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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA**

LETICIA HERNANDEZ , an individual,

Plaintiff,

v.

PATRICIA JIMENEZ-FLORES, DOES 1
through 10 and ROE Corporations 1 through 10,
Inclusive,

Defendants

Case No.:

Unlimited Jurisdiction

**PLAINTIFF'S COMPLAINT FOR
DAMAGES FOR PERSONAL INJURIES
BASED ON NEGLIGENCE**

Plaintiff LETICIA HERNANDEZ ("PLAINTIFF"), as and for a Complaint against
Defendants, and each of them, alleges:

GENERAL ALLEGATIONS

1. All allegations of the Complaint are based on information and belief and are likely to have evidentiary support after a reasonable opportunity for investigation and discovery.
2. At all times mentioned in this Complaint, PLAINTIFF was and is a resident of the County of Ventura, State of California.
3. At all times mentioned in this Complaint, PLAINTIFF was the occupant of a vehicle ("Vehicle 1").
4. PLAINTIFF is informed and believes, and based upon such information and belief alleges that at all times herein mentioned, Defendant PATRICIA JIMENEZ-FLORES ("JIMENEZ-FLORES") was and is a resident of the County of Ventura, State of California.

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1 5. PLAINTIFF is informed and believes and based upon such information and belief
2 alleges that at all times mentioned in this Complaint, Defendants JIMENEZ-FLORES, Does 1-
3 10, and Roe Corporations 1-10 and each of them, were the owners of that certain vehicle ("Vehicle
4 2").

5 6. PLAINTIFF is informed and believes, and based upon such information and belief
6 alleges that at all times mentioned in this Complaint, Defendants JIMENEZ-FLORES , Does 1-
7 10, and each of them, were driving Vehicle 2 with Defendants Does 1-10, Roe Corporations 1-10
8 and each of their, knowledge, consent and permission and while in the course and scope of
9 employment of Defendants Does 1-10 and Roe Corporations 1-10 and each of them.

10 7. The true names and capacities, whether individual, corporate, associate or
11 otherwise, of Defendants named herein as Does 1 through 10 and Roe Corporations 1 through 10
12 are unknown to PLAINTIFF, who therefore sues such Defendants by such fictitious names and
13 will amend this Complaint to show their true names and capacities when ascertained together with
14 the proper charging allegations.

15 8. At all times herein mentioned, Defendants Does 1 through 10 and Roe
16 Corporations 1 through 10, inclusive, were the agents, servants and employees of their co-
17 Defendants, and in doing the things hereinafter alleged were acting within the scope of their
18 authority as such agents, servants and employees and with the consent and permission of their co-
19 Defendants.

20 9. PLAINTIFF is informed and believes and thereupon alleges that each of the
21 Defendants designated herein as a DOE or ROE is responsible in some manner and liable herein
22 by reason of negligence, malfeasance, nonfeasance, wanton and reckless misconduct, and
23 conscious disregard, and said Defendants directly, legally and proximately caused the injuries and
24 damages asserted in this Complaint by such wrongful conduct.

25 10. The acts, conduct, and nonfeasance herein carried out by each and every
26 representative, employee or agent of each and every corporate or business defendant, were
27 authorized, ordered, and directed by the respective Defendant's corporate or business employers,
28 officers, directors and or managing agents; that in addition thereto, said corporate or business

1 employers, officers, directors and/or managing agents had advance knowledge of, authorized, and
2 participated in the herein described acts, conduct and nonfeasance of their representatives,
3 employees, agents and each of them; and that in addition thereto, upon the completion of the
4 aforesaid acts, conduct and nonfeasance of the employees and agents, the aforesaid corporate and
5 business employers, officers, directors and/or managing agents respectively ratified, accepted the
6 benefits of, condoned and approved of each and all of said acts, conduct or nonfeasance of their
7 co-employees, employers, and agents.

8 11. In addition, at all times herein relevant, each defendant, whether named herein or
9 designated as a DOE or ROE, was a principal, master, employer and joint venturer of every other
10 defendant, and every defendant was acting within the scope of said agency authority, employment
11 and joint venture.

12 **JURISDICTION AND VENUE**

13 12. This Court has jurisdiction in this matter pursuant to Code of Civil Procedure
14 section 410.10 because the accident and or injury occurred within Ventura County, State of
15 California.

16 13. Venue is proper in this Court pursuant to the provisions of Code of Civil Procedure
17 sections 395 and 395.5, in that the accident occurred and Defendants' obligations and liability
18 arose in Ventura County, State of California.

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20 **FIRST CAUSE OF ACTION**
21 **FOR NEGLIGENCE**
22 **(Against All Defendants)**

23 14. PLAINTIFF repeats and realleges the preceding paragraphs as though fully set
24 forth herein.

25 15. At all times mentioned in this Complaint, West Los Angeles Avenue (SR 118) at
26 or near Park Lane was and is a public street or highway in Ventura County, California.

27 16. On or about June 29, 2019, PLAINTIFF was an occupant of Vehicle 1 on SR 118
28 at or near Park Lane when Defendants, and each of them, who were driving Vehicle 2, failed to
observe PLAINTIFF and Vehicle 1, failed to operate Vehicle 2 as a reasonably prudent person in

1 the same or similar circumstances, failed to yield to PLAINTIFF and Vehicle 1, failed to obey a
2 traffic control device and thereafter made a turn directly in front of and/or into PLAINTIFF and
3 Vehicle 1 causing a collision between Vehicle 2 and Vehicle 1.

4 17. All operators of motor vehicles have a general duty to exercise reasonable care
5 and skill in the operation of their vehicles. The duty of care includes operating a vehicle in a safe
6 and prudent manner and heeding all traffic ordinances. Operators of motor vehicles must operate
7 their vehicle such as a reasonable and prudent person would in the same or similar circumstances.

8 18. On the above date and at that time and place, Defendants, and each of them, who
9 were driving Vehicle 2, failed to use the due care of an ordinary and reasonable person by failing
10 to observe PLAINTIFF and Vehicle 1, failing to operate Vehicle 2 as a reasonably prudent person
11 in the same or similar circumstances, failing to yield to PLAINTIFF and Vehicle 1, by failing to
12 obey a traffic control device, by turning directly in front of and/or into PLAINTIFF and Vehicle
13 1 and thereafter causing a collision between Vehicle 2 and Vehicle 1.

14 19. On that date and at that time and place, Defendants, and each of them, so
15 negligently, carelessly, recklessly and/or unlawfully entrusted, managed, drove and operated
16 Vehicle 2 so as to proximately cause a collision between Vehicles 2 and 1 and PLAINTIFF and
17 to proximately cause the hereinafter described injuries and damages to PLAINTIFF.

18 20. At the time and place of the accident described above, there was in effect
19 California Vehicle Code §22350, which provides: "[n]o person shall drive a vehicle upon a
20 highway at a speed greater than is reasonable or prudent having due regard for weather, visibility,
21 the traffic on, and the surface and width of, the highway, and in no event at a speed which
22 endangers the safety of persons or property."

23 21. At this time and place, Defendants, and each of them, violated California Vehicle
24 Code §22350 by driving at a speed greater than was reasonable and consequently causing a
25 collision between Vehicles 2 and 1.

26 22. At the time and place of the accident described above, there was in effect
27 California Vehicle Code §21453, which provides: "[a] driver facing a steady circular red signal
28 alone shall stop at a marked limit line, but if none, before entering the crosswalk on the near side

1 of the intersection or, if none, then before entering the intersection, and shall remain stopped until
2 an indication to proceed is shown..."

3 23. At this time and place, Defendants, and each of them, violated California Vehicle
4 Code §21453(a) by running the red-light restricting Vehicle 2's direction of travel.

5 24. California Vehicle Codes § 22350 and § 21453(a) were enacted to prevent the type
6 of accident Defendants, and each of them, caused.

7 25. PLAINTIFF is within the class of people California Vehicle Codes § 22350 and §
8 21453(a) intended to protect. The vehicle codes exist to ensure the safety of all vehicle motorists
9 and to deter the negligent driving hereinabove alleged.

10 26. According to California Evidence Code § 669 the failure to exercise due care is
11 presumed if the defendant violates a statute, ordinance or regulation from a public entity; the
12 violation proximately caused person or property injury; the injury resulted from the occurrence
13 of the nature which the statute, ordinance or regulation was designed to prevent; and the person
14 sustaining the injury was one of the classes of people protected under the statute, ordinance or
15 regulation.

16 27. As a proximate result of the negligence, carelessness, recklessness and/or
17 unlawfulness of Defendants, and each of them, and the resulting collision as previously alleged,
18 PLAINTIFF was injured in PLAINTIFF'S health, strength and activity, sustained injuries to
19 PLAINTIFF'S body, nervous system and person and sustained personal injuries all of which have
20 caused and continue to cause PLAINTIFF great mental, physical and nervous pain and suffering.
21 These injuries may result in personal disability to PLAINTIFF all to the general damages.

22 28. As a proximate result of the negligence of Defendants, and each of them,
23 PLAINTIFF necessarily employed physicians and surgeons for medical examination, treatment
24 and care of these injuries and incurred medical and incidental expenses and may have to incur
25 additional like expenses in the future, all in amounts presently unknown to PLAINTIFF.
26 PLAINTIFF, therefore, requests leave of Court to prove that amount at trial.

27 29. As a proximate result of the negligence of Defendants, and each of them,
28 PLAINTIFF was disabled and may be disabled in the future and thereby be prevented from

1 attending to the duties of PLAINTIFF's usual occupation. PLAINTIFF has, therefore, lost
2 earnings and may continue to lose earnings in the future, all in amounts presently unknown to
3 PLAINTIFF. PLAINTIFF requests leave of Court to prove that amount at trial.

4 30. As a proximate result of the negligence, carelessness, recklessness and/or
5 unlawfulness of Defendants, and each of them, and the resulting collision as previously alleged,
6 PLAINTIFF was denied the use of Vehicle 1. PLAINTIFF has, therefore, incurred and/or will
7 incur expenses associated with the loss of use of his automobile.

8 31. As a proximate result of the negligence, carelessness, recklessness and/or
9 unlawfulness of Defendants, and each of them, and the resulting collision as previously alleged,
10 Vehicle 1 was damaged and PLAINTIFF has, therefore, incurred or will incur expenses associated
11 with repairing and/or replacing Vehicle 1.

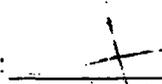
12 32. As a further, direct and proximate result of the negligence, carelessness,
13 recklessness and/or unlawfulness of Defendants, and each of them, and the resulting collision as
14 previously alleged, Vehicle 1 was diminished and PLAINTIFFS have, therefore, incurred or will
15 incur diminution in value damages associated with Vehicle 1.

16 WHEREFORE, PLAINTIFF prays for judgment as follows:

- 17 1. For general damages according to proof;
- 18 2. For medical, hospital, and related expenses according to proof;
- 19 3. For loss of earnings according to proof;
- 20 4. For costs of suit herein incurred;
- 21 5. For diminution in value according to proof;
- 22 6. For property damage according to proof; and
- 23 7. For such other and further relief as this Court may deem proper.

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25 Dated: October 7, 2020

QUIRK LAW FIRM, LLP

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28 By: 
Trevor M Quirk, Esq.

Attorney for Plaintiff, Leticia Hernandez

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