

<p>DISTRICT COURT, ADAMS COUNTY, COLORADO</p> <p>Court Address: 1100 Judicial Center Dr. Brighton, CO 80601</p> <hr/> <p>Plaintiff: XXXXXXXXXXXXXXXXXX</p> <p>v.</p> <p>Defendant: XXXXXXXXXXXXXXXXXX L.L.C. (a Colorado Limited Liability Corporation).</p> <hr/> <p>Attorney for Plaintiff: Paul Zarlengo 3801 E. Florida Ave., #400 Denver, CO 80210 Reg. No. #33648 720-327-7993 Fax No. 303-759-9722</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p>Case Number:</p> <p>Division:</p> <p>Courtroom:</p>
<p>COMPLAINT</p>	

COMES NOW the Plaintiff, by and through his attorneys, Paul Zarlengo, and as causes of action against the Defendants states and alleges as follows:

PARTIES, JURISDICTION and VENUE

1. Plaintiff, XXXXXX XXXXXX, resides at XXXXXXXXXXXXX Street, in the city of Aurora, County of Adams.
2. Defendant XXXXXXXXXXXXXXX L.L.C. is now, and at all times mentioned in this complaint, was a corporation organized and existing under the laws of the State of Colorado.
3. Defendant is now, and at all times mentioned in this complaint was, the owner and operator of an apartment building located at XXXXXXXXXXXXX Street, Aurora, Colorado.

4. This Court has jurisdiction over the parties as XXXXXXXXXXXXX, L.L.C is a Colorado Corporation, and has a registered agent and office in the State of Colorado. Further, the torts were committed in the State of Colorado.

5 Venue is proper in the County of Adams pursuant to Rule 98(c)(5) because the hereinafter alleged torts were committed in the County of Adams.

GENERAL ALLEGATIONS AND CLAIMS FOR RELIEF

6. Plaintiff re-alleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through five (5) above.

7. In October of 2005, Plaintiff was a resident at the condominium complex known as XXXXXXXXXXXXX in Aurora.

8. Upon information and belief the XXXXXXXXXXXXX condominium complex (“subject property”) is owned and/or operated by XXXXXXXXXXXXX, L.L.C.

9. On or about October 10, 2005, the Plaintiff injured himself when he slipped and fell on a patch of ice that had formed on the on the Defendant’s premises at XXXXXXXXXXXXX Street in the City of Aurora, County of Adams.

10. As a result of slipping on the ice on the third floor common walkway in front of Plaintiff’s condominium, Plaintiff fell over the guard rail and tumbled three stories to the ground below.

FIRST CLAIM FOR RELIEF  
(Premises Liability)

11. Plaintiff re-alleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through ten (10) above.

12. Upon information and belief, Defendant was negligent in the care, maintenance and upkeep of the common areas of the subject property, including without limitation the following: failure to exercise reasonable care to remove ice that Defendant knew or should have knows had formed on the common walkways of the subject property; failure to exercise reasonable care to warn residents of the subject property of potentially dangerous conditions that Defendant knew of should have known existed on the walkways of the common areas; failure to exercise reasonable care to barricade or cordon off potentially dangerous areas that Defendant knew or should have known existed on the walkways in the common areas of the subject property; failure to take reasonable measures to properly direct water and melting snow and ice away from the walkways of the common areas of the subject property; and/or failure to install proper handrails along the walkway in the common area where Plaintiff slipped and fell.

13. Defendant was under a duty to take reasonable care to make safe, or to warn plaintiff of the presence of, the icy conditions on defendants’ premises that defendant

knew or in the exercise of reasonable care, should have known, existed and that defendants realized, or should have realized, involved an unreasonable risk of harm to plaintiff.

14. Defendant, at all times mentioned in this complaint, knew that the above-described conditions existed in violation of numerous state and local housing codes including but not limited to *Building and Zoning Code of the City of Aurora, Colorado, Sections 126-311 and 22-571*.

15. Despite this knowledge and despite plaintiff's repeated requests that the conditions be remedied and repaired, defendant failed and refused to do so, all in violation of *Building and Zoning Code of the City of Aurora, Colorado, Sections 126-311 and 22-571*.

16. As a direct and proximate result of Defendant's breach of duty with respect to the dangerous icy conditions created by defendant Plaintiff suffered injury, damages, and losses for the Plaintiff, including, but not limited to: broken hip, broken shoulder, collapsed lung and closed head injury.

WHEREFORE Plaintiff, XXXXXXXXXXXXXXXX, respectfully requests that this Court enter judgment in his favor and against the Defendant in an amount that will fully and fairly compensate Plaintiff for his 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

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Paul Anthony Zarlengo #33648  
Attorney for Plaintiff