



1 **Parties**

2 3. Plaintiff is informed and believes and thereupon alleges that Defendant ALEXANDER  
3 ROBERTSON (“Robertson”) is a resident of Ventura County, State of California.

4 4. Plaintiff was, at all times herein mentioned, a resident of Thousand Oaks, County  
5 Ventura, State of California.

6 **Doe Defendants**

7 5. Plaintiff is ignorant of the true names and capacities of defendants sued herein as  
8 DOES 1-20, inclusive, and therefore sue these defendants by such fictitious names. Plaintiff will  
9 amend the complaint to allege their true names and capacities when ascertained. Plaintiff is  
10 informed and believes and thereon alleges that each of the fictitiously named defendants is  
11 negligently responsible in some manner for the occurrences herein alleged, and that plaintiff’s  
12 losses as herein alleged were proximately caused by such negligence.

13 **Facts**

14 6. At all times mentioned herein, Plaintiff Serafina Maggio was operating a certain vehicle  
15 described as a 2014 Dodge Charger, California License No. 7XDJ374, (“Vehicle 1”).

16 7. Plaintiff is informed and believes and thereupon alleges that at all times mentioned  
17 herein, Defendant Robertson was the owner and driver of a Ford F-150 (“Vehicle 2”).

18 8. At all times mentioned herein, California State Route SR-23 runs in the North-South  
19 direction. Plaintiff Serafina Maggio is informed and believes and thereupon alleges that the  
20 collision occurred on SR-23 prior to the offramp at East Avenida De Los Arboles in the City of  
21 Thousand Oaks, Ventura, California.

22 9. On or about October 16, 2018, Plaintiff Serafina Maggio was carefully and prudently  
23 traveling northbound in Vehicle 1 on SR-23. Defendant Robertson was in Vehicle 2 directly behind  
24 Plaintiff Serafina Maggio.

25 10. Plaintiff slowed her vehicle for upcoming traffic when Defendant Robertson struck the rear  
26 of Plaintiff Serafina Maggio’s vehicle, causing a strong and forceful impact.

1 11. As a direct and proximate result of the collision caused in the manner alleged by Plaintiff,  
2 Plaintiff suffered injuries to her lower back, right arm, and right shoulder, including a torn right  
3 shoulder rotator cuff.

4 12. Plaintiff Josephine Serafina Maggio has sought treatment for her injuries, ailments, and  
5 conditions that directly and proximately resulted from defendant's negligence, including, but not  
6 limited to, multiple spinal trigger point injections, spinal epidural injections, cervical facet  
7 medial branch rhizotomies, cervical facet medial branch blocks, physical therapy, and pain  
8 management.

9 **CAUSE OF ACTION – NEGLIGENCE**

10 (By Plaintiff SERAFINA MAGGIO against

11 Defendant ALEXANDER ROBERTSON, and Does 1 through 20, inclusive)

12 13. Plaintiff realleges paragraphs 1 through 12 as if fully set forth herein and incorporate  
13 same by reference.

14 14. The collision was caused by the carelessness and negligence of Defendant Robertson in  
15 that, among other acts and omissions, he: (a) failed to observe due care and precaution and to  
16 maintain proper and adequate control of the motor vehicle; (b) failed to keep a proper lookout  
17 for other vehicles lawfully upon the highway; (c) failed to exercises reasonable care in the  
18 operation of the motor vehicle under the circumstances then existing; (d) in other respects not  
19 now known to Plaintiff but which may become known prior to or at the time of trial.

20 15. Moreover, *California Vehicle Code* § 22350 Basic Speed Law provides: "No person shall  
21 drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due  
22 regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no  
23 event at a speed which endangers the safety of persons or property."

24 16. Defendant Robertson was negligent inasmuch as he violated *California Vehicle Code* §  
25 22350 when he failed to drive his vehicle upon a highway at a reasonable or prudent speed and  
26 therefore endangered the safety of persons or property.

1 17. As a direct and proximate result of the negligence and carelessness of Defendant  
2 Robertson, DOES 1 through 20, and each of them, Plaintiff Serafina Maggio suffered painful  
3 bodily injuries, great physical pain and mental anguish, severe and substantial emotional distress,  
4 and loss of the capacity for the enjoyment of life.

5 18. As a further direct and proximate result of the negligence and carelessness of Defendant  
6 Robertson, DOES 1 through 20, and each of them, Plaintiff Serafina Maggio was, is, and will  
7 continue to be, required to undergo medical treatment and to incur medical costs and expenses in  
8 order to alleviate injuries, pain, and suffering.

9 19. As a further direct and proximate result of the negligence and carelessness of Defendant  
10 Robertson, DOES 1 through 20, and each of them, Plaintiff Serafina Maggio was, is, and will  
11 continue to be, precluded from engaging in normal activities and pursuits.

12 20. As a further direct and proximate result of the negligence and carelessness of Defendant  
13 Robertson, DOES 1 through 20, and each of them, Plaintiff Serafina Maggio was, is, and will  
14 continue to be, required to incur costs and expenses associated with her property damage.

15 21. All of Plaintiff Serafina Maggio's losses were, are, and will be, due solely to and by  
16 reason of the carelessness and negligence of Defendant Robertson, DOES 1 through 20, and each  
17 of them, without any negligence or want of due care on Plaintiff Serafina Maggio's part  
18 contributing thereto.

19 **PRAYER FOR RELIEF**

20 WHEREFORE Plaintiff Serafina Maggio demands judgment on the Complaint, as to the  
21 cause of action, and against defendants and each of them, and prays as follows:

22 **Cause of Action – Negligence**

- 23 1. For general damages in an amount according to proof;  
24 2. For special damages for medical and related expenses and property and related expenses  
25 according to proof;  
26 3. For loss of income and wages according to proof;

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- 4. For costs of suit herein incurred; and
- 5. For all other relief as deemed appropriate.

Dated: October 12, 2020

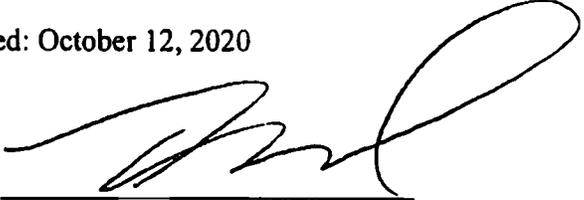
By: 

Russ W. Ercolani  
ERCOLANI LAW GROUP  
Attorney for Plaintiff  
SERAFINA MAGGIO

**Demand for Jury Trial**

Plaintiff hereby demands a jury trial of this action.

Dated: October 12, 2020

By: 

Russ W. Ercolani  
ERCOLANI LAW GROUP  
Attorney for Plaintiff  
SERAFINA MAGGIO