

STATE OF MISSOURI
22nd JUDICIAL CIRCUIT
CITY OF ST. LOUIS, MISSOURI

JANAE EDMONDSON,

Plaintiff

v.

Cause No.:

THE CITY OF ST. LOUIS

Serve:

Tishaura Jones, Mayor of the City of
St. Louis, Missouri
City Hall
[REDACTED]

JURY TRIAL DEMANDED
ON ALL COUNTS

and

DANIEL RILEY

Serve:

Daniel Riley
[REDACTED]

and

KIMBERLY RILEY

Serve:

Kimberly Riley
[REDACTED]

and

EAN HOLDINGS, LLC

Serve:

Claims Dept.
[REDACTED]

and

ELIZABETH SMITH

Serve:

Elizabeth Smith



Defendants.

PETITION

Plaintiff Janae Edmondson (“Ms. Edmondson” or “Plaintiff”), a multi-sport high school athlete visiting St. Louis for a volleyball tournament, had her bright future brutally ripped away when she was crushed between two vehicles following a car crash, leading to amputation of both her legs. The crash, involving a robbery suspect who had violated the terms of his bond dozens of times over several months, was completely preventable. Ms. Edmondson states the following for her Petition against Defendants the City of St. Louis, Daniel Riley, Kimberly Riley, EAN Holdings, LLC, and Elizabeth Smith:

PARTIES, VENUE AND JURISDICTION

1. Ms. Edmondson is and was at all times mentioned herein a resident of the State of Tennessee.
2. Defendant City of St. Louis (hereinafter “St. Louis”) is a constitutional charter city duly formed and existing under the Constitution of the State of Missouri, Art. 6, §19, the statutes of the State of Missouri, Section 82.010, RSMo, and its city charter, Art. I, §1.
3. Defendant St. Louis possesses and controls the area of the intersection of 11th Street and St. Charles Street, located in St. Louis City (the “Intersection”) and was responsible for complying with applicable laws and accepted industry standards in constructing and maintaining the intersection and surrounding area, including street signs.

4. Defendant Daniel Riley is and was at all times mentioned herein a resident of the State of Missouri.

5. Defendant Kimberly Riley is and was at all times mentioned herein a resident of the State of Missouri.

6. Defendant EAN Holdings, LLC (“EAN”) is and was at all times a Missouri Limited Liability Company, authorized to do business in Missouri, with the ability to sue and be sued in its own name under Missouri law.

7. Defendant Elizabeth Smith is and was at all times mentioned herein a resident of the State of Missouri.

8. Venue is proper in the Circuit Court of the City of St. Louis pursuant to MO. REV. STAT. §508.010 because Plaintiff was first injured in the City of St. Louis, Missouri.

FACTUAL ALLEGATIONS

9. Before February 18, 2023, Defendant Daniel Riley committed multiple felonies, including Robbery 1st Degree and Armed Criminal Action.

10. Defendant Daniel Riley was charged but granted a personal recognizance bond on the conditions of GPS monitoring and house arrest.

11. Defendant Daniel Riley violated the terms of his bond by allowing his GPS tracker’s battery to die and leaving the area he was confined to over 50 times before February 18, 2023. Yet the City of St. Louis never revoked his bond.

12. Defendant Daniel Riley is not licensed to drive a vehicle in the State of Missouri.

13. Upon information and belief, in addition to his extensive criminal history, Defendant Daniel Riley exhibited habitual recklessness while driving automobiles.

14. On February 18, 2023, Ms. Edmondson was a pedestrian, lawfully traversing the area of the Intersection.

15. Ms. Edmondson, a multi-sport high school athlete from Tennessee who had recently been accepted to the University of Tennessee Southern, was walking with her parents following a volleyball tournament held at America's Center.

16. On February 18, 2023, Defendants Kimberly Riley and/or EAN owned, leased, rented or otherwise possessed a 2023 Audi automobile.

17. On February 18, 2023, Defendants Kimberly Riley and/or EAN entrusted their 2023 Audi to Defendant Daniel Riley despite their knowledge of his criminal history, status on house arrest, lack of driver's license, and habitual recklessness.

18. On February 18, 2023, Defendant Daniel Riley was driving, without a license, westbound in the 2023 Audi on St. Charles Street approaching the Intersection at a high rate of speed in excess of the 25 mile per hour speed limit.

19. Defendant Elizabeth Smith was driving, with a suspended license, northbound on 11th Street approaching the Intersection in excess of the 25 mile per hour speed limit.

20. Defendant St. Louis had placed a yield sign to control westbound traffic on St. Charles Street at the Intersection.

21. Because buildings block any view of traffic traveling on 11th Street, a full stop is required for traffic on St. Charles to adequately observe conflicting cross traffic.

22. Defendant Daniel Riley entered the intersection and was struck in the left rear of the 2023 Audi by the vehicle driven by Elizabeth Smith.

23. Defendant Daniel Riley's vehicle rolled over and crushed Ms. Edmondson into a parked car.

24. Ms. Edmondson suffered immediate, life-altering injuries including amputation of both legs.

COUNT I – PREMISES LIABILITY AGAINST DEFENDANT ST. LOUIS

25. Plaintiff realleges and incorporates by reference the above paragraphs as if fully set forth herein.

26. St. Louis owned, possessed, and/or controlled the area of the intersection where Plaintiff was injured.

27. St. Louis owed a duty to the general public and specifically to pedestrians, like Plaintiff, to remove or warn of dangerous conditions and to maintain the Intersection, including the area surrounding the Intersection, in a reasonably safe condition.

28. In violation of this duty, Defendant St. Louis negligently permitted and maintained a dangerous condition to exist at the Intersection, creating an unreasonable risk of injury to pedestrians, including Plaintiff.

29. St. Louis, by and through its employees and/or agents, had actual or constructive notice of the dangerous condition of the Intersection in sufficient time prior to this incident to have taken measures to protect against the dangerous condition.

30. St. Louis failed to use ordinary care to remove or warn of the dangerous condition of the Intersection, including:

- a. Failure to maintain the Intersection;
- b. Failure to ensure adequate sight lines at the Intersection;
- c. Failure to post correct signage at the Intersection;
- d. Failure to place a stop sign at the Intersection;
- e. Failure to follow the MUTCD's guidelines on intersection design and construction;

- f. Failure to follow St. Louis's codes and ordinances; and,
- g. Such further negligent acts revealed in discovery;

31. As a direct and proximate result of the negligence of St. Louis and the dangerous condition of the Intersection, Plaintiff sustained serious injuries. Plaintiff has suffered and will continue to suffer from severe pain and discomfort.

32. As a direct and proximate result of the negligence of St. Louis and the dangerous condition of the Intersection, Plaintiff has been required to undergo medical, surgical and diagnostic care and treatment. Plaintiff has been caused to incur and become indebted for reasonable and necessary medical expenses and shall be required to incur or become indebted for further reasonable and necessary care and treatment in the future. Plaintiff has lost future earning potential.

33. On March 16, 2023, Plaintiff served mayor Tishaura Jones with notice of the foregoing dangerous conditions that caused her injury as required by MO. REV. STAT. § 8.210.

WHEREFORE Plaintiff prays for judgment against Defendant St. Louis in a fair and reasonable amount in excess of twenty-five thousand dollars (\$25,000), her costs herein incurred, and for such other and further relief as may be just and proper.

COUNT II
NEGLIGENCE AGAINST DEFENDANT DANIEL RILEY

34. Plaintiff incorporates the above allegations as though fully set forth herein.

35. At all times relevant, Defendant Daniel Riley owed a duty to Plaintiff and to others to exercise the highest degree of care in the operation of his motor vehicle.

36. Defendant Daniel Riley failed to exercise the highest degree of care thereby breaching his duty to Plaintiff in one or more of the following ways:

- a. negligently and carelessly operating a motor vehicle on the day of the accident;

- b. negligently and carelessly failing to keep a careful lookout;
- c. negligently and carelessly failing to pay attention to the road;
- d. negligently and carelessly failing to yield;
- e. negligently and carelessly failing to stop for vehicles in his lane of travel;
- f. negligently and carelessly failing to avoid vehicles in his lane of travel;
- g. negligently and carelessly striking other vehicles;
- h. negligently and carelessly failing to bring his vehicle to a stop before entering the Intersection;
- i. negligently and carelessly driving too fast to avoid crashing into vehicles in the intersection; and
- j. such further negligent and careless acts and omissions as the evidence and discovery will reveal.

37. As a direct and proximate result of the negligence and recklessness of Defendant Daniel Riley, Plaintiff sustained serious injuries. Plaintiff has suffered and will continue to suffer from severe pain and discomfort.

38. As a direct and proximate result of the negligence and recklessness of Defendant Daniel Riley, Plaintiff has been required to undergo medical, surgical and diagnostic care and treatment. Plaintiff has been caused to incur and become indebted for reasonable and necessary medical expenses and shall be required to incur or become indebted for further reasonable and necessary care and treatment in the future. Plaintiff has lost future earning potential.

WHEREFORE, Plaintiff prays for judgment against Defendant Daniel Riley for a fair and reasonable amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), which is fair, and adequate under the circumstances, for her costs and expenses herein, for pre- and post-judgment

interest, and for such other further relief as the Court deems just and proper under the circumstances.

COUNT III
NEGLIGENCE PER SE AGAINST DEFENDANT DANIEL RILEY

39. Plaintiff incorporates the above allegations as though fully set forth herein.

40. At all times relevant, Defendant Daniel Riley owed a duty to Plaintiff and to others to abide by the rules of the road as set forth in Missouri statutes and local ordinances.

41. The acts and omission as set forth herein constitute a violation of the Missouri Revised Statutes regarding the regulation of traffic as set forth with more specificity in Chapter 304 of the Missouri Revised Statutes, including but not limited to: 304.009, 304.012, 304.015, 304.017, and 304.351, as well the local codes and ordinances in effect in St. Louis that are based on the aforementioned statutes.

42. The statutes, codes, and regulations, including the above provisions, are designed to protect Plaintiff and members of the public generally from the hazards that arise from the operation of motor vehicles.

43. Plaintiff is within the class of persons protected by the provisions enumerated above and all were designed to prevent the injuries Plaintiff sustained.

44. As a direct and proximate result of the negligence and recklessness of Defendant Daniel Riley, Plaintiff suffered serious injuries. Plaintiff has suffered and will continue to suffer from severe pain and discomfort.

45. As a direct and proximate result of the negligence and recklessness of Defendant Daniel Riley, Plaintiff has been required to undergo medical, surgical and diagnostic care and treatment. Plaintiff has been caused to incur and become indebted for reasonable and necessary

medical expenses and shall be required to incur or become indebted for further reasonable and necessary care and treatment in the future. Plaintiff has lost future earning potential.

WHEREFORE, Plaintiff prays for judgment against Defendant Daniel Riley for a fair and reasonable amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), which is fair, and adequate under the circumstances, for her costs and expenses herein, for pre- and post-judgement interest, and for such other further relief as the Court deems just and proper under the circumstances.

COUNT IV
NEGLIGENT ENTRUSTMENT AGAINST DEFENDANT KIMBERLY RILEY

46. Plaintiff incorporates the above allegations as though fully set forth herein.

47. At all times relevant, Defendant Kimberly Riley owed a duty to Plaintiff and to others to refrain from entrusting her automobile to incompetent drivers.

48. Defendant Daniel Riley was incompetent by reason of habitual recklessness.

49. Defendant Kimberly Riley knew or should have known of Defendant Daniel Riley's incompetence.

50. Defendant Kimberly Riley breached her duty to Plaintiff and others by entrusting her 2023 Audi to Defendant Daniel Riley

51. As a direct and proximate result of the negligence and recklessness of Defendant Kimberly Riley, Plaintiff sustained serious injuries. Plaintiff has suffered and will continue to suffer from severe pain and discomfort.

52. As a direct and proximate result of the negligence and recklessness of Defendant Kimberly Riley, Plaintiff has been required to undergo medical, surgical and diagnostic care and treatment. Plaintiff has been caused to incur and become indebted for reasonable and necessary

medical expenses and shall be required to incur or become indebted for further reasonable and necessary care and treatment in the future. Plaintiff has lost future earning potential.

WHEREFORE, Plaintiff prays for judgment against Defendant Kimberly Riley for a fair and reasonable amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), which is fair, and adequate under the circumstances, for her costs and expenses herein, for pre- and post-judgment interest, and for such other further relief as the Court deems just and proper under the circumstances.

COUNT V
NEGLIGENT ENTRUSTMENT AGAINST DEFENDANT EAN

53. Plaintiff incorporates the above allegations as though fully set forth herein.

54. At all times relevant, Defendant EAN owed a duty to Plaintiff and to others to refrain from entrusting its automobile to incompetent drivers.

55. Defendant Daniel Riley was incompetent by reason of habitual recklessness.

56. Defendant EAN knew or should have known of Defendant Daniel Riley's incompetence.

57. Defendant EAN breached its duty to Plaintiff and others by entrusting its 2023 Audi to Defendant Daniel Riley

58. As a direct and proximate result of the negligence and recklessness of Defendant EAN, Plaintiff sustained serious injuries. Plaintiff has suffered and will continue to suffer from severe pain and discomfort.

59. As a direct and proximate result of the negligence and recklessness of Defendant EAN, Plaintiff has been required to undergo medical, surgical and diagnostic care and treatment. Plaintiff has been caused to incur and become indebted for reasonable and necessary medical

expenses and shall be required to incur or become indebted for further reasonable and necessary care and treatment in the future. Plaintiff has lost future earning potential.

WHEREFORE, Plaintiff prays for judgment against Defendant EAN for a fair and reasonable amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), which is fair, and adequate under the circumstances, for her costs and expenses herein, for pre- and post-judgment interest, and for such other further relief as the Court deems just and proper under the circumstances.

COUNT VI
NEGLIGENCE AGAINST DEFENDANT ELIZABETH SMITH

60. Plaintiff incorporates the above allegations as though fully set forth herein.

61. At all times relevant, Defendant Elizabeth Smith owed a duty to Plaintiff and to others to exercise the highest degree of care in the operation of her motor vehicle.

62. Defendant Elizabeth Smith failed to exercise the highest degree of care thereby breaching her duty to Plaintiff in one or more of the following ways:

- a. negligently and carelessly operating a motor vehicle on the day of the accident;
- b. negligently and carelessly failing to keep a careful lookout;
- c. negligently and carelessly failing to pay attention to the road;
- d. negligently and carelessly failing to stop for vehicles in her lane of travel;
- e. negligently and carelessly failing to avoid vehicles in her lane of travel;
- f. negligently and carelessly striking other vehicles;
- g. negligently and carelessly driving too fast to avoid crashing into vehicles in the Intersection; and
- h. such further negligent and careless acts and omissions as the evidence and discovery will reveal.

63. As a direct and proximate result of the negligence and recklessness of Defendant Elizabeth Smith, Plaintiff sustained serious injuries. Plaintiff has suffered and will continue to suffer from severe pain and discomfort.

64. As a direct and proximate result of the negligence and recklessness of Defendant Elizabeth Smith, Plaintiff has been required to undergo medical, surgical and diagnostic care and treatment. Plaintiff has been caused to incur and become indebted for reasonable and necessary medical expenses and shall be required to incur or become indebted for further reasonable and necessary care and treatment in the future. Plaintiff has lost future earning potential.

WHEREFORE, Plaintiff prays for judgment against Defendant Elizabeth Smith for a fair and reasonable amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), which is fair, and adequate under the circumstances, for her costs and expenses herein, for pre- and post-judgment interest, and for such other further relief as the Court deems just and proper under the circumstances.

COUNT VII
NEGLIGENCE PER SE AGAINST DEFENDANT ELIZABETH SMITH

65. Plaintiff incorporates the above allegations as though fully set forth herein.

66. At all times relevant, Defendant Elizabeth Smith owed a duty to Plaintiff and to others to abide by the rules of the road as set forth in Missouri statutes and local ordinances.

67. The acts and omission as set forth herein constitute a violation of the Missouri Revised Statutes regarding the regulation of traffic as set forth with more specificity in Chapter 304 of the Missouri Revised Statutes, including but not limited to: 304.009, 304.012, 304.015, and 304.017, as well the local codes and ordinances in effect in St. Louis that are based on the aforementioned statutes.

68. The statutes, codes, and regulations, including the above provisions, are designed to protect Plaintiff and members of the public generally from the hazards that arise from the operation of motor vehicles.

69. Plaintiff is within the class of persons protected by the provisions enumerated above and all were designed to prevent the injuries Plaintiff sustained.

70. As a direct and proximate result of the negligence and recklessness of Defendant Elizabeth Smith, Plaintiff suffered serious injuries. Plaintiff has suffered and will continue to suffer from severe pain and discomfort.

71. As a direct and proximate result of the negligence and recklessness of Defendant Elizabeth Smith, Plaintiff has been required to undergo medical, surgical and diagnostic care and treatment. Plaintiff has been caused to incur and become indebted for reasonable and necessary medical expenses and shall be required to incur or become indebted for further reasonable and necessary care and treatment in the future. Plaintiff has lost future earning potential.

WHEREFORE, Plaintiff prays for judgement against Defendant Elizabeth Smith for a fair and reasonable amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), which is fair, and adequate under the circumstances, for her costs and expenses herein, for pre- and post-judgement interest, and for such other further relief as the Court deems just and proper under the circumstances.

Respectfully Submitted,

THE SIMON LAW FIRM, PC

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