

FOR COURT USE ONLY

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SAN MATEO COUNTY

MAR - 1 2016

Clerk of the Superior Court
 By [Signature]

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
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TELEPHONE NO: 415-400-7000 FAX NO. (Optional): 415-400-7055
 E-MAIL ADDRESS (Optional):
 ATTORNEY FOR (Name): Plaintiff Vanessa Edmondson

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Mateo
 STREET ADDRESS: 400 County Center
 MAILING ADDRESS: 400 County Center
 CITY AND ZIP CODE: Redwood City, CA 94063
 BRANCH NAME:

PLAINTIFF: Vanessa Edmondson

DEFENDANT: City of Pacifica

DOES 1 TO 50

COMPLAINT—Personal Injury, Property Damage, Wrongful Death
 AMENDED (Number):
 Type (check all that apply):
 MOTOR VEHICLE OTHER (specify): Dangerous condition
 Property Damage Wrongful Death
 Personal Injury Other Damages (specify): Prejudgment
 Interest per Civil Code Section 3291

Jurisdiction (check all that apply):
 ACTION IS A LIMITED CIVIL CASE
 Amount demanded does not exceed \$10,000
 exceeds \$10,000, but does not exceed \$25,000
 ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)
 ACTION IS RECLASSIFIED by this amended complaint
 from limited to unlimited
 from unlimited to limited

CASE NUMBER:

CIV537576

1. Plaintiff (name or names): Vanessa Edmondson
 alleges causes of action against defendant (name or names): City of Pacifica

2. This pleading, including attachments and exhibits, consists of the following number of pages: 6

BY FAX

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 Pacifica c. except defendant (name):
- | | |
|---|--|
| (1) <input type="checkbox"/> a business organization, form unknown
(2) <input type="checkbox"/> a corporation
(3) <input type="checkbox"/> an unincorporated entity (describe):

(4) <input checked="" type="checkbox"/> a public entity (describe): governmental entity
(5) <input type="checkbox"/> other (specify): | (1) <input type="checkbox"/> a business organization, form unknown
(2) <input type="checkbox"/> a corporation
(3) <input type="checkbox"/> an unincorporated entity (describe):

(4) <input type="checkbox"/> a public entity (describe):
(5) <input type="checkbox"/> other (specify): |
|---|--|
- b. except defendant (name):
- | | |
|--|--|
| (1) <input type="checkbox"/> a business organization, form unknown
(2) <input type="checkbox"/> a corporation
(3) <input type="checkbox"/> an unincorporated entity (describe):

(4) <input type="checkbox"/> a public entity (describe):
(5) <input type="checkbox"/> other (specify): | (1) <input type="checkbox"/> a business organization, form unknown
(2) <input type="checkbox"/> a corporation
(3) <input type="checkbox"/> an unincorporated entity (describe):

(4) <input type="checkbox"/> a public entity (describe):
(5) <input type="checkbox"/> other (specify): |
|--|--|
- d. except defendant (name):
- 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):

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):
GN-1, PL-1

Date: March 1, 2016

Michael R. Solomon
(TYPE OR PRINT NAME)


(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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First _____ CAUSE OF ACTION—General Negligence
 (number)

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ATTACHMENT TO Complaint Cross - Complaint

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

GN-1. Plaintiff (name): Vanessa Edmondson

alleges that defendant (name): City of Pacifica

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): January 24, 2015

at (place): On a public sidewalk in front of Chit Chat Cafe, 2100 Beach Boulevard, Pacifica, California.

(description of reasons for liability):

That at said time and place, defendants, and each of them, their agents and assigns, negligently and carelessly owned, operated, managed, controlled, maintained, inspected, constructed, repaired, and used the aforementioned public sidewalk in that they caused and allowed the public sidewalk in front of 2100 Beach Boulevard, Pacifica, California to exist and remain in an unsafe and dangerous condition, in that they created and allowed a cement block bicycle stand to be placed and exist on the public sidewalk without any warning or signage to alert users of the sidewalk, such as Plaintiff VANESSA EDMONDSON. Defendants, and each of them, caused and allowed a dangerous cement block bicycle stand to remain on the public sidewalk in an area where defendants knew or should have known that persons, such as Plaintiff, would be walking or traversing, therefore creating an unreasonable risk of harm to said persons, such as Plaintiff, that said dangerous condition created a trap to said persons, such as Plaintiff, that said dangerous condition could have been reasonably expected to harm others, such as Plaintiff.

Defendants, and each of them, knew or should have known about said dangerous condition but failed to use reasonable care to discover, repair, or give adequate warning about or protect against said dangerous condition and risk of harm; that as a direct result of the negligence and carelessness of defendants, and each of them, as aforesaid, while Plaintiff VANESSA EDMONDSON walked on the public sidewalk at said premises, she tripped and fell over the cement block bicycle stand on the public sidewalk and sustained severe personal injuries and damages. Defendants, and each of them, are responsible for Plaintiff's injuries per Government Code Sections 815.2(a), 820, 835 and 835.2.

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Second CAUSE OF ACTION—Premises Liability
(number)

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ATTACHMENT TO Complaint Cross-Complaint

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

Prem.L-1. Plaintiff (name): Vanessa Edmondson
alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.
On (date): January 24, 2015 plaintiff was injured on the following premises in the following
fashion (description of premises and circumstances of injury):
City of Pacifica owned and maintained cement block bicycle stand on a public sidewalk in front of the Chit Chat Cafe, 2100 Beach Boulevard, Pacifica, California. See Attachment to Premises Liability, Prem. L-1, page 6.

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

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 Pacifica

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):

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): Plaintiff is informed and believes and thereon alleges that each of the fictitiously named defendants, DOES 1-50, is negligently responsible in some manner for the events alleged herein.

PETITIONER/PLAINTIFF: Vanessa Edmondson RESPONDENT/DEFENDANT: City of Pacifica	CASE NUMBER:
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Attachment to Premises Liability, Prem. L-1.

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That at said time and place, defendants, and each of them, their agents and assigns, negligently and carelessly owned, managed, controlled, maintained, inspected, constructed, repaired, and used the aforementioned public sidewalk in that they caused and allowed the public sidewalk in front of 2100 Beach Boulevard, Pacifica, California to exist and remain in an unsafe and dangerous condition, in that they created and allowed a cement block bicycle stand to be placed and exist on the public sidewalk without any warning or signage to alert users of the sidewalk, such as Plaintiff VANESSA EDMONDSON. Defendants, and each of them, caused and allowed the dangerous cement block bicycle stand to remain on the public sidewalk in an area where defendants knew or should have known that persons, such as Plaintiff, would be walking or traversing, therefore creating an unreasonable risk of harm to said persons, such as Plaintiff, that said dangerous condition created a trap to said persons, such as Plaintiff, that said dangerous condition could have been reasonably expected to harm others, such as Plaintiff.

Defendants, and each of them, knew or should have known about said dangerous condition but failed to use reasonable care to discover, repair, or give adequate warning about or protect against said dangerous condition and risk of harm; that as a direct result of the negligence and carelessness of defendants, and each of them, as aforesaid, while Plaintiff VANESSA EDMONDSON walked on the public sidewalk at said premises, she tripped and fell over the cement block bicycle stand on the public sidewalk and sustained severe personal injuries and damages. Defendants, and each of them, are responsible for Plaintiff's injuries per Government Code Sections 835, and 835.2.