

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Steven L. Mazza, Esq.</b> SBN: 101076 <b>Carpenter, Zuckerman &amp; Rowley</b> 8827 West Olympic Boulevard Beverly Hills, CA 90211 TELEPHONE NO: 310-273-1230 FAX NO. (Optional): 310-858-1063 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff, Martha Duardo	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Stanley Mosk Courthouse	
PLAINTIFF: MARTHA DUARDO, an Individual  DEFENDANT: CITY OF LONG BEACH, a public entity; and  <input checked="" type="checkbox"/> DOES 1 TO 50, Inclusive	
<b>COMPLAINT—Personal Injury, Property Damage, Wrongful Death</b> <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): PREMISES LIABILITY; and <input checked="" type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death GENERAL NEGLIGENCE <input checked="" type="checkbox"/> Personal Injury <input checked="" type="checkbox"/> Other Damages (specify): LOSS OF FUTURE	
Jurisdiction (check all that apply): EARNINGS AND MEDICAL EXPENSES <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited	CASE NUMBER:

1. **Plaintiff** (name or names): MARTHA DUARDO, an Individual  
 alleges causes of action against **defendant** (name or names): CITY OF LONG BEACH, a public entity; and DOES 1 to 50, Inclusive
2. This pleading, including attachments and exhibits, consists of the following number of pages: 5
3. Each plaintiff named above is a competent adult
  - a.  **except** plaintiff (name):
    - (1)  a corporation qualified to do business in California
    - (2)  an unincorporated entity (describe):
    - (3)  a public entity (describe):
    - (4)  a minor  an adult
      - (a)  for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b)  other (specify):
    - (5)  other (specify):
  - b.  **except** plaintiff (name):
    - (1)  a corporation qualified to do business in California
    - (2)  an unincorporated entity (describe):
    - (3)  a public entity (describe):
    - (4)  a minor  an adult
      - (a)  for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b)  other (specify):
    - (5)  other (specify):

Information about additional plaintiffs who are not competent adults is shown in Attachment 3.



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4.  Plaintiff (*name*):  
is doing business under the fictitious name (*specify*):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a.  **except** defendant (*name*): CITY OF LONG BEACH

- (1)  a business organization, form unknown
- (2)  a corporation
- (3)  an unincorporated entity (*describe*):

(4)  a public entity (*describe*):

(5)  other (*specify*):

c.  **except** defendant (*name*):

- (1)  a business organization, form unknown
- (2)  a corporation
- (3)  an unincorporated entity (*describe*):

(4)  a public entity (*describe*):

(5)  other (*specify*):

b.  **except** defendant (*name*):

- (1)  a business organization, form unknown
- (2)  a corporation
- (3)  an unincorporated entity (*describe*):

(4)  a public entity (*describe*):

(5)  other (*specify*):

d.  **except** defendant (*name*):

- (1)  a business organization, form unknown
- (2)  a corporation
- (3)  an unincorporated entity (*describe*):

(4)  a public entity (*describe*):

(5)  other (*specify*):

Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a.  Doe defendants (*specify Doe numbers*): 1-50 \_\_\_\_\_ were the agents or employees of other named defendants and acted within the scope of that agency or employment.

b.  Doe defendants (*specify Doe numbers*): 1-50 \_\_\_\_\_ are persons whose capacities are unknown to plaintiff.

7.  Defendants who are joined under Code of Civil Procedure section 382 are (*names*):

8. This court is the proper court because

- a.  at least one defendant now resides in its jurisdictional area.
- b.  the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
- c.  injury to person or damage to personal property occurred in its jurisdictional area.
- d.  other (*specify*):

9.  Plaintiff is required to comply with a claims statute, **and**

a.  has complied with applicable claims statutes, **or**

b.  is excused from complying because (*specify*):

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10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):
- a.  Motor Vehicle
  - b.  General Negligence
  - c.  Intentional Tort
  - d.  Products Liability
  - e.  Premises Liability
  - f.  Other (*specify*):

11. Plaintiff has suffered
- a.  wage loss
  - b.  loss of use of property
  - c.  hospital and medical expenses
  - d.  general damage
  - e.  property damage
  - f.  loss of earning capacity
  - g.  other damage (*specify*): FUTURE LOSS OF EARNINGS AND FUTURE MEDICAL EXPENSES. FOR INTEREST AS PERMITTED BY THE LAW.

12.  The damages claimed for wrongful death and the relationships of plaintiff to the deceased are
- a.  listed in Attachment 12.
  - b.  as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

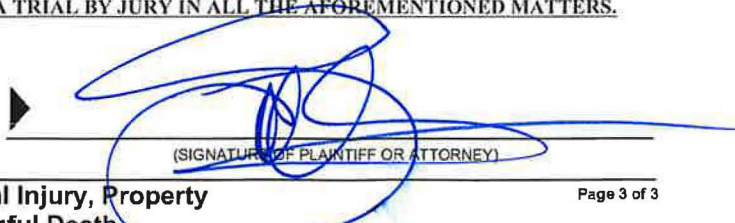
14. **Plaintiff prays** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for
- a. (1)  compensatory damages
  - (2)  punitive damages
- The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):
- (1)  according to proof
  - (2)  in the amount of: \$ OVER \$25,000.00.

15.  The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):  
 PREM.L-1; PREM.L-2; PREM.L-4; PREM.-L5; and GN-1

**16. DEMAND FOR JURY TRIAL: PLAINTIFF HEREBY DEMANDS A TRIAL BY JURY IN ALL THE AFOREMENTIONED MATTERS.**

Date: August 29, 2019

Steven L. Mazza, Esq. \_\_\_\_\_  
 (TYPE OR PRINT NAME)

  
 (SIGNATURE OF PLAINTIFF OR ATTORNEY)

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       **FIRST CAUSE OF ACTION—Premises Liability** Page   4    
 (number)

ATTACHMENT TO  Complaint  Cross - Complaint  
 (Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): MARTHA DUARDO, an Individual alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.  
 On (date): October 8, 2018 plaintiff was injured on the following premises in the following fashion (description of premises and circumstances of injury): Plaintiff sustained injuries while riding a scooter and the wheel encountered an uneven/raised portion of the road which was owned, maintained, repaired, managed and/or controlled by defendants, which caused Plaintiff to be thrown from the scooter. Defendants are responsible for their failure to provide a safe, suitable and adequate premises. Plaintiff is informed and believes and thereon alleges that said hazardous, dangerous condition was caused by Defendants and/or existed for a sufficient time prior to the incident for Defendants to have corrected, removed, and/or warned Plaintiff of the existence of said condition, which Defendants negligently and carelessly failed to do, causing serious injuries to Plaintiff. Defendants are liable to Plaintiff pursuant to, among other statutes, Government Code Sections 815.2, 820 and 835.

Prem.L-2.  **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):

Does   1   to   50  

Prem.L-3.  **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names):

Does \_\_\_\_\_ to \_\_\_\_\_

Plaintiff, a recreational user, was  an invited guest  a paying guest.

Prem.L-4.  **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names): CITY OF LONG BEACH, a public entity; and

Does   1   to   50  

- a.  The defendant public entity had  actual  constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.
- b.  The condition was created by employees of the defendant public entity.

Prem.L-5. a.  **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names): CITY OF LONG BEACH, a public entity; and

Does   1   to   50  

- b.  The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are  described in attachment Prem.L-5.b  as follows (names): Defendants, and each of them, failed to provide a safe, suitable and adequate premises are, CITY OF LONG BEACH, a public entity; and DOES 1 to 50, Inclusive

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SECOND CAUSE OF ACTION—General Negligence Page 5  
(number)

ATTACHMENT TO  Complaint  Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): MARTHA DUARDO, an Individual

alleges that defendant (name):

Does 1 to 50

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): October 8, 2018

at (place): At or near Shoreline Village and Ocean Avenue, Long Beach, CA 90802

(description of reasons for liability):

At the above mentioned time and place Plaintiff was riding a scooter when the wheel got caught on the uneven/raised portion of the roadway, causing Plaintiff to be thrown from her scooter, resulting in serious injuries to Plaintiff.

Defendants negligently caused said injuries in that defendants negligently maintained, inspected, repaired, managed, supervised and controlled said road such that the dangerous conditions was placed in or allowed to remain in the road and without adequate or any warning; defendants negligently hired, trained, supervised, controlled and monitored employees and agents responsible for the maintenance, inspection, repair, supervision, control and management of said road; defendants negligently failed to provide a safe, suitable and adequate premises for individuals using said premises; and defendants negligently failed to warn Plaintiff of the risks which Defendants knew, or in the existence of reasonable care would have known, that individuals were unaware of such condition.

Defendants are liable to Plaintiff pursuant to, any other statutes, Government Code Sections 815.2, 820 and 835.