

CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central District	
PLAINTIFF: ASHLEY HEARD and JASON HEARD	
DEFENDANT: CITY OF LONG BEACH; NEUTRON HOLDINGS, INC. dba LIME; and <input checked="" type="checkbox"/> DOES 1 TO 50, Inclusive	
COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Premises Liability <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):	
Jurisdiction (check all that apply): <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: 19STCV35469

1. Plaintiff (name or names): ASHLEY HEARD and JASON HEARD
alleges causes of action against defendant (name or names):
CITY OF LONG BEACH; NEUTRON HOLDINGS, INC. dba LIME; and DOES 1 to 50, Inclusive
2. This pleading, including attachments and exhibits, consists of the following number of pages: 7
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.

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

- (4) a public entity (*describe*):
city
- (5) other (*specify*):

- (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*): NEUTRON HOLDIN

- (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 to 25 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*): 26 to 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*):

e. Permits 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 medical specials.

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: \$

15. The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):
Prem. L-1 to Prem. L-5, GN-1, and Prod. L-1, to L-5 and L-7.

Date: October 3, 2019

Philip P. DeLuca, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): July 3, 2019

plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):

See Attachment "1".

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

Does 1 to 50, Inclusive

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):

CITY OF LONG BEACH; and

Does 1 to 50, Inclusive

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; and

Does 1 to 50, Inclusive

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):

Does 26 to 50, Inclusive

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):

DOES 26 to 50, Inclusive

personally disfiguring injuries, to wit, right shoulder soreness radiating into right wrist, right hip soreness aggravation of pre-existing condition (torn ACL) various dislocations on right knee, fractured right tibia with insertion of plate and screws, fifty (50) staples on back of leg, blisters with drain, right ankle with severe bruising, road rash on right of her arm, wrist, legs and body, permanent scarring throughout her body. Moreover, Mrs. HEARD suffers from severe emotional distress and aggravation of pre-existing conditions and was unusually susceptible as to emotional distress, anxiety-panic disorder, major depressive disorder and Thyroid condition, respectively. Mrs HEARD has been experiencing panic/anxiety attacks since the accident; she has had several panic attacks (2 per day), insomnia, and when she falls sleep she wakes up screaming, possible PTSD, and her husband has to wake her out of it. Damages are ongoing and continuous as a result of Defendant, CITY OF LONG BEACH's dangerous condition of public property at the location in question. Moreover, Mrs. HEARD has had surgeries involving permanent placement of metal hardware, including, but not limited to plates and screws, and will need future surgeries to correct and revise her condition.

As a result of observing his legal spouse, ASHLEY HEARD suffer from the permanently disfiguring personal injuries, JASON HEARD is claiming negligent infliction of severe emotional distress. He is also claiming loss of consortium due to the damages suffered to the marital relationship in terms of companionship, moral support and/or intimacy and related issues arising out of the wrongful injury to his spouse.

Defendant, CITY OF LONG BEACH and DOES 1 to 50 and each of them negligently owned, possessed, operated, controlled, managed, and/or maintained their premises and/or failed to warn of a dangerous condition of their premises and/or make it safe for patrons, including Plaintiffs, ASHLEY HEARD and JASON HEARD, thereby, actually, legally, and/or proximately causing their injuries and damages.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

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(Add pages as required)

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