

# Exhibit A

## ORIGINAL NOTICE

**STATE OF IOWA JUDICIARY**

Case No. LACV096517

County Linn

Case Title BRIAN J KROGMEIER ET AL VS ARCHER DANIELS MIDLAND

**THIS CASE HAS BEEN FILED IN A COUNTY THAT USES ELECTRONIC FILING.**

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Date Issued 11/18/2020 01:04:31 PM



District Clerk of Linn

County

/s/ Breana Emanuel

IN THE IOWA DISTRICT COURT FOR LINN COUNTY

BRIAN J. KROGMEIER and  
PAMELA KROGMEIER,

Plaintiffs,

vs.

ARCHER-DANIELS-MIDLAND  
COMPANY,

Defendant.

LAW NO.

**PETITION AT LAW AND  
JURY DEMAND**

Plaintiffs, Brian Krogmeier and Pamela Krogmeier, individually for their causes of action against Defendant Archer-Daniels-Midland Company, state as follows:

COMMON ALLEGATIONS

1. At all times material hereto, Plaintiff Brian Krogmeier is and was a resident of Coralville, in Johnson County, Iowa.
2. At all times material hereto, Plaintiff Pamela Krogmeier is and was a resident of Coralville, in Johnson County, Iowa.
3. At all times material hereto, Defendant Archer-Daniels-Midland Company (“Defendant ADM”) was a Foreign Corporation doing business in the state of Iowa, with its home office in Decatur, Illinois.
4. Upon information and belief, Defendant ADM operates several production and/or manufacturing facilities in the State of Iowa, including a corn sweetener plant (“ADM Plant”) in Cedar Rapids, Linn County, Iowa, with a mailing address of 1350 Waconia Avenue SW, Cedar Rapids, IA 52404.
5. At the time of the incident mentioned below, Plaintiff Brian Krogmeier was an employee of Knutson Construction Services Midwest, Inc. (“Knutson”), located in Iowa City, Iowa, an independent contractor.
6. On or about April 12, 2019, Plaintiff Brian Krogmeier was working on concrete construction at the ADM Plant in Cedar Rapids, Linn County, Iowa.
7. At this time, Defendant ADM maintained ownership and/or operation of the ADM Plant.

8. At this time, Plaintiff Brian Krogmeier was seriously injured while working at the ADM Plant in Cedar Rapids, Linn County, Iowa.

9. The amount in controversy exceeds the appropriate jurisdictional amount.

COUNT I: NEGLIGENCE BY POSSESSOR OF LAND

10. Plaintiffs replead and incorporate by reference paragraphs 1 through 9 of this Petition as if fully set forth herein.

11. At all times relevant to this matter, Defendant ADM, including Defendant's agents and employees, maintained occupation and substantial control of the premises and control of part of the work being done by Knutson.

12. As possessor of the land, Defendant ADM had a duty to Plaintiff Brian Krogmeier to maintain its premises in a manner safe for the use of business invitees in the normal and reasonable scope of such use and/or to warn invitees, such as Plaintiff Brian Krogmeier, of dangerous conditions on the premises.

13. Defendant ADM knew or in the exercise of reasonable care should have known of a condition on the premises and that it involved an unreasonable risk of injury to the employees of an independent contractor.

14. Defendant ADM knew or in the exercise of reasonable care should have known:

- a) Plaintiff Brian Krogmeier would not discover the condition; or
- b) Plaintiff Brian Krogmeier would not realize the condition presented an unreasonable risk of injury; or
- c) Plaintiff Brian Krogmeier would not protect himself from the condition.

15. Defendant ADM negligently breached its duty to Plaintiff Brian Krogmeier generally and specifically by, including but not limited to, the following particulars:

- a) Failing to keep the premises in a reasonably safe condition for an employee of an independent contractor;
- b) Failing to exercise reasonable care to discover the condition that created an unreasonable risk of harm to the employees of an independent contractor;
- c) Failing to take special precautions and exercise its control with reasonable care over the work for which Defendant maintained control;
- d) Failing to use ordinary care;
- e) Failing to provide safeguards against dangers for which Defendant was contractually obligated to provide protection;

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