

Isle G. Westphal v. Anthony Jansa, et al.
2017CV30903

Attachment B to Proposed Preliminary Case Management Order

DATE FILED: January 29, 2018 9:03 AM
CASE NUMBER: 2017CV30903

In reference to section 4(b) of the Proposed Preliminary Case Management Order, Anthony J. Jansa; Jansa Trucking, LLC, a Colorado Limited Liability Company; and Jansa Trucking, LLC, a North Dakota Limited Liability Company (collectively “Jansa Defendants”) submit the following brief description of the case and identification of the issues to be tried:

This case involves a tragic accident that occurred because Plaintiff walked, without giving any warning, into the roadway and stood immediately behind the semi-trailer in a blind spot at the moment the truck began to back up. Plaintiff turned her back to the truck and focused her attention away from the truck. The Plaintiff’s alleged injuries were actually and proximately caused by Plaintiff’s disregard for traffic conditions, statutes, and regulations as listed in the Jansa Defendants’ Answer. The Jansa Defendants did not breach any duty owed to Plaintiff. Plaintiff’s injuries were proximately caused by her own negligent act of standing in the road in the path of traffic. Plaintiff’s comparative fault and her own negligence *per se* bars Plaintiff’s recovery.