

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

JASON LANG,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:07-CV-4178
)	
AXIOM WORLDWIDE, INC.,)	
a Florida corporation,)	
)	
Defendant.)	

TRIAL BRIEF

COMES NOW Defendant Axiom Worldwide, Inc. ("Axiom"), by and through its undersigned counsel, Greensfelder, Hemker & Gale, P.C., and hereby submits its Trial Brief pursuant to the Court's March 12, 2008, Scheduling Order:

INTRODUCTION

This case arises out of an injury that allegedly occurred when plaintiff, Jason Lang, was undergoing treatment on a DRX 9000 spinal decompression machine manufactured by Axiom and owned by Dr. Kyle Bowers. Plaintiff claims that while being treated on the machine at Dr. Bowers' office, Axiom's technician, during the course and scope of his employment, adjusted the harnesses and table on the machine causing injury to the person of the plaintiff. Dr. Bowers is not a party to this action.

Plaintiff's First Amended Complaint asserts claims of negligence, *res ipsa loquitur* and negligence *per se* against Axiom. For the reasons set forth more fully below, plaintiff cannot establish any of these claims at trial.