

**RECEIVED**

**NOV 20 2015**

**CITY ATTORNEY**

**DISTRICT COURT, COUNTY OF LARIMER, STATE  
OF COLORADO**

**201 LaPorte Avenue, Ste. 100  
Fort Collins, CO 80521  
Telephone: (970) 494-3500**

**PLAINTIFF: SHANNON LEWIS**

**DEFENDANTS: CHARLES C. RICHARDS and THE  
CITY OF LOVELAND.**

**ΔCOURT USE ONLYΔ**

**Attorney for Plaintiff:  
David J. Furtado, No. 28002  
Furtado Law PC  
3773 Cherry Creek North Drive, Ste. 575  
Denver, Colorado 80209  
Phone: 303-755-2929  
Facsimile: 303-309-6463  
E-mail: dfurtado@furtadolaw.com**

Case No.:

Ctrm/Div:

**SUMMONS**

**TO: THE CITY OF LOVELAND**

You are summoned and required to file with the clerk of this court an answer or other response to the attached Complaint. If service of the Summons and Complaint was made upon you within the State of Colorado, you are required to file your answer or other response within 21 days after such service upon you. If service of the Summons and Complaint was made upon you outside of the State of Colorado, you are required to file your answer or other response within 35 days after such service upon you. Your answer or counterclaim must be accompanied with the applicable filing fee.

If you fail to file your answer or other response to the Complaint in writing within the applicable time period, the Court may enter judgment by default against you for the relief demanded in the Complaint without further notice.

Dated: October 7, 2015

Respectfully submitted,

FURTADO LAW PC

/S/ David J. Furtado  
David J. Furtado, #28002

ATTORNEY FOR PLAINTIFF

**This Summons is issued pursuant to Rule 4, C.R.C.P., as amended. A copy of the Complaint must be served with this Summons. This form should not be used where service by publication is desired.**

|   |   |
|---|---|
| <b>DISTRICT COURT, COUNTY OF LARIMER, STATE OF COLORADO.</b><br><b>201 La Porte Avenue, Ste. 100</b><br><b>Fort Collins, CO 80521</b><br><b>Telephone: (970) 494-3500</b>   | <p style="text-align: center;">▲ COURT USE ONLY ▲</p> |
| <b>Plaintiff: SHANNON M. LEWIS,</b><br><br>v.<br><br><b>Defendant: CHARLES C. RICHARDS and THE CITY OF LOVELAND.</b>  |   |
| Attorneys for Plaintiff:<br>David J. Furtado, No. 28002<br>Furtado Law PC<br>3773 Cherry Creek North Drive, Ste. 575<br>Denver, Colorado 80209<br>Phone: 303-755-2929<br>Facsimile: 303-309-6463<br>E-mail: dfurtado@furtadolaw.com | Case No.:<br><br>Ctrm/Div:                            |
| <b>COMPLAINT</b>  |   |

**COMES NOW**, Plaintiff Shannon M. Lewis, by and through her counsel and for her Complaint against Defendants allege, aver, and state as follows:

1. At all times relevant, Plaintiff resided at 1206 W. Eisenhower Blvd., Loveland, State of Colorado.
2. At all times relevant, Defendant Charles C. Richards resided at 3713 Wittaker Circle, Johnstown, State of Colorado.
3. At all times relevant, Defendant City of Loveland was authorized to conduct business in the State of Colorado with its principle place of business being 500 E. 3<sup>rd</sup> Street, Loveland, CO 80537.
4. Venue is proper pursuant to C.R.C.P. 98(c) as the subject motor vehicle collision occurred in the City and County of Denver.

**FIRST CLAIM FOR RELIEF**  
*(Negligence Defendant Richards)*

5. Paragraphs 1-4 are incorporated herein by reference.
6. On or about December 29, 2014, Defendant Richards was acting within the course and scope of his employment with Defendant City of Loveland.
7. On or about December 29, 2014, Defendant Richards was traveling westbound on E. Eisenhower Boulevard in the City of Loveland, State of Colorado.
8. Defendant Richards owed Plaintiff a duty of reasonable, ordinary care in the operation and use of the motor vehicle he was entrusted with and driving.
9. Defendant Richards breached that duty when, amongst other things, he negligently failed to keep a proper lookout for vehicles in front of his, failed to operate the motor vehicle he was driving at a speed that would allow him sufficient time to stop, failed to make a safe right turn and made said right turn where prohibited striking Plaintiff's vehicle.
10. Plaintiff was wearing her seatbelt and was traveling westbound on E. Eisenhower Boulevard in the lane next to Defendant Richards' vehicle when Defendant Richards attempted to make an illegal right turn onto N. Madison Avenue from the middle lane striking Plaintiff's vehicle forcing Plaintiff's vehicle onto the curb where she struck a stationary pole.
11. Plaintiff did not contribute to the cause of the collision.
12. Plaintiff was traveling at a safe rate of speed while crossing thru the intersection at the time of the collision.
13. Plaintiff's vehicle was visible to Defendant Richards.
14. Weather did not contribute to the subject collision.
15. Defendant Richards did not have anything obstructing his view as he was driving on December 29, 2014.
16. Defendant Richards may have been distracted while driving.
17. As a direct and proximate cause of Defendant Richards' negligence and breach of his duties to Plaintiff, Plaintiff suffered physical injuries, mental anguish, pain and suffering, permanent disability, property damage, loss of use, a loss of enjoyment of life and other economic and noneconomic damages.

**SECOND CLAIM FOR RELIEF**

*(Respondeant Superior)*

18. Paragraphs 1-17 are incorporated herein by reference.
19. On or about December 29, 2014, Defendant Richards was employed by the City of Loveland.
20. Defendant Richards was in the course and scope of his employment when the accident between Plaintiff and Defendant Richards occurred.
21. As Defendant Richards was in the course and scope of his employment with the City of Loveland when the accident occurred, Defendant, City of Loveland, is vicariously liable for the actions of Defendant Richard.
22. As a direct and proximate cause of Defendant City of Loveland's vicarious liability, Plaintiff suffered physical injuries, mental anguish, pain and suffering, permanent disability, a loss of enjoyment of life and other economic and noneconomic damages.

**WHEREFORE**, Plaintiff prays for judgment in her favor and against Defendants for injuries, damages and losses, including but not limited to costs, pre-and post-judgment interest, fees, damages for their property damage, damages for her loss of use and any other relief authorized by law resulting from Defendants' negligence and for such other relief that the Court determines is fair and just.

Respectfully submitted this 7<sup>th</sup> day of October, 2015.

**FURTADO LAW PC**

*A duly signed original is on file at*

*Furtado Law PC*

/s/ David J. Furtado

David J. Furtado, No. 28002

**Plaintiffs' Address:**

1206 W. Eisenhower Blvd.  
Loveland, CO 80537

|  |   |
|--|---|
| <p><b>DISTRICT COURT, COUNTY OF LARIMER, STATE OF COLORADO.</b><br/> <b>201 La Porte Avenue, Ste. 100</b><br/> <b>Fort Collins, CO 80521</b><br/> <b>Telephone: (970) 494-3500</b></p> <hr/> <p><b>SHANNON M. LEWIS,</b></p> <p>Plaintiff,</p> <p>v.</p> <p><b>CHARLES C. RICHARDS and THE CITY OF LOVELAND,</b></p> <p>Defendant.</p> | <p style="text-align: center;">^COURT USE ONLY^</p> |
| <p><i>Attorney for Plaintiff</i><br/> David J. Furtado, No. 28002<br/> Furtado Law PC<br/> 3773 Cherry Creek North Drive, Ste. 575<br/> Denver, CO 80209<br/> Telephone: (303) 755-2929<br/> Facsimile: (303) 309-6463<br/> E-Mail: dfurtado@furtadolaw.com</p>  | <p>Case No</p> <p>Division:</p>                     |
| <p style="text-align: center;">DISTRICT COURT CIVIL (CV) CASE COVER SHEET FOR INITIAL PLEADING OF COMPLAINT, COUNTERCLAIM, CROSSCLAIM OR THIRD PARTY COMPLAINT</p>   |   |

1. This cover sheet shall be filed with each pleading containing an initial claim for relief in every district court civil (CV) case, and shall be served on all parties along with the pleading. It shall not be filed in Domestic Relations (DR), Probate (PR), Water (CW), Juvenile (JA, JR, JD, JV), or Mental Health (MH) cases. Failure to file this cover sheet is not a jurisdictional defect in the pleading but may result in a clerk's show cause order requiring its filing.
2. Simplified Procedure under C.R.C.P. 16.1, **does not apply** to this case because this party is seeking a monetary judgment for more than \$100,000.00 against another party, including any attorney fees, penalties or punitive damages, but excluding interest and costs.
3. This party makes a **Jury Demand** at this time and pays the requisite fee. See C.R.C.P. 38. (Checking this box is optional.)

Date: October 7, 2015.

FURTADO LAW PC

s/ David J. Furtado

Signature of Party or Attorney for Party

*Original signature on file in this office*