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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
WEST JUSTICE CENTER

SEP 21 2009

ALAN CARLSON, Clerk of the Court

BY _____ DEPUTY

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**

11
12 JAMES TRENBEATH,
13 Plaintiff,
14 vs.
15 PASHA TABATABAI; HOUSHANG
16 TABATABAI; and DOES 1-10, inclusive,
17 Defendants.

Case No.: 30-2009 00291099

**FIRST AMENDED
COMPLAINT FOR MOTOR VEHICLE
NEGLIGENCE;**

JURY TRIAL DEMANDED

COPY

18
19
20 Plaintiff, JAMES TRENBEATH, alleges as follows:

21 **GENERAL ALLEGATIONS**

22 1. The true names and capacities of the Defendants, DOES 1 through 10, inclusive, whether
23 individual, corporate, associate or otherwise, are unknown to plaintiff(s) at the time of filing this
24 Complaint and plaintiff, therefore, sue said Defendants by such fictitious names and will ask leave of
25 court to amend this Complaint to show their true names or capacities when the same have been
26 ascertained. Plaintiff is informed and believes, and thereon allege, that each of the DOE Defendants is,
27 in some manner, responsible for the events and happenings herein set forth and proximately caused
28 injury and damages to plaintiff as herein alleged.

1 8. By reason of the foregoing, Plaintiff has been required to employ the services of veterinarians
2 and other specialists, and plaintiff has been compelled to incur expenses for x-rays, other medical
3 supplies, and services. Plaintiff is informed and believes, and thereon allege, that further services of
4 said nature will be required by plaintiff in an amount to be shown according to proof.

5
6 9. Plaintiff took Socrates to the local veterinary emergency room in order to save Socrates from
7 his life-threatening injuries. The cost for this visit alone was \$4,453.00. Subsequent visits made to
8 better restore Socrates to his pre-accident status have cost an additional \$1,063.35. Future treatment is
9 expected to require approximately \$800.00. The total in consequential damages alone amounts to
10 \$6,316.35.

11
12 9. In doing the actions which injured Plaintiff's animal, defendant acted with gross negligence and
13 in disregard of humanity. Defendant ran a stop sign at night, while plaintiff, a pedestrian, was lawfully
14 crossing the street; Defendant struck Plaintiff's dog with Defendant's vehicle while making an unsafe
15 turn, and subsequently drove away at a high rate of speed. Defendant, shortly thereafter, returned to
16 the scene, and again drove away at a high rate of speed. Therefore, plaintiff demands exemplary
17 damages against defendant according to proof, pursuant to Civ. Code, § 3340.

18
19 **SECOND CAUSE OF ACTION**

20 **(Negligence Per Se – Failure to Yield to Pedestrian)**

21 10. Plaintiff incorporates the Preliminary Allegations as though set forth in full hereat.

22
23 11. California Vehicle Code (CVC) § 21950 requires the driver of a vehicle to yield to a pedestrian
24 crossing the street.

25
26 12. Defendant did not yield to plaintiff, a pedestrian, while crossing the street, in violation of CVC
27 § 21950.

1
2 13. CVC § 21950 was designed to protect the class to which Plaintiff belongs, namely, pedestrians
3 crossing the street, from collisions with vehicles.

4
5 14. Defendant's failure to yield to a pedestrian caused the injury to Socrates.

6
7 **THIRD CAUSE OF ACTION**

8 **(Negligence Per Se – Failure to Stop at a Stop Sign)**

9 15. Plaintiff incorporates the Preliminary Allegations as though set forth in full hereat.

10
11 16. CVC § 22450(a) requires the driver of a vehicle to stop at a stop sign.

12
13 17. Defendant did not stop at the stop sign on the intersection of Via Entrada and Avenida Placida.

14
15 18. Defendant's failure to stop was part of the grossly negligent driving which caused injury to
16 Socrates.

17
18 19. Plaintiff belongs to the class which CVC § 22450(a) was designed to protect, namely, any
19 persons or vehicles attempting to safely proceed through an intersection.

20
21 **FOURTH CAUSE OF ACTION**

22 **(Negligence Per Se – "Hit and Run", CVC § 20002)**

23 20. Plaintiff incorporates the Preliminary Allegations as though set forth in full hereat.

24
25 21. CVC §20002 requires that the driver of any vehicle involved in an accident resulting in
26 damage to any property to stop the vehicle at the nearest location that will not impede traffic and to
27 exchange required information.

1 22. Defendant did not stop his vehicle at or near the scene of the accident after hitting Socrates.
2 Instead, Defendant immediately drove away at a fast rate of speed.

3
4 23. In aggravation, Defendant later returned to the scene of the accident, in close proximity to
5 Plaintiff, Socrates, and another witness, and again did not stop but instead drove away at a high rate of
6 speed.

7
8 24. Defendant's failure to stop and exchange required information caused an independent witness
9 to chase after Defendant's car (after the Defendant's car returned to the scene of the accident a
10 number of minutes later) in order to obtain Defendant's license plate number, which would later be
11 investigated by police.

12
13 25. Plaintiff belongs to the class which CVC § 20002 was designed to protect, namely, any person
14 whose property is damaged by another's vehicle.

15
16 WHEREFORE, Plaintiff prays for judgments against the defendants, and each of them, as follows:

17
18 **FOR ALL CAUSES OF ACTION**

- 19 A. Sums incurred and to be incurred for services of veterinarians, x-rays, and other medical
20 supplies and services;
21 B. Property damage incurred according to proof;
22 C. Exemplary damages according to proof, pursuant to Civ. Code, § 3340.
23 D. Costs of suit and for such other and further relief as the court deems proper.

24
25 **THE PEDIGO LAW CORPORATION**

DATED: September 17, 2009

26
27 By: Brian T. Pedigo

Brian T. Pedigo, Esq. (SBN 256439)
Attorney for Plaintiff