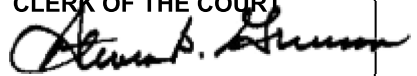


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CASE NO: A-23-865865-C
Department 21

9 *Attorneys for Plaintiffs*

10 **EIGHTH JUDICIAL DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 STACEY TERRY, an individual and citizen of
Nevada; SEAN TERRY, an individual and
13 citizen of Nevada; JACOB TERRY, an
individual and citizen of Nevada; and
14 STACEY TERRY, as administrator for the
ESTATE OF JUSTIN TERRY,

15 Plaintiffs,
16 v.

17 WESTERN STATES CONTRACTING, INC.,
a Nevada corporation; GLEN JOSEPH
18 LEWIS, a citizen of Nevada; LAS VEGAS
PAVING CORPORATION, a Nevada
19 corporation, DOES 1 through 30, inclusive;
and ROE COMPANIES 1 through 30,
20 inclusive,

21 Defendants.

Case No.
Dept. No.

22 **COMPLAINT FOR DAMAGES**
23 **DEMAND FOR JURY TRIAL**

Arbitration Exemption:
1. Damages in Excess of \$50,000

24 COME NOW Plaintiffs STACEY TERRY, SEAN TERRY, JACOB TERRY and the
ESTATE OF JUSTIN TERRY, who, by and through their counsel, and against Defendants
25 WESTERN STATES CONTRACTING, INC., GLEN JOSEPH LEWIS, LAS VEGAS PAVING
CORPORATION, DOES 1-30 and ROE COMPANIES 1-30, allege and complain as follows:

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INTRODUCTION

1
2 1. On the morning of June 10, 2022, Detective Justin Terry was driving to work as a
3 detective for the Las Vegas Metropolitan Police Department. Detective Terry worked in the
4 Homicide Sex Crimes Bureau, Sexual Assault & Abuse Section as a detective, where he had been
5 assigned to the Sexual Offender Apprehension Detail for seven years. He dedicated himself to his
6 community, both by protecting victims of sexual assault and through organizing volunteer efforts
7 to serve Clark County’s homeless population. Detective Terry was also devoted to his family: his
8 wife, Stacey, his sons, Sean and Jacob, and his parents, siblings, nieces, and nephews.

9 2. Detective Terry’s route to work that morning took him through the Centennial
10 Bowl, where U.S. Highway 95 meets the 215 Beltway in northwest Las Vegas. At that time, the
11 Centennial Bowl was under construction. Defendant Las Vegas Paving Corporation (“LV
12 Paving”) was the general contractor for the Centennial Bowl project.

13 3. As part of the Centennial Bowl project, a large metal beam was over the
14 southbound lanes of U.S. Highway 95.

15 4. Travelling in front of Detective Terry was a tractor-trailer driven by Defendant
16 Glen Joseph Lewis, an employee of Defendant Western States Contracting, Inc. (“Western
17 States”).

18 5. Loaded on the trailer was a large tanker truck and a backhoe loader. The boom and
19 arm of the backhoe stuck up in the air.

20 6. As Mr. Lewis drove the tractor-trailer at freeway speeds under the beam, the boom
21 and arm of the backhoe loader on the trailer struck the beam.

22 7. The beam fell, ultimately coming to a rest on top of Detective Terry’s vehicle.

23 8. The beam’s impact crushed Detective Terry, causing him to suffer severe injuries.
24 He later died from those injuries.

25 9. Detective Terry’s family, friends, and community have been devastated by his
26 death. Plaintiffs bring this action to recover damages for their grief and sorrow, the loss of
27 Justin’s probable support, companionship, society, comfort, and consortium, damages for pain,
28 suffering, and disfigurement, and special and punitive damages against Defendants.

PARTIES

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10. Plaintiff Stacey Terry is and was at all relevant times a citizen of Nevada and a resident of Clark County, Nevada.

11. At the time of the incident complained of herein, Stacey Terry was lawfully married to Justin Terry.

12. Plaintiff Sean Terry is and was at all relevant times a citizen of Nevada and a resident of Clark County, Nevada.

13. Sean Terry is the natural son of Justin Terry.

14. Plaintiff Jacob Terry is and was at all relevant times a citizen of Nevada and a resident of Clark County, Nevada.

15. Jacob Terry is the natural son of Justin Terry.

16. Plaintiff Estate of Justin Terry is an estate for Decedent Justin Terry.

17. Defendant Western States Contracting, Inc. is and was at all relevant times a corporation organized under the laws of the State of Nevada with its principal place of business at 4129 West Cheyenne Avenue, Suite A, North Las Vegas, Nevada 89032.

18. Defendant Glen Joseph Lewis is and was at all relevant times a citizen of Nevada and a resident of Clark County, Nevada.

19. Defendant Las Vegas Paving Corporation is and was at all relevant times a corporation organized under the laws of the State of Nevada with its principal place of business at 4420 South Decatur Boulevard, Las Vegas, Nevada 89103.

20. The persons sued by fictitious names as DOES 1 THROUGH 5 are individuals who, either independently or in concert with other Defendants, owned, leased, operated, or otherwise controlled the Kenworth. Plaintiffs will amend the complaint to add the true name of any such Defendant when ascertained.

21. The entities sued by fictitious names as ROE COMPANIES 1 THROUGH 5 are entities who, acting through their employees, agents, or others over whom they are vicariously liable, either independently or in concert with other Defendants, owned, leased, operated, or otherwise controlled the Kenworth. Plaintiffs will amend the complaint to add the true name of

1 any such Defendant when ascertained.

2 22. The persons sued by fictitious names as DOES 6 THROUGH 10 are individuals
3 who, either independently or in concert with other Defendants, loaded, directed, oversaw,
4 supervised, or were otherwise responsible for loading of the Load on the Kenworth. Plaintiffs will
5 amend the complaint to add the true name of any such Defendant when ascertained.

6 23. The entities sued by fictitious names as ROE COMPANIES 6 THROUGH 10 are
7 entities who, acting through their employees, agents, or others over whom they are vicariously
8 liable, either independently or in concert with other Defendants, loaded, directed, oversaw,
9 supervised, or were otherwise responsible for loading of the Load on the Kenworth. Plaintiffs will
10 amend the complaint to add the true name of any such Defendant when ascertained.

11 24. The persons sued by fictitious names as DOES 11 THROUGH 20 are individuals
12 who, either independently or in concert with other Defendants, designed, erected, welded, or
13 otherwise fabricated the Beam. Plaintiffs will amend the complaint to add the true name of any
14 such Defendant when ascertained.

15 25. The entities sued by fictitious names as ROE COMPANIES 11 THROUGH 20 are
16 entities who, acting through their employees, agents, or others over whom they are vicariously
17 liable, either independently or in concert with other Defendants, designed, erected, welded, or
18 otherwise fabricated the Beam. Plaintiffs will amend the complaint to add the true name of any
19 such Defendant when ascertained.

20 26. The persons sued by fictitious names as DOES 21 THROUGH 30 are individuals
21 who, either independently or in concert with other Defendants, are legally responsible for the
22 harms, losses, and injuries suffered by Plaintiffs. Plaintiffs will amend the complaint to add the
23 true name of any such Defendant when ascertained.

24 27. The entities sued by fictitious names as ROE COMPANIES 21 THROUGH 30 are
25 entities who, acting through their employees, agents, or others over whom they are vicariously
26 liable, either independently or in concert with other Defendants, are legally responsible for the
27 harms, losses, and injuries suffered by Plaintiffs. Plaintiffs will amend the complaint to add the
28 true name of any such Defendant when ascertain.

JURISDICTION AND VENUE

28. Venue is proper in Clark County, Nevada pursuant to NRS 13.040.

29. The exercise of jurisdiction by this Court over each and every Defendant is appropriate as each either resides, or has done and continues to do substantial business in the State of Nevada, or is a corporation organized under the laws of the State of Nevada or has its principal place of business in the State of Nevada.

GENERAL ALLEGATIONS

30. On June 10, 2022, Detective Justin Terry was proceeding southbound on U.S. Highway 95 in a silver 2016 Ford Taurus.

31. On June 10, 2022, Glen Joseph Lewis was proceeding southbound on U.S. Highway 95 in a 2009 Kenworth tractor-trailer bearing VIN 1XKDD40X99J251850 and with plate number 50740A (the “Kenworth”).

32. As of June 10, 2022, Glen Joseph Lewis was an employee of Western States.

33. Western States owned, leased, or otherwise had the right to possess the Kenworth.

34. Glen Joseph Lewis was in the course and scope of his employment with Western States when he operated the Kenworth on June 10, 2022.

35. A backhoe loader and tanker truck were loaded on the Kenworth’s trailer on June 10, 2022, at the time of the incident complained of herein (the “Load”).

36. The Load was equipment Western States owned, leased, or otherwise had the right to possess.

37. Western States’ employees, agents, or individuals acting on its behalf loaded the Load onto the Kenworth trailer.

38. Glen Joseph Lewis was required to know the height of the Load.

39. Western States was required to know the height of the Load.

40. The Load was in excess of 14 feet.

41. The Load was reducible below 14 feet.

42. The Load was in excess of 15 feet.

43. The Load was reducible below 15 feet.

1 44. Both Detective Terry and Glen Joseph Lewis were headed southbound toward the
 2 Centennial Bowl project at the intersection of U.S. Highway 95 and the 215 Beltway in northwest
 3 Las Vegas.

4 45. LV Paving was the general contractor for the Centennial Bowl project.

5 46. The Centennial Bowl project included the construction of overpasses over the
 6 southbound lanes of U.S. Highway 95.

7 47. As of June 10, 2022, the overpasses over the southbound lanes of U.S. Highway 95
 8 were under construction.

9 48. North of the overpasses over the southbound lanes of U.S. Highway 95 were two
 10 metal beams erected vertically with a third metal beam affixed horizontally over the southbound
 11 lanes of U.S. Highway 95 (the “Beam”).

12 49. The horizontal member of the Beam was welded onto attachments affixed to the
 13 vertical members of the Beam.

14 50. The horizontal member of the Beam weighed in excess of 7,000 pounds.

15 51. LV Paving made, directed, or otherwise oversaw placement of the Beam.

16 52. LV Paving conducted, directed, or otherwise oversaw welding of the Beam.

17 53. LV Paving designed, conducted, arranged, or otherwise controlled the traffic
 18 control and signage for the Centennial Bowl project.

19 54. Detective Terry was behind the Kenworth as it approached the Beam.

20 55. Because the Load was in excess of 15 feet, it struck the horizontal member of Beam
 21 when the Kenworth passed underneath the Beam.

22 56. As a result of the strike, the horizontal member of the Beam fell.

23 57. The horizontal member of the Beam came to rest on Detective Terry’s vehicle.

24 58. The impact of the Beam caused Detective Terry to suffer serious and severe
 25 injuries.

26 59. The incident caused Detective Terry pain, suffering, and disfigurement.

27 60. Detective Terry died from the injuries he suffered as a result of the impact of the
 28 Beam.

FIRST CLAIM FOR RELIEF

NEGLIGENCE

(Against Western States, Glen Joseph Lewis, DOES 1-10, and ROE COMPANIES 1-10)

61. Plaintiffs restate Paragraphs 1-60 as though fully set forth herein.

62. Plaintiffs assert this cause of action pursuant to NRS 41.085, as it arises from the wrongful death of Decedent.

63. Glen Joseph Lewis, Western States, DOES 1-10 and/or ROE COMPANIES 1-10, and each of them, owed a duty of care to operate the Kenworth in a reasonably safe manner, including the loading of the Load.

64. Glen Joseph Lewis, Western States, DOES 1-10 and/or ROE COMPANIES 1-10, and each of them, breached this duty of care by, *inter alia*, negligently loading the Kenworth with the Load, negligently operating the Kenworth with the Load, and negligently operating the Kenworth under the Beam with the Load.

65. Western States and/or ROE COMPANIES 1-10, and each of them, are vicariously liable for the acts and omissions of Glen Joseph Lewis and/or DOES 1-10, and each of them, because such acts and omissions complained of herein were done in the course and scope of Glen Joseph Lewis's and/or DOES 1-10's, and each of them, employment with Western States and/or ROE COMPANIES 1-10.

66. Defendants are also negligent *per se*. Glen Joseph Lewis, Western States, DOES 1-10 and/or ROE COMPANIES 1-10, and each of them, violated NRS 484D.605. NRS 484D.605 exists to protect other roadway users, like Detective Terry, from hazards caused by over height vehicles and loads. Detective Terry was at all times a member of the class the law seeks to protect. As alleged herein, Defendants violated that law.

67. As a direct and proximate result of the negligence and/or negligence *per se* of Defendants, and each of them, Decedent suffered severe and serious injuries and was killed.

68. As a direct and proximate result of the negligence and/or negligence *per se* of Defendants, and each of them, Decedent endured significant and substantial pain, suffering, and disfigurement.

1 DOES 1-10, and each of them.

2 81. Western States and/or ROE COMPANIES 1-10, and each of them, breached this
3 duty of care by, *inter alia*, failing to determine that Glen Joseph Lewis and/or DOES 1-10, and
4 each of them, were fit for their positions, failing to adequately train and supervise Glen Joseph
5 Lewis and/or DOES 1-10, and each of them, and negligently retaining Glen Joseph Lewis and/or
6 DOES 1-10, and each of them, despite their unfitness for their positions.

7 82. As a direct and proximate result of the negligence of Defendants, and each of them,
8 Decedent suffered severe and serious injuries and was killed.

9 83. As a direct and proximate result of the negligence of Defendants, and each of them,
10 Decedent endured significant and substantial pain, suffering, and disfigurement.

11 84. As a direct and proximate result of the negligence of Defendants, and each of them,
12 Plaintiffs have suffered grief, sorrow, and loss of probable support, companionship, society,
13 comfort and consortium from Decedent.

14 85. As a direct and proximate result of the negligence of Defendants, and each of them,
15 Plaintiff Estate of Justin Terry has suffered special damages.

16 86. Glen Joseph Lewis, Western States, DOES 1-10 and/or ROE COMPANIES 1-10,
17 and each of them, knew the danger the Load posed, but loaded it and operated the Kenworth with
18 the Load despite knowledge of the danger.

19 87. Glen Joseph Lewis, Western States, DOES 1-10 and/or ROE COMPANIES 1-10,
20 and each of them, acted with fraud, malice, and/or oppression such that the imposition of punitive
21 damages is warranted.

22 88. Consequently, Plaintiff Estate of Justin Terry seeks an award of punitive damages.

23 89. Plaintiffs' damages exceed \$15,000.

24 90. Plaintiffs have been required to engage the services of an attorney, incurring
25 attorney's fees and costs to bring this action.

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THIRD CLAIM FOR RELIEF

NEGLIGENCE

(Against LV Paving, DOES 11-20 and ROE COMPANIES 11-20)

91. Plaintiffs restate Paragraphs 1-60 as though fully set forth herein.

92. Plaintiffs assert this cause of action pursuant to NRS 41.085, as it arises from the wrongful death of Decedent.

93. LV Paving, DOES 11-20, and/or ROE COMPANIES 11-20, and each of them, owed a duty of reasonable care to persons reasonably expected to be present at the Centennial Bowl project, including roadway users like Decedent.

94. LV Paving, DOES 11-20, and/or ROE COMPANIES 11-20, and each of them, breached that duty of care by, *inter alia*, the improper placement of the Beam, insufficient warnings for the Beam, and the improper fabrication of the Beam.

95. The striking of the Beam was foreseeable to LV Paving, DOES 11-20, and/or ROE COMPANIES 11-20, and each of them.

96. LV Paving, DOES 11-20, and/or ROE COMPANIES 11-20, and each of them, are vicariously liable for the acts and omissions complained of herein because such acts and omissions were performed by their employees, agents, subcontractor, or others acting on their behalf.

97. As a direct and proximate result of the negligence of Defendants, and each of them, Decedent suffered severe and serious injuries and was killed.

98. As a direct and proximate result of the negligence of Defendants, and each of them, Decedent endured significant and substantial pain, suffering, and disfigurement.

99. As a direct and proximate result of the negligence of Defendants, and each of them, Plaintiffs have suffered grief, sorrow, and loss of probable support, companionship, society, comfort and consortium from Decedent.

100. As a direct and proximate result of the negligence of Defendants, and those of each of them, Plaintiff Estate of Justin Terry has suffered special damages.

101. LV Paving, DOES 11-20, and/or ROE COMPANIES 11-20, and each of them, had prior notice of the danger the Beam posed to foreseeable roadway users.

1 **DEMAND FOR JURY TRIAL**

2 Pursuant to NRCPC 38, Plaintiffs hereby demands a trial by jury on all claims so triable.

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4 DATED: February 16, 2023

PANISH SHEA BOYLE RAVIPUDI LLP

5
6 By: /s/ Ian Samson

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10 *Attorneys for Plaintiffs*

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