

VIRGINIA:

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
VIRGINIA, LYNCHBURG DIVISION

HOLLY BRANHAM,

Plaintiff,

v.

Civil Action #6:09-cv-00037

DOLGENCORP, INC.
D/B/A Dollar General Store
A Kentucky Corporation

Defendant,

AMENDED COMPLAINT

1. On June 8, 2007 the Plaintiff was shopping at the dollar general store at 171 Ambriar Plaza in Amherst Virginia.
2. Dollar General store was owned and operated by the Defendant and employees and agents of the Defendant.
3. The Plaintiff had entered the store to shop for clothespins. She was told by an employee (“Jessica”) that she had to go to the rear of the store and turn left at the last aisle to find the clothespins. The Plaintiff learned on June 8, 2007 that “Jessica’s” position at the store was assistant manager.
4. The Plaintiff went to the rear of the store and turned left as instructed by “Jessica”.
5. Just as the Plaintiff turned left she stepped on water that was on the floor and directly in front of her.
6. The water on the floor was not visible to the plaintiff prior to her fall.
7. When the Plaintiff stepped on the water she fell.

8. As a direct result of water on the floor and her fall, the Plaintiff was seriously and permanently injured. She lost many of the pleasures of life. She suffered pain. She has incurred medical and hospital bills. Her ability to earn income was dissipated.
9. After she fell the Defendants' employee who identified herself as assistant store manager "Jessica" told the Plaintiff that she had just mopped the floor in the area where the Plaintiff fell.
10. After she fell the plaintiff identified that it was water on the floor, which she had stepped on and caused her to fall.
11. The Plaintiff told "Jessica" that she had fallen on the water, as she turned left at the last aisle at the back of the store.
12. As "Jessica" and the Plaintiff began walking back to the front of the store "Jessica" took the Plaintiff several aisles to the left where a sign indicating wet floor was lying flat on the floor that sign was not visible to the Plaintiff when the Plaintiff had walked several aisles over to the rear of the store for clothespins. There was no sign visible to the Plaintiff to warn her of the wet floor.
13. The Plaintiff alleges that the Defendants agent, employee "Jessica" acting in the scope of her employment, was negligent because she failed to remove the water from the floor as she mopped the floor.
14. The Plaintiff alleges that the Defendant's agent, employee "Jessica" acting in the scope of her employment breached the Defendant's duty to warn the Plaintiff of the dangerous water on the floor where the plaintiff fell.

15. The Plaintiff seeks judgment in the amount of \$300,000 (three hundred thousand dollars) against the Defendant.

Holly Branham
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CERTIFICATE OF SERVICE

I Robert Ganey hereby certify that a true copy of the foregoing complaint was sent by Email to James G. Muncie Jr. jmuncie@midkifflaw.com and by first class mail to James G. Muncie 300 Arboretum Place Richmond, Virginia 23236 on 9/8/2009.

Robert S. Ganey