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IN THE SECOND JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE
COUNTY OF WASHOE

WENDY HAMMOND AND MITCH
HAMMOND, individually and for the wrongful
death of their daughter, ELIZABETH
HAMMOND, and as parents for the injuries to
their minor children, DANIEL HAMMOND and
ABIGAIL HAMMOND,

Plaintiffs,

vs.

RHETT SCHULTZ dba BOUNCE HOUSE
GUY; JOHN AND JANE DOES I-X; ABC
PARTNERSHIPS I-X; BLACK AND WHITE
CORPORATIONS I-X,

Defendants.

Case No. CV20-00042

Dept. No. 6

**FIRST AMENDED COMPLAINT
(JURY TRIAL DEMANDED)**

Plaintiffs, WENDY HAMMOND and MITCH HAMMOND, individually and as parents
of ELIZABETH HAMMOND (deceased), DANIEL HAMMOND (a minor) and ABIGAIL
HAMMOND (a minor), collectively "Plaintiffs," allege as follows:

THE PARTIES & JURISDICTION

1. Plaintiffs Wendy Hammond and Mitch Hammond are married, residents of Washoe County, Nevada.
2. Wendy and Mitch are the natural parents of Elizabeth Hammond, who is deceased. At the time of the Incident, Elizabeth was 9 years old.
3. As the surviving parents of Elizabeth, Wendy and Mitch comprise the known statutory claimants for Elizabeth's wrongful death under Nevada law.

1 16. As a breeze picked up, Wendy moved quickly to pick up Abigail. As she did so,
2 the water slide became uprooted and knocked her over. When Wendy got up, she saw and heard
3 adults running and screaming towards the bounce house.

4 17. The bounce house, with the three children in it, became airborne and flew through
5 the air; it became caught in electric power lines (“the Incident”).

6 18. Wendy was carrying Abigail and chasing after the bounce house as it flew through
7 the air.

8 19. When the bounce house became lodged in the power lines, Wendy stood beneath it.
9 She felt frantic, desperate and helpless. She called 911. She thought she heard Elizabeth’s voice,
10 and she attempted to communicate with both Elizabeth and Daniel. All the while, the other child
11 (Bode) was screaming.

12 20. Eventually, first responders were able to access the bounce house by a ladder truck.
13 They brought Bode out of the bounce house first. They brought Daniel out next; he had
14 Elizabeth’s blood on him. They brought Elizabeth out last.

15 21. Wendy went with Elizabeth in the ambulance to the hospital. In doing so, she had
16 to leave Daniel and Abigail in the custody of other adults at the party.

17 22. The Incident caused Elizabeth severe injuries, including pain, suffering and
18 disfigurement. On information and belief, Elizabeth survived those injuries for a period of time.
19 She was declared dead two days later, on July 16.

20 23. As a further result of the Incident, Plaintiffs suffered severe injuries, including pain,
21 suffering, emotional distress and disfigurement; grief and sorrow for the loss of the decedent,
22 Elizabeth Hammond; medical, funeral, burial, and other economic losses; and the loss of
23 Elizabeth’s companionship, society, and comfort.

24 24. As a result of the Incident, Daniel suffered physical injuries, with accompanying
25 pain and suffering.

26 25. As a result of the Incident and related events, Wendy, Daniel and Abigail suffered
27 severe emotional distress.

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26. Plaintiffs have incurred damages in an amount exceeding the minimum jurisdictional limit of this Court.

FIRST CLAIM FOR RELIEF
Negligence (All Plaintiffs)

27. Plaintiffs reallege all of the above paragraphs.

28. Rhett Schultz had a duty to Plaintiffs to exercise reasonable and ordinary care in rental, selection, maintenance, equipping, setting up and anchoring of the inflatable devices at the party, including the bounce house.

29. Rhett Schultz negligently advertised, rented, selected, maintained, equipped, set up and anchored the inflatable devices. This includes, for example and without limitation, not properly anchoring the inflatable devices to the ground and preventing them from becoming airborne.

30. Rhett Schultz also negligently failed to adequately instruct and warn the renter and users of the inflatable devices regarding weather-related risks, the proper anchoring of inflatable devices to the ground, the proper use of the devices, and what to do under circumstances of increased wind or other weather conditions.

31. Rhett Schultz's negligence caused the Incident.

32. Rhett Schultz's negligence caused Elizabeth's injuries and subsequent death and Plaintiffs' damages.

33. As a direct and proximate result of Rhett Schultz's actions, Plaintiffs suffered damages in excess of \$15,000, plus interest and costs, according to proof.

SECOND CLAIM FOR RELIEF
Negligent Infliction of Emotional Distress
(Plaintiffs Wendy, Daniel & Abigail Hammond)

34. Plaintiffs reallege all of the above paragraphs.

35. When the Incident occurred, Wendy, Daniel and Abigail Hammond were also at the

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1 party. Daniel was in the Bounce House with Elizabeth. Wendy and Abigail were just a
2 few feet away.

3 36. Wendy, Daniel and Abigail were in the zone of danger such that Defendants' fault
4 created an unreasonable and foreseeable risk of bodily harm to them.

5 37. Wendy, Daniel and Abigail witnessed the harm to Elizabeth and/or the ensuing
6 events.

7 38. Wendy, Daniel and Abigail suffered emotional distress from being in the vicinity of
8 the danger caused by the Incident as it occurred, and from witnessing the harm to Elizabeth and
9 the events thereafter. Their shock and mental anguish were manifested in many ways, including
10 severe emotional distress.

11 39. The Incident caused Wendy, Daniel and Abigail to suffer injuries and damages, as
12 described above, and also including but not limited to: (a) the cost and reasonable value of their
13 past and future medical care, (b) lost income (Wendy), (c) loss of enjoyment of life, and (d) pain,
14 suffering, mental and emotional anguish and trauma.

15 40. As a direct and proximate result of the negligent infliction of emotional distress,
16 Plaintiffs Wendy, Daniel and Abigail Hammond suffered damages in excess of \$15,000, plus
17 interest and costs, according to proof.

18 THEREFORE, Plaintiffs request judgment against Defendants as follows:

- 19 A. General, special and compensatory damages, in excess of Fifteen Thousand Dollars
20 (\$15,000.00), in an amount to be proved at trial.
- 21 B. Any and all damages alleged above or to which Plaintiffs may be entitled.
- 22 C. For costs incurred.
- 23 D. Pre-judgment and post-judgment interest, as allowed by law.
- 24 E. For any other relief permitted by law, as the Court may deem just and proper.

25 **DEMAND FOR JURY TRIAL**

26 Plaintiffs demand a trial by jury of all claims and issues.

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AFFIRMATION

The undersigned does hereby affirm that this document does not contain the social security number of any person.

DATED this 9th day of January, 2020.

LEWIS ROCA ROTHGERBER CHRISTIE, LLP

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