

IN THE CIRCUIT COURT OF BOONE COUNTY  
STATE OF MISSOURI

LEIGH BRITT AND )  
STORMY BRITT, by and through )  
her Next Friend, LEIGH BRITT, )

Plaintiff, )

Cause No.:

v. )

Division No.:

THE CURATORS OF THE )  
UNIVERSITY OF MISSOURI, )

Serve at: )  
Don M. Downing, Chairman of the )  
Curators of the University of Missouri )  
316 University Hall )  
Columbia, Missouri 65211 )

JURY TRIAL DEMANDED

Defendant. )

PETITION

COME NOW Plaintiffs, Leigh Britt and Stormy Britt, by and through her Next Friend Leigh Britt, by and through counsel, and for their Petition against the Curators of the University of Missouri state as follows.

PARTIES AND JURISDICTION

1. Plaintiff Leigh Britt is an individual residing in Boone County, State of Missouri, and at all times relevant hereto was the wife of Bruce Britt (hereinafter "Decedent"), now deceased.

2. Plaintiff Stormy Britt is a minor, residing in Boone County, State of Missouri, and is the biological daughter of Plaintiff Leigh Britt and Decedent.

3. At all times relevant hereto, Next Friend Plaintiff Leigh Britt is and was Plaintiff Stormy's biological mother.

4. Plaintiffs bring this action on behalf of all entitled to recover under Mo. Rev. Stat. §537.080, et seq., which is commonly referred to as the Missouri Wrongful Death Statute.

5. At all times relevant hereto, Defendant The Curators of the University of Missouri ("Curators") is and was a University, incorporated by the Statues of Missouri as a body politic, which consists of nine (9) members appointed by the Governor of the State of Missouri, with the advice and consent of the Senate, and which is responsible for the governance of all factions of the University of Missouri, including University of Missouri-Columbia.

6. At all times relevant hereto, Defendant Curators were acting through their authorized employees and/or representatives, who were at all times acting within the scope and course of their employment with Defendant Curators.

7. Sovereign immunity for torts has been waived by Defendant Curators because, upon information and belief, Defendant Curators has purchased insurance coverage to cover a loss such as Plaintiffs.

8. Further, Defendant Curators' actions in failing to properly maintain and/or construct the University Village Apartments caused there to be a dangerous condition, of which Defendant Curators was aware, which dangerous condition ultimately caused Decedent's death.

9. Venue is appropriate in this Court as the acts and occurrences giving rise to this cause of action occurred in Boone County, State of Missouri.

10. Plaintiffs are requesting relief in excess of \$25,000.00, thus making jurisdiction proper in this Court.

**COMMON FACTUAL ALLEGATIONS**

11. Plaintiffs do hereby incorporate by reference each and every allegation contained in Paragraphs One (1) through Ten (10) as if fully set forth herein.

12. At all times relevant hereto, Plaintiffs resided with Decedent in Boone County, State of Missouri.

13. On or about February 22, 2014, Decedent, a fire fighter employed with the City of Columbia Fire Department responded to an emergency call for a building collapse at the University Village Apartments (“Apartments”).

14. The Apartments are owned, operated, and maintained by Defendant Curators.

15. When Decedent arrived at the scene, he began walking door to door on the second floor walkway of the Apartments, looking for trapped residents.

16. As Decedent was canvassing the Apartments on the second floor, the walkway upon which he was standing collapsed.

17. As a result, Decedent was killed.

18. At all times relevant hereto, Defendant Curators was responsible for ensuring the Apartments were structurally sound and safe.

19. The Apartments were built in 1956. In December of 2012, Defendant Curators considered renovating or rebuilding the Apartments, but declined to do so because of lack of financing.

20. The Apartments housed students with children, married students, single graduate

students and students older than twenty-one (21).

**COUNT I-WRONGFUL DEATH**

21. Plaintiffs do hereby incorporate by reference each and every allegation contained in Paragraphs One (1) through Twenty (20) as if fully set forth herein.

22. Plaintiffs bring this count on behalf of Bruce Britt, Plaintiffs' Decedent, as well as all persons entitled to recover under Mo.Rev.Stat. §537.080 et. Seq., which is commonly known as Missouri's Wrongful Death Statute

23. It was the duty of Defendant Curators to use the highest degree of care to ensure that the Apartments were structurally safe and sound, and were properly maintained.

24. The Apartments were in a dangerous condition at the time of Decedent's death and the dangerous condition created a reasonably foreseeable risk of the kind of harm suffered by Decedent.

25. At all times relevant hereto, Defendant Curators had actual and/or constructive notice of the dangerous condition in sufficient time prior to Decedent's death to have taken measures to protect against the dangerous condition.

26. Decedent's death was the direct and proximate result of Defendant Curators failure to correct the dangerous condition on its property.

27. Defendant Curators acted recklessly and with wanton negligence when it failed to properly maintain and/or construct the Apartments and failed to correct the dangerous condition on its property, which reckless and wanton negligence caused Decedent's death.

28. As a direct and proximate result of Defendant Curators' multiple negligent acts, Plaintiffs' Decedent died, and Plaintiffs have forever lost and been deprived of the services, companionship, comfort, instruction, guidance, counsel, training, consortium, love, loss of

society, and support of the Decedent, and Plaintiffs have further suffered other pecuniary losses by reason of Decedent's wrongful death, including funeral expenses.

WHEREFORE, Plaintiffs respectfully request this Court enter judgment in their favor on Count I of their Petition, against Defendant Curators for their attorneys' fees and costs incurred herein, and for such further relief as this Court deems just and necessary under the facts and circumstances of this case.

Respectfully Submitted,

LAW OFFICES OF RICK BARRY, P.C.

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