RENTAL COMPANY, is,

1 and at all times pertinent hereto was, a foreign corporation authorized to do, and doing business
2 in the County of Clark, State of Nevada, and was engaged in the business of providing
3 commercial truck leases for commercial freight, shipping, trucking and/or commercial interstate
4 transportation services.

5 17. That upon information and belief, PENSKE TRUCK LEASING CO., LP. and/or
6 PENSKE LEASING AND RENTAL COMPANY BUSINESS TRUST a/k/a PENSKE
7 LEASING AND RENTAL COMPANY are, and at all times pertinent hereto were, the
8 registered owners of the 2019 Isuzu NPR HD Box Truck, vehicle identification number
9 JALC4W166K7008281, and were engaged in the business of providing commercial truck leases
10 for commercial freight, shipping, trucking and/or commercial interstate transportation services.

11 18. That the true names and capacities, whether individual, corporate, associate, or
12 otherwise, of the Defendants herein designated as DOE INDIVIDUALS 1 through 40; ROE
13 CORPORATIONS 1 through 40; DOE EMPLOYEES 1 through 40; ROE EMPLOYERS 1
14 through 40; DOE NEGLIGENT EMPLOYEES 1 through 40; ROE NEGLIGENT
15 COMPANIES 1 through 40; DOE NEGLIGENT DRIVERS 1 through 40; ROE NEGLIGENT
16 TRANSPORTATION COMPANIES 1 through 40; ROE COMMERCIAL
17 TRANSPORTATION COMPANIES 1 through 40; ROE DELIVERY COMPANIES 1 through
18 40; ROE FREIGHT COMPANIES 1 through 40; ROE TRUCKING COMPANIES 1 through
19 40; ROE COURIER COMPANIES 1 through 40; ROE CARRIER COMPANIES 1 though 40,
20 ROE LEASING COMPANIES 1 through 40; ROE RENTAL TRUCK COMPANIES 1 through
21 40, and ROE SUBCONTRACTORS 1 through 40, are unknown to Plaintiff at this time who
22 therefore sues said Defendants by fictitious names. Plaintiff alleges that each named Defendant
23 herein designated as DOE and/or ROE is negligently, willfully, contractually, or otherwise
24 legally responsible for the events and happenings referred to herein and proximately caused
25 injury and damages to Plaintiff as alleged herein. Plaintiff will seek leave of Court to amend
26 this Complaint to insert the true names and capacities of such Defendants when the same have
27 been ascertained and will further seek leave to join said Defendants in these proceedings.

28 19. That Plaintiff is informed and believes and thereon alleges that at all times
mentioned herein, Defendants and each of them, were agents, servants, employees, partners, or

1 joint venturers of their co-defendants and that in doing the acts herein alleged, were acting
2 within the course and scope of said agency, employment, partnership, or joint venture. Each
3 and every Defendant aforesaid was acting as a principal and was negligent or grossly negligent
4 in the selection, retention, hiring, and training of each and every other Defendant or ratified the
5 conduct of every other Defendant as an agent, servant, employee, or joint venturer.

6 III.

7 FACTUAL ALLEGATIONS

8 20. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs of the
9 Complaint as though fully set forth herein and incorporates the same herein by reference.

10 21. That on or about December 10, 2020, Plaintiff was part of a group of cyclists
11 who were participating in an annual 130-mile bike ride, traveling on the U.S. 95 highway from
12 the M Resort Spa Casino in Henderson, Nevada through Searchlight, Nevada.

13 22. That the group was accompanied by a safety escort vehicle, a 2019 Subaru
14 Outback, which, at the time of the collision, Defendant DAVID FRANKLIN MERRILL was
15 operating. The group of cyclists were divided into two groups, with one group of cyclists in
16 front of the escort vehicle and the other group of cyclists behind the escort vehicle. Plaintiff was
17 traveling with six other cyclists in the rear of the escort vehicle.

18 23. That at approximately 9:39 a.m., Defendant JORDAN ALEXANDER BARSON
19 (“BARSON”), while operating the subject 2019 Isuzu NPR HD Box Truck southbound in the
20 number two travel lane, approached the group of cyclists. BARSON then proceeded to plow his
21 box truck into Plaintiff and the six other cyclists that were traveling in the rear of the escort
22 vehicle, causing them to be ejected from their respective bicycles.

23 24. Tragically, five cyclists died due to their injuries and Plaintiff sustained serious
24 injuries as a result of the impact. At all times mentioned herein, Plaintiff was operating his
25 bicycle in a reasonable and prudent manner, with due caution and regard, consistent with the
26 laws of the State of Nevada.

27 25. Subsequent blood tests revealed that BARSON had nine (9) times the legal limit
28 of methamphetamine in his system. BARSON was arrested and charged with five (5) counts of
Driving Under the Influence Resulting in Death, one (1) count of Driving Under the Influence

1 Resulting in Substantial Bodily Harm, five (5) counts of Reckless Driving Resulting in Death,
2 and one (1) count of Reckless Driving Resulting in Substantial Bodily Harm. BARSON has
3 since pled guilty to two (2) counts of Driving Under the Influence Resulting in Death.

4 26. That, as a direct and proximate result of Defendants' acts and/or omissions to act,
5 Plaintiff was seriously injured, and was caused to suffer great pain of body and mind,
6 disfigurement, mental anguish, shock and agony, and loss of enjoyment of life, all to Plaintiff's
7 general and compensatory damages in an amount in excess of Fifteen Thousand Dollars
8 (\$15,000.00).

9 27. That, as a further direct and proximate result of Defendants' acts and/or
10 omissions to act, Plaintiff, due to his serious injuries, sustained a loss of earnings, and loss of
11 past and future earning capacity.

12 28. That, as a direct and proximate result of Defendants' acts, Plaintiff has incurred
13 general and special damages in excess of Fifteen Thousand Dollars (\$15,000.00).

14 29. That, as a direct and proximate result of the aforementioned negligence of
15 Defendants, Plaintiff has been required to engage the services of an attorney, incurring
16 attorneys' fees and costs to bring this action.

17 **IV.**

18 **FIRST CAUSE OF ACTION**

19 **(Negligence Against Defendants JORDAN ALEXANDER BARSON, DAVID FRANKLIN**
20 **MERRILL And All Named DOES and ROES)**

21 30. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs of the
22 Complaint as though fully set forth herein and incorporates the same herein by reference.

23 31. That Defendants, and each of them, owed a duty of care to Plaintiff to operate
24 their vehicles in a reasonable and safe manner.

25 32. That Defendant, JORDAN ALEXANDER BARSON, breached his duty of care
26 by causing the 2019 Isuzu NPR HD Box Truck to strike Plaintiff.

27 33. That Defendant, DAVID FRANKLIN MERRILL, breached his duty of care
28 while operating the safety escort vehicle, a 2019 Subaru Outback, by, among other things,
failing to properly follow Plaintiff to ensure his visibility and safety.

1 34. That, as a direct and proximate result of Defendants' acts and/or omissions to act,
2 Plaintiff was seriously injured, and was caused to suffer great pain of body and mind,
3 disfigurement, mental anguish, shock and agony, and loss of enjoyment of life, all to Plaintiff's
4 general and compensatory damages in an amount in excess of Fifteen Thousand Dollars
5 (\$15,000.00).

6 35. That, as a further direct and proximate result of Defendants' acts and/or
7 omissions to act, Plaintiff, due to his injuries, sustained a loss of earnings and loss of past and
8 future earning capacity.

9 36. That, as a direct and proximate result of Defendants' acts, Plaintiff has incurred
10 general and special damages in excess of Fifteen Thousand Dollars (\$15,000.00).

11 37. That, as a direct and proximate result of the aforementioned negligence of
12 Defendants, Plaintiff has been required to engage the services of an attorney, incurring
13 attorneys' fees and costs to bring this action.

14 V.

15 SECOND CAUSE OF ACTION

16 **(Negligence *Per Se* – Violation of NRS 484B.603 and NRS 484C.430 Against Defendant**
17 **JORDAN ALEXANDER BARSON And All Named DOES and ROES)**

18 38. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs of the
19 Complaint as though fully set forth herein and incorporates the same herein by reference.

20 39. That at all times mentioned herein, there were in force statutes, ordinances, and
21 regulations prohibiting the conduct exhibited by Defendant JORDAN ALEXANDER
22 BARSON.

23 40. That Plaintiff was a member of the class of persons for whose protection said
24 statutes, ordinances, and regulations were enacted or promulgated.

25 41. That the acts of Defendant JORDAN ALEXANDER BARSON, as described
26 herein, violated Nevada statutes, ordinances and regulations, specifically, NRS 484B.603, et.
27 seq., and NRS 484C.430, et. seq., which constitutes negligence *per se*.

28 42. That Plaintiff, sustained injuries that were the type that said statutes, ordinances,
and regulations were intended to prevent.

1 INC., GENERAL LOGISTICS SYSTEMS US INTERIM, INC., GENERAL LOGISTICS
2 SYSTEMS NORTH AMERICA INC., PENSKE TRUCK LEASING CO., LP, and PENSKE
3 LEASING AND RENTAL COMPANY BUSINESS TRUST a/k/a PENSKE LEASING AND
4 RENTAL COMPANY knew or should have known that Defendant JORDAN ALEXANDER
5 BARSON, was inexperienced, incompetent, and/or unfit to drive the subject 2019 Isuzu NPR
6 HD Box Truck.

7 51. That Defendants, and each of them, breached that duty to Plaintiff, by knowingly
8 entrusting the subject 2019 Isuzu NPR HD Box Truck to an inexperienced, incompetent, and/or
9 unfit person.

10 52. That, as a direct and proximate result of Defendants' acts and/or omissions to act,
11 Plaintiff was seriously injured, and was caused to suffer great pain of body and mind,
12 disfigurement, mental anguish, shock and agony, and loss of enjoyment of life, all to Plaintiff's
13 general and compensatory damages in an amount in excess of Fifteen Thousand Dollars
14 (\$15,000.00).

15 53. That, as a further direct and proximate result of Defendants' acts and/or
16 omissions to act, Plaintiff, due to his serious injuries, sustained a loss of earnings, and loss of
17 past and future earning capacity.

18 54. That, as a direct and proximate result of Defendants' acts, Plaintiff has incurred
19 general and special damages in excess of Fifteen Thousand Dollars (\$15,000.00).

20 55. That, as a direct and proximate result of the aforementioned negligence of
21 Defendants, Plaintiff has been required to engage the services of an attorney, incurring
22 attorneys' fees and costs to bring this action.

23 **VII.**

24 **FOURTH CAUSE OF ACTION**

25 **(Negligent Hiring, Training, Retention, and Supervision Against Defendants**
26 **ROADRUNNER TRANSPORT AZ, INC., ROADRUNNER COURIERS, LLC,**
27 **GENERAL LOGISTICS SYSTEMS US, INC., GLS-U.S. HOLDINGS INC., GENERAL**
28 **LOGISTICS SYSTEMS US INTERIM, INC., GENERAL LOGISTICS SYSTEMS**
NORTH AMERICA INC., PENSKE TRUCK LEASING CO., LP, PENSKE LEASING
AND RENTAL COMPANY BUSINESS TRUST a/k/a PENSKE LEASING AND
RENTAL COMPANY And All Named DOES and ROES)

1 **PENSKE TRUCK LEASING CO., LP, PENSKE LEASING AND RENTAL COMPANY**
2 **BUSINESS TRUST a/k/a PENSKE LEASING AND RENTAL COMPANY**
3 **And All Named DOES and ROES)**

4 63. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs of
5 the Complaint as though fully set forth herein and incorporates the same herein by reference.

6 64. That at all times mentioned herein, Defendant JORDAN ALEXANDER
7 BARSON was an employee and/or agent and/or contractor of Defendants.

8 65. That upon information and belief, at the time of the Collision, Defendant
9 JORDAN ALEXANDER BARSON was acting within the course and scope of his
10 employment with Defendants while driving.

11 66. That upon information and belief, at the time of the Collision, Defendant
12 JORDAN ALEXANDER BARSON was on a business errand on behalf of Defendants or
13 furthering Defendants' business purpose.

14 67. That upon information and belief, Defendant JORDAN ALEXANDER
15 BARSON was under Defendants' control at the time of the collision.

16 68. That upon information and belief, the relationship between Defendants and
17 Defendant JORDAN ALEXANDER BARSON is that of superior and subordinate.

18 69. That as Defendant JORDAN ALEXANDER BARSON's employer, Defendants
19 are vicariously liable for all of Defendant JORDAN ALEXANDER BARSON's actions,
20 omissions and inactions performed within the course and scope of his agency, ostensible
21 agency, joint venture, contractual, or employment relationship with Defendants.

22 70. That as a direct and proximate result of the acts of Defendants, and each of
23 them, Plaintiff is entitled to a judgment against Defendants stating that they are vicariously
24 liable for all of Defendant JORDAN ALEXANDER BARSON's actions herein.

25 71. That, as a direct and proximate result of Defendants' acts and/or omissions to act,
26 Plaintiff was seriously injured, and was caused to suffer great pain of body and mind,
27 disfigurement, mental anguish, shock and agony, and loss of enjoyment of life, all to Plaintiff's
28 general and compensatory damages in an amount in excess of Fifteen Thousand Dollars
(\$15,000.00).

 72. That, as a further direct and proximate result of Defendants' acts and/or

1 omissions to act, Plaintiff, due to his injuries, sustained a loss of earnings, and loss of past and
2 future earning capacity.

3 73. That, as a direct and proximate result of Defendants' acts, Plaintiff has incurred
4 general and special damages in excess of Fifteen Thousand Dollars (\$15,000.00).

5 74. That, as a direct and proximate result of the aforementioned negligence of
6 Defendants, Plaintiff has been required to engage the services of an attorney, incurring
7 attorneys' fees and costs to bring this action.


8 **X.**
9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as
11 follows:

- 12 1. For general damages in an amount in excess of \$15,000.00;
- 13 2. For compensatory damages in an amount in excess of \$15,000.00;
- 14 3. For special damages in an amount in excess of \$15,000.00;
- 15 4. For damages for pain, suffering, disfigurement, mental anguish, and loss of
16 enjoyment of life of the Plaintiff in an amount in excess of \$15,000;
- 17 5. For loss of earnings and past and future loss of earning capacity of Plaintiff in an
18 amount to be proven at trial;
- 19 6. For costs of suit, reasonable attorneys' fees, and interest incurred herein.

20 Dated this 23 day of January, 2022.

21 **CRAIG P. KENNY & ASSOCIATES**

22 
23 _____
24 PAUL R. KIRST, ESQ.
25 Nevada Bar No. 3981
26 501 S. 8th Street
27 Las Vegas, Nevada 89101
28 *Attorney for Plaintiff*

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DEMAND FOR JURY TRIAL

Plaintiff, by and through his attorneys of record, CRAIG P. KENNY & ASSOCIATES,
hereby demands a jury trial of all of the issues in the above matter.

Dated this 23 day of March, 2022.

CRAIG P. KENNY & ASSOCIATES



PAUL R. KIRST, ESQ.
Nevada Bar No. 3981
501 S. 8th Street
Las Vegas, Nevada 89101
Attorney for Plaintiff