



1 **COMJD**
2 ROBERT T. EGLET, ESQ.
3 Nevada Bar No. 3402
4 ROBERT M. ADAMS, ESQ.
5 Nevada Bar No. 6551
6 **EGLET ADAMS**
7 400 South Seventh Street, Suite 400
8 Las Vegas, Nevada 89101
9 Telephone: (702) 450-5400
10 Facsimile: (702) 450-5451
11 Email: eservice@egletlaw.com
12 *Attorneys for Plaintiffs*

CASE NO: A-21-828545-C
Department 19

DISTRICT COURT
CLARK COUNTY, NEVADA

13 EDDIE JUNIOR BLOCKER; an Individual;
14 SANDRA JEAN MCDOUGAL, an Individual.

Case No.:
Dept. No.:

15 Plaintiffs,

16 v.

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

17 COMEDY ON DECK TOURS, INC., a
18 Nevada corporation; DOE DRIVER, an
19 individual; ROE BUS OWNER; an Individual;
20 DOES 1 through 40; ROE CORPORATIONS
21 1 through 40; DOE EMPLOYEES 1 through
22 40; DOE NEGLIGENT EMPLOYEES 1
23 through 40; DOE NEGLIGENT
24 EMPLOYERS 1 through 40; and ROE
25 NEGLIGENT CORPORATIONS 1 through
26 40, inclusive,

**Arbitration Exemption Requested:
Damages Exceed \$50,000.00**

27 Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

28 COMES NOW Plaintiffs, by and through their attorneys of record, Robert T. Eglet, Esq.
and Robert M. Adams, Esq. of the law firm of EGLET ADAMS, and hereby demand a trial by
jury and complain and allege against Defendants as follows:

I.

PARTIES AND JURISDICTION

1. That all incidents described herein occurred in the County of Mohave, State of Arizona.
2. That Plaintiff, EDDIE JUNIOR BLOCKER, is and at all times pertinent hereto

EGLET ADAMS

1 was, a resident of County of Volusia, State of Florida.

2 3. That Plaintiff, SANDRA JEAN MCDOUGAL, is and at all times pertinent hereto
3 was, a resident of County of Lauderdale, State of Alabama.

4 4. That upon information and belief, Defendant DOE DRIVER is, and at all times
5 pertinent hereto was, a resident of the County of Clark, State of Nevada.

6 5. That upon information and belief, Defendant COMEDY ON DECK TOURS, INC.
7 is, and at all times pertinent hereto was, a Nevada corporation authorized to do, and doing business
8 in the County of Clark, State of Nevada.

9 6. That upon information and belief, and at all times relevant herein, Defendant,
10 COMEDY ON DECK TOURS , INC, was the owner of a tour bus that was driven by Defendant
11 DOE DRIVER at the time of the motor vehicle collision that forms the basis of this Complaint.

12 7. That at all times relevant herein, Defendant, DOE DRIVER, was an employee
13 and/or agent of COMEDY ON DECK TOURS, INC and was acting within the scope of his
14 employment with Defendant COMEDY ON DECK TOURS, INC .

15 8. That at all pertinent times hereto, Defendant DOE DRIVER, was an employee
16 and/or representative and/or agent of Defendants named herein, including ROE COMPANIES 1
17 through 40.

18 9. That at all pertinent times hereto, Defendant DOE DRIVER was acting within the
19 course and scope of his employment with Defendants named herein, including ROE COMPANIES
20 1 through 40.

21 10. That pursuant to NRS 41.130, Defendants, including but not limited to COMEDY
22 ON DECK TOURS, INC., are vicariously liable for the damages caused by their employee's
23 actions and negligence.

24 11. That Defendants DOES 1 through 40, and ROE CORPORATIONS 1 through 40,
25 were acting within the course and scope of their employment, service and/or agency, with the other
26 Defendants, the Defendants and each of them, are vicariously liable for the injuries and damages
27 sustained by Plaintiffs as alleged herein.

28 12. That Defendants DOES 1 through 40, and ROE CORPORATIONS 1 through 40,

1 were acting in concert with the other Defendants, the Defendants and each of them, are vicariously
2 and jointly and severally liable for the injuries and damages sustained by Plaintiffs as alleged herein.

3 13. Plaintiffs allege that each named Defendant herein designated as DOE DRIVER;
4 ROE BUS OWNER; DOES 1 through 40; ROE CORPORATIONS 1 through 40; DOE
5 EMPLOYEES 1 through 40; DOE NEGLIGENT EMPLOYEES 1 through 40; DOE
6 NEGLIGENT EMPLOYERS 1 through 40; and ROE NEGLIGENT CORPORATIONS 1 through
7 40, are legally responsible for the events and happenings herein referred to and proximately caused
8 damages to Plaintiffs as alleged herein. Plaintiffs will seek leave of Court to amend this Complaint
9 to insert the true names and capacities of such Defendants when same have been ascertained and
10 will further seek leave to join said Defendants in these proceedings.

11 14. That the true names and capacities, whether individual, corporate, associate,
12 partnership or otherwise, of the defendants herein designated as DOE DRIVER; ROE BUS
13 OWNER; DOES 1 through 40; ROE CORPORATIONS 1 through 40; DOE EMPLOYEES 1
14 through 40; DOE NEGLIGENT EMPLOYEES 1 through 40; DOE NEGLIGENT EMPLOYERS
15 1 through 40; and ROE NEGLIGENT CORPORATIONS 1 through 40, are unknown to Plaintiffs,
16 who therefore sues said defendants by such fictitious names. Plaintiffs will seek leave of the Court
17 to insert the true names and capacities of such defendants when the same have been ascertained and
18 will further seek leave to join said defendants in these proceedings.

19 **II.**

20 **GENERAL ALLEGATIONS**

21 15. That on or about January 22, 2021, in the County of Mohave, State of Arizona,
22 Plaintiffs were passengers on a commercial tour bus owned by Defendant COMEDY ON DECK
23 TOURS, INC. (hereinafter “COMEDY ON DECK TOURS”), traveling to Grand Canyon West,
24 outside the boundaries of Grand Canyon National Park, when the tour bus, traveling in excess of
25 the speed limit, rolled, and landed on its side (the “Collision”).

26 16. That as a direct and proximate result of the negligence of Defendants, and each of
27 them, the Collision occurred and Plaintiffs sustained personal injuries, all or some of which
28 conditions may be permanent and disabling, and all to Plaintiffs’ damage in a sum in excess of

1 Fifteen Thousand Dollars (\$15,000.00).

2 17. That as a direct and proximate result of the negligence of Defendants, and each of
3 them, Plaintiffs, received medical and other treatment for the aforementioned injuries, and that
4 said services, care, and treatment is continuing and shall continue in the future, all to Plaintiffs'
5 damages.

6 18. That as a direct and proximate result of the negligence of Defendants, and each of
7 them, Plaintiffs, are entitled to recover damages for the pain, suffering, anxiety, disability,
8 emotional distress, physical injuries, and medical treatment, both past and future, all of which are
9 damages recoverable by him, in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

10 19. That as a direct and proximate result of the negligence of Defendants, and each of
11 them, Plaintiffs, suffered loss of enjoyment of life, all of which are damages recoverable by
12 Plaintiffs, an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

13 20. That as a direct and proximate result of the negligence of Defendants, and each of
14 them, Plaintiffs, have limited recreational activities, which have caused and shall continue to
15 cause Plaintiffs' physical impairment, mental anguish, and loss of enjoyment of life, in a
16 presently unascertainable amount.

17 21. That as a direct and proximate result of the aforementioned negligence of
18 Defendants, and each of them, Plaintiffs, have sustained a loss of earning capacity, past and future,
19 as well as a loss of wages.

20 22. That as a further direct and proximate result of the aforementioned negligence of
21 Defendants, and each of them, Plaintiffs, have suffered a loss of past and future household
22 services in an amount to be proven at trial.

23 23. That as a direct and proximate result of the aforementioned negligence of
24 Defendants, and each of them, Plaintiffs have been required to engage the services of an attorney,
25 incurring attorney's fees and costs to bring this action.

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III.

FIRST CAUSE OF ACTION

(Negligence Against Defendant DOE DRIVER)

24. Plaintiffs repeat and re-allege the allegations of the preceding paragraphs of the Complaint as though fully set forth herein and incorporates the same herein by reference.

25. That Defendant DOE DRIVER owed a duty of care to Plaintiffs, to operate the commercial tour bus in a reasonably safe manner.

26. That Defendant DOE DRIVER, breached that duty of care by causing the commercial tour bus to roll over and land on its side.

27. That as a direct and proximate result of the negligence of Defendant DOE DRIVER, a motor vehicle collision occurred and Plaintiffs sustained personal injuries, all or some of which conditions may be permanent and disabling, and all to Plaintiffs' damage in a sum in excess of Fifteen Thousand Dollars (\$15,000.00).

28. That as a direct and proximate result of the negligence of Defendant DOE DRIVER, Plaintiffs, received medical and other treatment for the aforementioned injuries, and that said services, care, and treatment is continuing and shall continue in the future, all to Plaintiffs' damages.

29. That as a direct and proximate result of the negligence of Defendant DOE DRIVER, Plaintiffs are entitled to recover damages for the pain, suffering, anxiety, disability, emotional distress, physical injuries and medical treatment, both past and future, all of which are damages recoverable by Plaintiffs, in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

30. That as a direct and proximate result of the negligence of Defendants, and each of them, Plaintiffs suffered a loss of enjoyment of life, all of which are damages recoverable by Plaintiffs, an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

31. That as a direct and proximate result of the negligence of Defendant DOE DRIVER, Plaintiffs have limited recreational activities, which have caused and shall continue to cause them physical impairment, mental anguish, and loss of enjoyment of life, in a presently

1 unascertainable amount.

2 32. That as a direct and proximate result of the aforementioned negligence of
3 Defendant DOE DRIVER, Plaintiffs have sustained loss of earning capacity, past and future, as
4 well as a loss of wages.

5 33. That as a further direct and proximate result, Plaintiffs have suffered a loss of past
6 and future household services in an amount to be proven at trial.

7 34. That as a direct and proximate result of the aforementioned negligence of
8 Defendant DOE DRIVER, Plaintiffs have been required to engage the services of an attorney,
9 incurring attorney’s fees and costs to bring this action.

10 **IV.**

11 **SECOND CAUSE OF ACTION**

12 **(Negligence *Per Se* Against Defendant DOE DRIVER)**

13 35. Plaintiffs repeat and re-allege the allegations of the preceding paragraphs of the
14 Complaint as though fully set forth herein and incorporates the same herein by reference.

15 36. That at all times mentioned herein, there were in force statutes, ordinances, and
16 regulations prohibiting the conduct exhibited by Defendant DOE DRIVER.

17 37. That Plaintiffs were members of the class of persons for whose protection said
18 statutes, ordinances, and regulations were enacted or promulgated.

19 38. That the acts of Defendant DOE DRIVER, as described herein, violated, Nevada
20 statutes, ordinances and regulations, specifically, NRS 484B.223, et. seq., which constitutes
21 negligence *per se*.

22 39. That Plaintiffs sustained injuries that were the type that said statutes, ordinances,
23 and regulations were intended to prevent.

24 40. That as a direct and proximate result of the acts of Defendant DOE DRIVER,
25 Plaintiffs sustained personal injuries, all or some of which conditions may be permanent and
26 disabling, and all to Plaintiffs’ damages in a sum in excess of Fifteen Thousand Dollars
27 (\$15,000.00).

28 41. That as a direct and proximate result of the acts of Defendant DOE DRIVER,

1 Plaintiffs received medical and other treatment for the aforementioned injuries, and that said
2 services, care, and treatment is continuing and shall continue in the future, all to Plaintiffs’
3 damages.

4 42. That as a direct and proximate result of the negligence of Defendant DOE
5 DRIVER, Plaintiffs are entitled to recover damages for the pain, suffering, anxiety, disability,
6 emotional distress, physical injuries and medical treatment, both past and future, all of which are
7 damages recoverable by Plaintiffs in an amount in excess of Fifteen Thousand Dollars
8 (\$15,000.00).

9 43. That as a direct and proximate result of the negligence of Defendants, and each of
10 them, Plaintiffs suffered a loss of enjoyment of life, all of which are damages recoverable by
11 Plaintiffs, an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

12 44. That as a direct and proximate result of the acts of Defendant DOE DRIVER,
13 Plaintiffs have limited recreational activities, which have caused and shall continue to cause them
14 physical impairment, mental anguish, and loss of enjoyment of life, in a presently unascertainable
15 amount.

16 45. That as a further direct and proximate result of the aforementioned acts of
17 Defendant DOE DRIVER, Plaintiffs have suffered a loss of past and future household services
18 in an amount to be proven at trial.

19 46. That as a direct and proximate result of the aforementioned negligence of
20 Defendant DOE DRIVER, Plaintiffs have sustained loss of earning capacity, past and future, as
21 well as a loss of wages.

22 47. That as a direct and proximate result of the aforementioned acts of Defendant DOE
23 DRIVER, Plaintiffs have been required to engage the services of an attorney, incurring attorney’s
24 fees and costs to bring this action.

25 **V.**

26 **THIRD CAUSE OF ACTION**

27 **(Negligent Entrustment of Vehicle Against Defendant COMEDY ON DECK)**

28 48. Plaintiffs repeat and re-allege the allegations of the preceding paragraphs of the

1 Complaint as though fully set forth herein and incorporates the same herein by reference.

2 49. That Defendants, and each of them, owed a duty of care to Plaintiffs.

3 50. That Defendant, COMEDY ON DECK knew or should have known that Defendant
4 DOE DRIVER, was inexperienced, incompetent, and/or unfit to drive the subject commercial
5 vehicle, a tour bus.

6 51. That Defendants, and each of them, breached that duty to Plaintiffs, by knowingly
7 entrusting a commercial vehicle, a tour bus, to an inexperienced, incompetent, and/or unfit person.

8 52. That Defendant DOE DRIVER's inexperience, incompetence, and/or unfitness to
9 drive the tour bus was a substantial factor in causing injury and damages to Plaintiffs.

10 53. That as a direct and proximate result of the acts of Defendants, and each of them, a
11 collision occurred and Plaintiffs sustained personal injuries, all or some of which conditions may
12 be permanent and disabling, and all to Plaintiffs' damages in a sum in excess of Fifteen Thousand
13 Dollars (\$15,000.00).

14 54. That as a direct and proximate result of the acts of Defendants, and each of them,
15 Plaintiffs received medical and other treatment for the aforementioned injuries, and that said
16 services, care, and treatment is continuing and shall continue in the future, all to
17 Plaintiffs' damages.

18 55. That as a direct and proximate result of the negligence of Defendants, and each of
19 them, Plaintiffs, is entitled to recover damages for the pain, suffering, anxiety, disability, emotional
20 distress, physical injuries and medical treatment, both past and future, all of which are damages
21 recoverable by Plaintiffs, in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

22 56. That as a direct and proximate result of the negligence of Defendants, and each of
23 them, Plaintiffs suffered a loss of enjoyment of life, all of which are damages recoverable by
24 Plaintiffs, an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

25 57. That as a direct and proximate result of the acts of Defendants, and each of them,
26 Plaintiffs have limited recreational activities, which have caused and shall continue to cause them
27 physical impairment, mental anguish, and loss of enjoyment of life, in a presently unascertainable
28 amount.

1 within the course and scope of his agency, ostensible agency, joint venture, contractual or
2 employment relationship with Defendant COMEDY ON DECK.

3 68. That as a direct and proximate result of the acts of Defendants, and each of them,
4 Plaintiffs are entitled to a judgment against Defendant COMEDY ON DECK stating that it is
5 vicariously liable for all of Defendant DOE DRIVER’s actions herein.

6 69. That as a direct and proximate result of the acts of Defendants, and each of them, a
7 collision occurred and Plaintiffs sustained personal injuries, all or some of which conditions may
8 be permanent and disabling, and all to Plaintiffs’ damages in a sum in excess of Fifteen Thousand
9 Dollars (\$15,000.00).

10 70. That as a direct and proximate result of the acts of Defendants, and each of them,
11 Plaintiffs received medical and other treatment for the aforementioned injuries, and that said
12 services, care, and treatment is continuing and shall continue in the future, all to Plaintiffs’
13 damages.

14 71. That as a direct and proximate result of the negligence of Defendants, and each of
15 them, Plaintiffs are entitled to recover damages for the pain, suffering, anxiety, disability,
16 emotional distress, physical injuries and medical treatment, both past and future, all of which are
17 damages recoverable by Plaintiffs, in an amount in excess of Fifteen Thousand Dollars
18 (\$15,000.00).

19 72. That as a direct and proximate result of the negligence of Defendants, and each of
20 them, Plaintiffs suffered a loss of enjoyment of life, all of which are damages recoverable by
21 Plaintiffs, an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

22 73. That as a direct and proximate result of the acts of Defendants, and each of them,
23 Plaintiffs have limited recreational activities, which have caused and shall continue to cause them
24 physical impairment, mental anguish, and loss of enjoyment of life, in a presently unascertainable
25 amount.

26 74. That as a direct and proximate result of the aforementioned negligence of
27 Defendants, and each of them, Plaintiffs have sustained loss of earning capacity, past and future,
28 as well as a loss of wages.

1 90. That as a direct and proximate result of the acts, omissions, and conduct of
2 Defendants, Plaintiffs have suffered severe emotional distress.

3 91. That Plaintiffs suffered serious emotional distress due to the negligent conduct of
4 Defendants, and each of them, and that the injuries sustained by Plaintiffs were caused solely and
5 proximately by Defendants and without any negligence of Plaintiffs contributing thereto.

6 92. That as a direct and proximate result of the acts of Defendants, and each of them, a
7 collision occurred and Plaintiffs sustained personal injuries, all or some of which conditions may
8 be permanent and disabling, and all to Plaintiffs' damages in a sum in excess of Fifteen Thousand
9 Dollars (\$15,000.00).

10 93. That as a direct and proximate result of the acts of Defendants, and each of them,
11 Plaintiffs received medical and other treatment for the aforementioned injuries, and that said
12 services, care, and treatment is continuing and shall continue in the future, all to Plaintiffs'
13 damages.

14 94. That as a direct and proximate result of the negligence of Defendants, and each of
15 them, Plaintiffs are entitled to recover damages for the pain, suffering, anxiety, disability,
16 emotional distress, physical injuries and medical treatment, both past and future, all of which are
17 damages recoverable by Plaintiffs, in an amount in excess of Fifteen Thousand Dollars
18 (\$15,000.00).

19 95. That as a direct and proximate result of the negligence of Defendants, and each of
20 them, Plaintiffs suffered a loss of enjoyment of life, all of which are damages recoverable by
21 Plaintiffs, an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

22 96. That as a direct and proximate result of the acts of Defendants, and each of them,
23 Plaintiffs have limited recreational activities, which have caused and shall continue to cause them
24 physical impairment, mental anguish, and loss of enjoyment of life, in a presently unascertainable
25 amount.

26 97. That as a direct and proximate result of the aforementioned negligence of
27 Defendants, and each of them, Plaintiffs have sustained loss of earning capacity, past and future,
28 as well as a loss of wages.

1 98. That as a further direct and proximate result of the aforementioned acts of
2 Defendants, and each of them, Plaintiffs have suffered a loss of past and future household services
3 in an amount to be proven at trial.

4 99. That as a direct and proximate result of the aforementioned acts of Defendants, and
5 each of them, Plaintiffs have been required to engage the services of an attorney, incurring
6 attorney’s fees and costs to bring this action.

7 **IX.**

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of them, as
10 follows:

- 11 1. General damages in an amount in excess of \$15,000.00;
- 12 2. Compensatory damages in an amount in excess of \$15,000.00;
- 13 3. Special damages in an amount in excess of \$15,000.00;
- 14 4. Medical and incidental expenses incurred and to be incurred;
- 15 5. For punitive damages in an amount to be determined at trial;
- 16 6. Damages for past and future pain, suffering, mental anguish, and loss of enjoyment
17 of life;
- 18 7. Damages for a loss of past and future household services;
- 19 8. Loss of past and future earning capacity and lost wages;
- 20 9. Costs of suit, reasonable attorney fees, interest incurred herein; and
- 21 10. For such other and further relief as is just and proper.

22 Dated this 28th day of January, 2021.

23 **Eglet Adams**

24 /s/ Robert T. Eglet, Esq.
 25 ROBERT T. EGLET, ESQ.
 Nevada Bar No. 3402
 26 ROBERT M. ADAMS, ESQ.
 Nevada Bar No. 6551
 400 South Seventh Street, Suite 400
 27 Las Vegas, Nevada 89101
 Email: eservice@egletlaw.com
 28 Attorneys for Plaintiffs

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DEMAND FOR JURY TRIAL

Plaintiffs, by and through their attorneys of record, **EGLET ADAMS**, hereby demand a jury trial of all of the issues in the above matter.

Dated this 28th day of January, 2021.

EGLET ADAMS

/s/ Robert T. Eglet, Esq.
ROBERT T. EGLET, ESQ.
Nevada Bar No. 3402
ROBERT M. ADAMS, ESQ.
Nevada Bar No. 6551
400 South Seventh Street, Suite 400
Las Vegas, Nevada 89101
Email: eservice@egletlaw.com
Attorneys for Plaintiffs