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VENTURA SUPERIOR COURT

PLD-PI-001

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Brett Yorke, Esq. (State Bar # 289353) LAW OFFICE OF BALL & YORKE 1001 Partridge Drive, Suite 330 Ventura, CA 93003</p> <p>TELEPHONE NO: (805) 642-5177 FAX NO. (Optional): (805) 642-4622 E-MAIL ADDRESS (Optional): brett Yorke@ballandyorkelaw.com ATTORNEY FOR (Name):</p>	<p>FOR COURT USE ONLY</p> <p>OCT 08 2020</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA</p> <p>STREET ADDRESS: 800 South Victoria Avenue MAILING ADDRESS: P. O. Box 6489 CITY AND ZIP CODE: Ventura 93009 BRANCH NAME: Hall of Justice</p>	
<p>PLAINTIFF: Stephen Nelson</p> <p>DEFENDANT: AMGEN, Inc.</p> <p><input checked="" type="checkbox"/> DOES 1 TO <u>25</u></p>	
<p>COMPLAINT—Personal Injury, Property Damage, Wrongful Death</p> <p><input type="checkbox"/> AMENDED (Number):</p> <p>Type (check all that apply):</p> <p><input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Premises Liability; General Negligence</p> <p><input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death</p> <p><input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):</p>	
<p>Jurisdiction (check all that apply):</p> <p><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</p> <p><input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)</p> <p><input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint</p> <p><input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited</p>	<p>CASE NUMBER:</p>

1. **Plaintiff** (name or names): Stephen Nelson
alleges causes of action against **defendant** (name or names): AMGEN, Inc.
2. This pleading, including attachments and exhibits, consists of the following number of pages: 6
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): AMGEN, Inc.
- (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): 1-25 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): 1-25 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*):

Incidental damages according to proof;
Prejudgment interest pursuant to Civil Code section 3291.

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*):

All paragraphs unless otherwise stated.

Date: October 7, 2020

Brett Yorke, Esq.

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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 FIRST **CAUSE OF ACTION—General Negligence** Page 4
 (number)

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

GN-1. Plaintiff (name): Stephen Nelson

alleges that defendant (name): AMGEN, Inc.

Does _____ to _____

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): February 14, 2020

at (place): 948 Pauling Drive, Newbury Park, California, County of Ventura, California, 91320.

(description of reasons for liability):

On the date referenced above, Plaintiff was working in a fire pump mechanical room owned, controlled and maintained by AMGEN, Inc., and DOES 1 through 25, inclusive, and each of them. This fire pump mechanical room is located at 948 Pauling Drive, Parking Structure Six, in the town of Newbury Park, California in the County of Ventura. The property is owned, controlled and maintained by AMGEN, Inc., and DOES 1 through 25, inclusive and each of them. Defendants owed a duty to inspect and make safe the premises and to warn of any hazards on the premises. Defendant AMGEN, Inc., and DOES 1 through 25, inclusive and each of them, through its agents and employees, however, failed to inspect the premises, created and/or allowed a dangerous condition on the premises (piping approximately two inches off the ground that blends in against the concrete ground floor), failed to warn about the dangerous and hazardous condition of the premises, and failed to make the condition safe.

As a direct and proximate result, Plaintiff (piping approximately two inches off the ground that blends in against the concrete ground floor), causing him to suffer serious personal injuries, and other damages.

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SECOND CAUSE OF ACTION—Premises Liability

(number)

ATTACHMENT TO Complaint Cross - Complaint

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

Prem.L-1. Plaintiff (name): Stephen Nelson

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

On (date): February 14, 2020 plaintiff was injured on the following premises in the following fashion (description of premises and circumstances of injury):

Please see Attachment Prem.L-1

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

Does 1 to 25

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 1 to 25

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):

Does 1 to 25

- 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 25

- 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):

Attachment Prem.L-1

On the date referenced above, Plaintiff was working in a fire pump mechanical room owned, controlled and maintained by AMGEN, Inc., and DOES 1 through 25, inclusive, and each of them. This fire pump mechanical room is located at 948 Pauling Drive, Parking Structure Six, in the town of Newbury Park, California in the County of Ventura. The property is owned, controlled and maintained by AMGEN, Inc., and DOES 1 through 25, inclusive and each of them. Defendants owed a duty to inspect and make safe the premises and to warn of any hazards on the premises. Defendant AMGEN, Inc., and DOES 1 through 25, inclusive and each of them, through its agents and employees, however, failed to inspect the premises, created and/or allowed a dangerous condition on the premises (piping approximately two inches off the ground that blends in against the concrete ground floor), failed to warn about the dangerous and hazardous condition of the premises, and failed to make the condition safe.

As a direct and proximate result, Plaintiff (piping approximately two inches off the ground that blends in against the concrete ground floor), causing him to suffer serious personal injuries, and other damages.