

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1) MARIA B. CHAVEZ,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Case No: 23-CV-00460-CDL
2) THE PIONEER WOMAN	)	
MERCANTILE, LLC.,	)	
	)	
Defendant.	)	

**COMPLAINT**

**JURISDICTIONAL STATEMENT**

1. The Plaintiff, Maria B. Chavez, is a resident of Corpus Christi, TX, and domiciled in Texas.

2. The Defendant, The Pioneer Woman Mercantile, LLC, (“Mercantile”) is a domestic limited liability company with its principal place of business in Pawhuska, Oklahoma. Pawhuska is in Osage County, Oklahoma which is located within the jurisdictional boundaries of this Court.

3. That upon information and belief, complete diversity exists and the matter in controversy exceeds \$75,000.00, thus jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1332.

**FIRST CAUSE OF ACTION: NEGLIGENCE**

4. On or about the 20<sup>th</sup> day of November 2021, Plaintiff was a business invitee at The Mercantile located at 532 Kihekah Avenue, Pawhuska, Oklahoma.

5. The Mercantile installed a horseshoe affixed to the ground with the loop facing up, so the loop became a hidden trap, pitfall or snare. The horseshoe was installed as a door stop.

6. The elderly Plaintiff was pushed so her foot got caught in the loop, she fell backwards, and suffered a severe injury.

7. Defendant negligently failed to inspect, maintain, and repair its premises in a reasonable safe condition and/or failed to adequately warn of a danger known to Defendant and/or unreasonably created a danger.

8. As a direct and proximate result of the negligence of Defendant, Plaintiff has sustained serious bodily injuries; has incurred and will incur medical expenses; has suffered and will suffer pain of mind and body; has lost the enjoyment of life; and has been disabled in her activities of daily living.

**SECOND CAUSE OF ACTION: PREMISES LIABILITY**

9. On or about the 20<sup>th</sup> day of November 2021, Plaintiff was a business invitee at The Mercantile located at 532 Kihekah Avenue, Pawhuska, Oklahoma.

10. Defendant owed Plaintiff a duty to maintain its premises in a reasonably safe condition, not to create any dangers, pitfalls, traps or snares, and to warn invitees of dangerous conditions upon the premises, which are known or should be reasonably known to Defendant.

11. Defendant installed a horseshoe affixed to the ground with the loop facing up, so the loop became a hidden trap. Defendant did not place a reasonable warning of the danger.

12. The elderly Plaintiff was pushed so her foot got caught in the loop, she fell backwards, and suffered a severe injury.

13. As a direct and proximate result of the negligence of Defendant, Plaintiff has sustained serious bodily injuries; has incurred and will incur medical expenses; has suffered and will suffer pain of mind and body; has lost the enjoyment of life; and has been disabled in her activities of daily living

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendant, in excess of \$75,000.00,

plus interest, costs, attorney fees and all such other and further relief as to which Plaintiff may be entitled.

Respectfully submitted,

CAIN LAW OFFICE

s/ Andrew D. Schwartz

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**ATTORNEY LIEN CLAIMED**