

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Julian C. Sonnega, Esq. [SBN 325370] BD&J, PC 9701 Wilshire Blvd., 12th Floor Beverly Hills, CA 90212 TELEPHONE NO.: (310) 887-1818 FAX NO. (Optional): (310) 887-1880 E-MAIL ADDRESS (Optional): jcs@bhattorneys.com ATTORNEY FOR (Name): Plaintiff	FOR COURT USE ONLY Electronically FILED by Superior Court of California, County of San Mateo 10/25/2023 ON By <u>/s/ Anthony Berini</u> Deputy Clerk
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: Southern Branch	
PLAINTIFF: Dawn Calvert, an individual DEFENDANT: Newell's Cocktail Lounge; and ☒ DOES 1 TO <u>20, inclusive</u>	
COMPLAINT-Personal Injury, Property Damage, Wrongful Death ☐ AMENDED (Number): Type (check all that apply): ☐ MOTOR VEHICLE ☒ OTHER (specify): Premises Liability ☐ Property Damage ☐ Wrongful Death ☒ Personal Injury ☐ Other Damages (specify):	
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: 23-CIV-05077

1. **Plaintiff (name or names):** Dawn Calvert, an individual

alleges causes of action against **defendant (name or names):** Newell's Cocktail Lounge;
and DOES 1 to 20, inclusive

2. This pleading, including attachments and exhibits, consists of the following number of pages: **5**

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.

SHORT TITLE:

Dawn Calvert v. Newell's Cocktail Lounge

CASE NUMBER 23-CIV-05077

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):
Newell's Cocktail Lounge
(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, inclusive 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, inclusive 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):

SHORT TITLE:

Dawn Calvert v. Newell's Cocktail Lounge

CASE NUMBER:

23-CIV-05077

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)* :

For such other relief that the Court finds just and proper.

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)*:

Date: October 24, 2023

Julian C. Sonnega, Esq.

(TYPE OR PRINT NAME)



Julian C. Sonnega

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE:

Dawn Calvert v. Newell's Cocktail Lounge

CASE NUMBER:

23-CIV-05077

First

(number)

CAUSE OF ACTION- General NegligencePage 4ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

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

GN-1. Plaintiff (name): Dawn Calvert, an individual

alleges that defendant (name): Newell's Cocktail Lounge; and

☒ Does 1 to 20, inclusive

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 25, 2021**

at (place): The incident occurred at a private property located at 497 San Mateo Avenue, San Bruno, CA 94066.

(description of reasons for liability) :

On or about October 25, 2021, at the subject location, Defendant Newell's Cocktail Lounge, and DOES 1 to 20, inclusive, and each of its agents and/or employees and/or contractors so negligently owned, controlled, supervised, managed, designed, constructed, maintained and/or operated said premises, so as to cause and/or allow a dangerous condition to exist on the property which proximately caused the Plaintiff Dawn Calvert to fall, resulting in substantial injuries to Plaintiff.

At all times herein mentioned, Defendant Newell's Cocktail Lounge's employees, and/or agents and/or contractors, and DOES 1 to 20, inclusive, were acting in the course and scope of their employment, agency, joint enterprise, and/or independent contractor relationship with Defendant Newell's Cocktail Lounge, and DOES 1 to 20, so that Defendants are vicariously liable for the negligence of one another.

At all times herein mentioned, Defendant Newell's Cocktail Lounge, and DOES 1 to 20, inclusive, knew, or in the exercise of reason should have known of the dangerous condition of the premises, but failed to provide adequate warnings of the conditions or to remedy such conditions when Defendant Newell's Cocktail Lounge, and DOES 1 to 20, knew, or should have known, that this should be done.

At all times herein mentioned, Defendant Newell's Cocktail Lounge, and DOES 1 to 20, inclusive, failed to have in place adequate and reasonable policies and procedures regarding the control, maintenance, and/or inspection of the premises, and failed to adequately train, supervise, and/or monitor its employees and/or agents and/or contractors.

As a direct and proximate result of the acts and omissions of the Defendant, and DOES 1 to 20, inclusive, Plaintiff has received severe injuries to her body, and shock and injuries to her nervous system, all of which caused, and continue to cause her severe pain and discomfort, and Plaintiff is informed and believes, and based upon such information and belief, alleges that she will in the future suffer severe mental, physical, and nervous pain and suffering, all to her general damage in a sum according to proof at the time of trial.

As a direct and proximate result of the acts and omissions of the Defendant, and DOES 1 to 20, inclusive, and the injuries resulting therefrom, Plaintiff necessarily employed physicians and surgeons for medical examination, treatment, and care for these injuries, and incurred medical and incidental expenses. Plaintiff will also have to incur additional like expenses in the future all in amounts presently unknown to her. Plaintiff therefore asks leave of the court either to amend this complaint to show the amount of her medical expenses, when ascertained, or to prove the amount at trial.

SHORT TITLE:

Dawn Calvert v. Newell's Cocktail Lounge

CASE NUMBER:

23-CIV-05077

Second

(number)

CAUSE OF ACTION - Premises LiabilityPage 5

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

Prem.L-1. Plaintiff (name): **Dawn Calvert, an individual**

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

On (date): **October 25, 2021** plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):

The incident occurred at a private property located at 497 San Mateo Avenue, San Bruno, CA 94066. Plaintiff Dawn Calvert was at the subject premises, when due to the existence of a dangerous condition at the subject premises Plaintiff fell, causing substantial injuries and damages to Plaintiff.

The subject premises was in a dangerous condition of which the Defendant, and DOES 1 to 20, inclusive knew or should have known. Defendant, and DOES 1 to 20, inclusive, negligently created the dangerous condition and/or failed to adequately inspect, maintain and/or control the premises.

Prem.L-2. ☒ **Count One-Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):
Newell's Cocktail Lounge; and

☒ Does 1 to 20, inclusive

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):
Newell's Cocktail Lounge; and

- ☒ Does 1 to 20, inclusive
- 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):