

SHORT TITLE: ORTIZ v. BODEGA LATINA	CASE NUMBER:
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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): BODEGA LATINA CORPORATION

- (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 to 20 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 to 20 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*):

FIRST AND SECOND CAUSES OF ACTION DEAL WITH AN INCIDENT OF OCTOBER 13, 2018.

THIRD AND FOURTH CAUSES OF ACTION DEAL WITH AN INDICENT OF FEBRUARY 15, 2019.

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*):
 ALL PARAGRAPHS.

Date: October 10, 2020

MICHAEL H. CCONS

(TYPE OR PRINT NAME)


 (SIGNATURE OF PLAINTIFF OR ATTORNEY)

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FIRST _____ 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): MARIA ORTIZ;
 alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.
 On (date): October 13, 2018 plaintiff was injured on the following premises in the following
 fashion (description of premises and circumstances of injury):
 at a certain premises described as 2800 Saviers Road, Oxnard, CA 93033, Defendants, and each of them so negligently owned, operated, managed, maintained, inspected, repaired, entrustedm built, planned, were in possession of, and supervised said premises so as to cause Plaintiff MARIA ORTIZ to sustain severe personal injuries as herein alleged when she was struck by a forklift moving a pallet.

Prem.L-2. **Count One--Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):
 BODEGA LATINA CORPORATION; and
 Does 1 to 10

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):
 Does _____ to _____
 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):
 BODEGA LATINA CORPORATION; and
 Does 1 to 10
 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):

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SECOND 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): MARIA ORTIZ;

alleges that defendant (name): BODEGA LATINA CORPORATION; and

Does 1 to 10

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): October 13, 2018

at (place): a certain premises described as 2800 Saviers Road, Oxnard, CA 93033.

(description of reasons for liability):

On the above said date, time, and place, Defendants, and each of them, so negligently owned, operated, managed, maintained, inspected, repaired, built, were in possession of, planned, entrusted and supervised said certain premises so as to cause Plaintiff MARIA ORTIZ to sustain severe personal injuries as herein alleged when she was struck by a forklift moving a pallet.

Plaintiff is informed and believes, and thereon alleges that Defendants, and each of them, were the agents and or employees of the remaining Defendants, and in doing the things herein alleged, were acting within the course and scope of said agency and or employment.

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THIRD _____ CAUSE OF ACTION—Motor Vehicle
(number)

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

Plaintiff (name): MARIA ORTIZ;

MV-1. Plaintiff alleges the acts of defendants were negligent; the acts were the legal (proximate) cause of injuries and damages to plaintiff; the acts occurred on (date): February 15, 2019 at (place): or near the intersection of Vineyard Avenue and the Southbound 101 Freeway offramp, Oxnard, CA 93036.

MV-2. DEFENDANTS

a. The defendants who operated a motor vehicle are (names):
JAMES NAUMANN; and

Does 11 to 20

b. The defendants who employed the persons who operated a motor vehicle in the course of their employment are (names):
JAMES NAUMANN; and

Does 11 to 20

c. The defendants who owned the motor vehicle which was operated with their permission are (names):
JAMES NAUMANN; and

Does 11 to 20

d. The defendants who entrusted the motor vehicle are (names):
JAMES NAUMANN; and

Does 11 to 20

e. The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):
JAMES NAUMANN; and

Does 11 to 20

f. The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are listed in Attachment MV-2f as follows:

Does _____ to _____

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FOURTH 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): MARIA ORTIZ;

alleges that defendant (name): JAMES NAUMANN; and

Does 11 to 20

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 15, 2019

at (place): or near the intersection of Vinyard Avenue and the Southbound 101 Freeway Offramp, Oxnard, CA 93036.

(description of reasons for liability):

On the above said date, time, and place, Defendants and each of them, so negligently owned, operated, managed, maintained, repaired, inspected, and entrusted a motor vehicle so as to cause a collision with pedestrian Plaintiff MARIA ORTIZ.

Plaintiff is informed and believes, and thereon alleges that Defendants, and each of them, were the agents and or employees of the remaining Defendants, and in doing the things herein alleged, were acting within the course and scope of said agency and or employment.