

<p>DISTRICT COURT, THE CITY AND COUNTY OF DENVER, COLORADO</p> <p>Court Address: 1437 Bannock St.. Denver, CO 80202</p> <hr/> <p>Plaintiff: XXXXXXXXXXXXXXXXXXXX</p> <p>v.</p> <p>Defendants: XXXXXXXXXXXXXXXXXXXX and XXXXXXX XXXXXXXXXXXX</p> <hr/> <p>Attorney for Plaintiff: Paul Zarlengo, #33648 3801 E. Florida Ave., #400 Denver, CO 80210 (c) (720) 327-7993 Fax. No. (303) 759-9722 paulzarlengo@hotmail.com</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p>Case Number: XXXXXXXXXX</p> <p>Division: Civil</p> <p>Courtroom:</p>
<p>COMPLAINT</p>	

COMES NOW the Plaintiff, by and through attorney, Paul A. Zarlengo, and states the following for her Complaint for damages against the defendant:

PARTIES, JURDICTION and VENUE

1. Plaintiff was bitten by Defendants Great Dane dog on or about June 8, 2006.
2. Venue is proper in Denver County pursuant to *C.R.C.P. 98(c)* as the tort complained of herein was committed in the Denver County, State of Colorado.
3. Subject matter jurisdiction is proper in this Court.
4. Upon information and belief Defendants are not in military service.
5. Jury trial is not demanded.

FIRST CLAIM FOR RELIEF
(Strict Liability)

6. Plaintiff hereby re-alleges and incorporates each and every allegation contained in paragraphs one (1) through five (5) above.

7. At all times herein mentioned Defendants were, and still are the owners of a certain Great Dane dog, which caused the injuries and damage hereinafter complained of. This dog had a vicious nature, disposition, and propensity, which was known or should have been known by defendant.

8. On or about June 8, 2006, at about 7:00 P.M., the dog entered Plaintiff's property. The dog was not under any form of restraint or control of a competent person. The area is secured by a fence which was built by Defendants but, upon information and belief, had been broken down by Defendants' dogs. At this time and place, while Plaintiff was on her own property she was suddenly and with no warning viciously attacked by the dog. The dog knocked over and severely bit the Plaintiff about the rear of the leg numerous times.

9. As a proximate result of the actions of defendants' dog, Plaintiff sustained serious bodily injuries, all to her damage in an amount to be determined at trial.

10. As a further proximate result of the actions of defendant's dog, Plaintiff was required to and did employ physicians and surgeons to examine, treat, and care for Plaintiff's injuries and incurred additional medical expenses for hospital bills and other incidental medical expenses in an amount to be determined at trial.

11. Plaintiff is informed and believes, and on such information and belief alleges, that she will incur some additional medical expenses, the exact amount of which is unknown.

12. As a further proximate result of the actions of Defendants' dog, Plaintiff has suffered a loss of income and earnings, and her earning ability is, and will remain, impaired and diminished by reason thereof, and she will continue to suffer a further loss of earnings and income for an indefinite period of time in an amount to be determined at trial.

SECOND CLAIM FOR RELIEF

(Negligence)

13. Plaintiff hereby re-alleges and incorporates each and every allegation contained in paragraphs one (1) through twelve (12) above.

14. Defendants negligently failed to have the dog under restraint or to take any other precautions to prevent the dog from attacking plaintiff or other persons. Defendants were also negligent in that they failed to maintain the fence separating the property or take other measures to warn of the presence of a vicious dog.

THIRD CLAIM FOR RELIEF

(Negligence Per Se)

14. Plaintiff re-alleges and reincorporates herein by reference the allegations set forth in paragraphs one (1) through fourteen (14) above.

15. Defendant, by failing to keep the dog physically confined or restrained in a negligent, careless and reckless manner, as described in the paragraphs above violated *Colorado Revised Statutes*, including, but not limited to, violation of *C.R.S. 13-21-124*, violation of *Denver Revised Municipal Code Sections 8-16 Dog Running at Large* and *Denver Revised Municipal Code Section 8-51 Animal Bite or Attack*. Defendant is also responsible for negligence per se under Colorado statutory and administrative laws, as Plaintiff, at all relevant times, was in the class of individuals intended to be protected by the aforementioned standards.

16. As a further direct and proximate result or substantial factor of Defendants' negligence per se as indicated in the paragraphs above, Plaintiff has damages as more fully set forth in the First Claim for Relief, above.

17. Plaintiff, at all relevant times, is not liable for comparative-contributory negligence and has reasonably mitigated damages.

WHEREFORE, Plaintiff, XXXXXXXXX, respectfully requests that this Court enter judgment in her favor and against the Defendants in an amount that will fully and fairly compensate Plaintiff for her injuries, damages and losses, plus interest, costs, expert witness fees, attorney's fees, and such other and further relief as this Court deems proper and just.

/s/ Paul Zarlengo
Original Signature in File

Paul Anthony Zarlengo #33648
Attorney for Plaintiff