



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

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Case Number: CGC-19-575032

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COMPLAINT

LAURA OWENS VS. ZAID ESSAM SALEH ALKURDI

001C06753076

Instructions:

Please place this sheet on top of the document to be scanned.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, number, and address):

FOR COURT USE ONLY

ALISON E. CORDOVA/ DONALD MAGILLIGAN SBN: 284942 / 257714
COTCHETT PITRE & McCARTHY, LLP
COTCHETT PITRE & McCARTHY, LLP 840 Malcolm Road, Burlingame, CA
TELEPHONE NO.:(650) 697-6000 FAX NO.:(650) 697-0577

FILED
San Francisco County Superior Court

APR 04 2019

CLERK OF THE COURT

BY: Sandra Schie Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

STREET ADDRESS: 400 McAllister Street
MAILING ADDRESS: 400 McAllister Street
CITY AND ZIP CODE: San Francisco, 94102-4515
BRANCH NAME: Civic Center Courthouse

CASE NAME: LAURA OWENS v. ZAID ESSAM SALEH ALKURDI, et al.

CIVIL CASE COVER SHEET

[X] Unlimited (Amount demanded exceeds \$25,000)
[] Limited (Amount demanded is \$25,000 or less)

Complex Case Designation

[] Counter [] Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

CGC-19-575032

JUDGE:

DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

[X] Auto (22)
[] Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

[] Asbestos (04)
[] Product liability (24)
[] Medical malpractice (45)
[] Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

[] Business tort/unfair business practice (07)
[] Civil rights (08)
[] Defamation (13)
[] Fraud (16)
[] Intellectual property (19)
[] Professional negligence (25)
[] Other non-PI/PD/WD tort (35)

Employment

[] Wrongful termination (36)
[] Other employment (15)

Contract

[] Breach of contract/warranty (06)
[] Rule 3.740 collections (09)
[] Other collections (09)
[] Insurance coverage (18)
[] Other contract (37)

Real Property

[] Eminent domain/Inverse condemnation (14)
[] Wrongful eviction (33)
[] Other real property (26)

Unlawful Detainer

[] Commercial (31)
[] Residential (32)
[] Drugs (38)

Judicial Review

[] Asset forfeiture (05)
[] Petition re: arbitration award (11)
[] Writ of mandate (02)
[] Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

[] Antitrust/Trade regulation (03)
[] Construction defect (10)
[] Mass tort (40)
[] Securities litigation (28)
[] Environmental/Toxic tort (30)
[] Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

[] Enforcement of judgment (20)

Miscellaneous Civil Complaint

[] RICO (27)
[] Other complaint (not specified above) (42)

Miscellaneous Civil Petition

[] Partnership and corporate governance (21)
[] Other petition (not specified above) (43)

2. This case [] is [X] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. [] Large number of separately represented parties
b. [] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. [] Substantial amount of documentary evidence
d. [] Large number of witnesses
e. [] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. [] Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. [X] monetary b. [] nonmonetary; declaratory or injunctive relief c. [] punitive

4. Number of causes of action (specify): Three: 1) Negligence

JURY TRIAL DEMANDED

5. This case [] is [X] is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: April 4, 2019

ALISON E. CORDOVA/ DONALD MAGILLIGAN
(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
File this cover sheet in addition to any cover sheet required by local court rule.
If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

- Auto (22)--Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death
- Product Liability *(not asbestos or toxic/environmental)* (24)
- Medical Malpractice (45)
 - Medical Malpractice--Physicians & Surgeons
 - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
 - Intentional Infliction of Emotional Distress
 - Negligent Infliction of Emotional Distress
 - Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice *(not medical or legal)*
- Other Non-PI/PD/WD Tort (35)

Employment

- Wrongful Termination (36)
- Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
 - Breach of Rental/Lease
 - Contract *(not unlawful detainer or wrongful eviction)*
 - Contract/Warranty Breach--Seller Plaintiff *(not fraud or negligence)*
 - Negligent Breach of Contract/Warranty
 - Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
 - Collection Case--Seller Plaintiff
 - Other Promissory Note/Collections Case
- Insurance Coverage *(not provisionally complex)* (18)
 - Auto Subrogation
 - Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ--Administrative Mandamus
 - Writ--Mandamus on Limited Court Case Matter
 - Writ--Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal--Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400--3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment *(non-domestic relations)*
 - Sister State Judgment
 - Administrative Agency Award *(not unpaid taxes)*
 - Petition/Certification of Entry of Judgment on Unpaid Taxes
 - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint *(not specified above)* (42)
- Declaratory Relief Only
- Injunctive Relief Only *(non-harassment)*
- Mechanics Lien
- Other Commercial Complaint Case *(non-tort/non-complex)*
- Other Civil Complaint *(non-tort/non-complex)*

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition *(not specified above)* (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief From Late Claim
- Other Civil Petition

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT: ZAID ESSAM SALEH ALKURDI, an individual;
(AVISO AL DEMANDADO): See Additional Defendants On Attached Sheet

YOU ARE BEING SUED BY PLAINTIFF: LAURA OWENS, an individual
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):
Superior Court of California, County of San Francisco
400 McAllister Street
San Francisco, California 94102-4515

CASE NUMBER:
(Número del caso) **CC-19-575032**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
ALISON E. CORDOVA (SBN 284942) / DONALD MAGILLIGA (257714)

COTCHETT PITRE & McCARTHY, LLP 840 Malcolm Road, Burlingame, CA 94010 (650) 697-6000

DATE: **APR 04 2019** CLERK OF THE COURT Clerk, by *S.S. Schiro* Deputy (Adjunto)
(Fecha)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

SANDRA L. SCHIRO



NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
- by personal delivery on (date):

UBER TECHNOLOGIES, INC., a Delaware Corporation; RASIER, LLC, a Delaware limited liability corporation; RASIER-CA, LLC, a Delaware limited liability corporation; BRUCE ROBERT BROGDEN, an individual; NU FOREST PRODUCTS, INC., a California Corporation; and DOES 1 through 20, inclusive.

1 ALISON E. CORDOVA (SBN 284942)
acordova@cpmlegal.com
2 DONALD MAGILLIGAN (SBN 257714)
dmagilligan@cpmlegal.com
3 **COTCHETT, PITRE & McCARTHY, LLP**
4 San Francisco Airport Office Center
840 Malcolm Road, Suite 200
5 Burlingame, CA 94010
Telephone: (650) 697-6000
6 Facsimile: (650) 697-0577

7
8 *Attorneys for Plaintiffs*

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

11
12 **LAURA OWENS**, an individual,

13 **Plaintiff,**

14 **v.**

15
16 **ZAID ESSAM SALEH ALKURDI**, an
individual; **UBER TECHNOLOGIES,**
17 **INC.**, a Delaware Corporation; **RASIER,**
18 **LLC**, a Delaware limited liability
corporation; **RASIER-CA, LLC**, a
19 Delaware limited liability corporation;
BRUCE ROBERT BROGDEN, an
20 individual; **NU FOREST PRODUCTS,**
INC., a California Corporation; and **DOES 1**
21 **through 20**, inclusive.

22 **Defendants.**
23
24
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28

FILED
San Francisco County Superior Court

APR 04 2019

CLERK OF THE COURT
BY: *Sandra Schie*
Deputy Clerk

CASE NO. **CGC-19-575032**

**COMPLAINT FOR DAMAGES BASED
UPON:**

- (1) **NEGLIGENCE**
- (2) **NEGLIGENT ENTRUSTMENT**
- (3) **NEGLIGENT HIRING,
SUPERVISION, OR RETENTION**

JURY TRIAL DEMANDED

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1 Plaintiff LAURA OWENS (“LAURA”), by and through her attorneys of record, makes
2 the following allegations and claims for her complaint against **Zaid Essam Saleh**
3 **Alkurdi; Uber Technologies, Inc.; Rasier, LLC; Rasier-CA, LLC;**
4 **Bruce Robert Brogden, and Nu Forest Products, Inc.;** and **Does 1**
5 through **20**, inclusive (collectively, “**DEFENDANTS**”). The following allegations are made
6 upon information and belief, except as to allegations specifically pertaining to **LAURA**, which
7 are made upon knowledge.

8 I. **INTRODUCTION**

9 1. On April 6, 2017, at approximately 10:45 a.m., Plaintiff **LAURA** was an
10 unwitting passenger in an **UBER TECHNOLOGIES, INC. (“UBER”)** rideshare wherein the
11 **UBER** driver, Defendant Zaid Essam Saleh Alkurdi (“**ALKURDI**”) was not insured to provide
12 rideshare services in any manner, despite picking up and driving **LAURA** as a passenger in the
13 rear of his SUV within the course and scope of his agency as a common carrier driver for
14 Defendants **UBER, RASIER, LLC, and/or RASIER-CA, LLC.**

15 2. Rather than paying attention to the road, **ALKURDI** was focused on his cell
16 phone and **ALKURDI** suddenly slammed on his brakes, spun around, hit the car in front, and
17 got hit by a truck from behind being driven by Defendant Bruce Robert Brogden
18 (“**BROGDEN.**”)

19 3. Defendant **BROGDEN** was driving a 2000 GMC Sierra pickup truck within the
20 course and scope of his employment with defendant **NU FOREST PRODUCTS, INC.**
21 **BROGDEN** had also taken his eyes off the road in front of him and was driving his truck too
22 fast for the conditions.

23 4. As a result of the combined negligence of **DEFENDANTS**, Plaintiff **LAURA**
24 suffered serious injuries and damages hereafter alleged.

25 II. **JURISDICTION AND VENUE**

26 5. This court has personal jurisdiction over **DEFENDANTS** because
27 **DEFENDANTS** are residents of the state of California and, at all times relevant, the events
28 which combined to produce the injuries sustained by **LAURA** occurred in the county of San

COMPLAINT

1 Francisco, State of California. This court is competent to adjudicate this action and the amount
2 in controversy exceeds the jurisdictional minimum of this court.

3 6. Venue is proper in San Francisco County pursuant to California Code of Civil
4 Procedure § 395 because substantially all of the events, acts, omissions, and/or transactions
5 complained of herein occurred in, or originated from, San Francisco County, State of
6 California.

7 **III. PARTIES**

8 **A. Plaintiffs**

9 7. Plaintiff **LAURA OWENS** is a natural person who is and at all times mentioned
10 in this complaint was a resident of San Francisco, California.

11 **B. Defendants**

12 8. Plaintiffs are informed and believe, and thereon allege, that Defendant Zaid
13 Essam Saleh Alkurdi ("**ALKURDI**") was, at all relevant times mentioned herein, an individual
14 who resided in Carmichael, California, County of Sacramento. At the time of the automobile
15 collision that injured **LAURA**, **ALKURDI** was the driver of the gray 2009 Ford Escape
16 (California license plate 5XGV558). Defendant Alkurdi was the employee, agent, servant, and
17 under the control of Defendants **UBER TECHNOLOGIES, INC.**, **RASIER, LLC**, and/or
18 **RASIER-CA, LLC** during the time giving rise to the causes of action described below.

19 9. Plaintiffs are informed and believe, and thereon allege, that Defendant **UBER**
20 **TECHNOLOGIES, INC.** ("**UBER**") was, at all relevant times mentioned herein, a
21 transportation network company incorporated in Delaware with offices and facilities located in
22 the City and County of San Francisco.

23 10. Plaintiffs are informed and believe, and thereupon allege, that Defendant
24 **RASIER, LLC** and **RASIER-CA, LLC** are Delaware limited liability corporations which are
25 wholly-owned subsidiaries of **UBER**. **RASIER, LLC** and **RASIER-CA, LLC** have their
26 principal places of business in, and they conduct business in, San Francisco, California.

27 11. Plaintiff is informed and believes, and thereupon alleges, that **UBER, RASIER,**
28 **LLC, and RASIER-CA, LLC, and DOES 1-10** operate a Transportation Network Company

COMPLAINT

1 (“TNC”) in San Francisco that provides a mobile application (“App”) online-enabled platform
2 connecting passengers with drivers who use their personal vehicles by allowing people to pay
3 for rides through their phones. The popular “ride hailing” service provides transportation to the
4 general public by matching a rider with a driver who drives them to a destination. **UBER,**
5 **RASIER, LLC,** and/or **RASIER-CA, LLC,** and **DOES 1–10** solicit and retain tens of
6 thousands of non-professional drivers, including **ALKURDI,** and exercise control over the
7 drivers’ vehicle specifications, vehicle inspections, insurance requirements, operational
8 restrictions, dress code, hygiene standards, in-car behavior, and other mandates. **UBER,**
9 **RASIER, LLC,** and/or **RASIER-CA, LLC,** and **DOES 1–10** are directly liable for their
10 negligent hiring, supervision, and retention of Defendant **ALKURDI** under the doctrine of
11 *respondeat superior*. Accordingly, **UBER, RASIER, LLC,** and/or **RASIER-CA, LLC,** and
12 **DOES 1–10** are liable for their employees’ and actual and/or apparent agents’ intentional and
13 negligent torts.

14 12. Plaintiffs are informed and believe, and thereon allege, that Defendant Bruce
15 Robert Brogden (“**BROGDEN**”) was, at all relevant times mentioned herein, an individual
16 who resided in Healdsburg, California, County of Sonoma. At the time of the automobile
17 collision that injured **LAURA, BROGDEN** was the driver of the white 2000 GMC Sierra
18 Truck (California license plate 6T77097).

19 13. Plaintiffs are informed and believe, and thereon allege, that Defendant Nu Forest
20 Products, Inc. (“**NU FOREST PRODUCTS**”) was, at all relevant times mentioned herein, a
21 corporation with offices and facilities located in the city of Cloverdale, California, County of
22 Sonoma. At the time of the subject collision that injured **LAURA, NU FOREST**
23 **PRODUCTS** was the owner, bailor, lessor, and/or licensor of the GMC Sierra Truck that
24 **BROGDEN** was driving. Furthermore, Defendant **BROGDEN** was the employee, agent,
25 servant, and or under the control of **NU FOREST PRODUCTS. NU FOREST PRODUCTS**
26 is liable for their negligent hiring, supervision, and retention of Defendant **BROGDEN** under
27 the doctrine of *respondeat superior*. Accordingly, **NU FOREST PRODUCTS** is liable for
28 their employees’ and actual and/or apparent agents’ intentional and negligent torts.

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C. **Other Defendants**

14. The true names and capacities, whether individual, corporate, associate or otherwise of the Defendants **DOE 1** through **DOE 20**, inclusive are unknown to Plaintiffs who therefore sues said Defendants by such fictitious names pursuant to Code of Civil Procedure § 474; Plaintiffs further alleges that each of said fictitious Defendants is in some manner responsible for the acts and occurrences hereinafter set forth. Plaintiffs will amend this Complaint to show their true names and capacities when the same are ascertained, as well as the manner in which each fictitious Defendant is responsible.

D. **Agency & Concert of Action**

15. At all times herein mentioned, Defendants, and each of them, hereinabove, were the agents, servants, employees, partners, aiders and abettors, co-conspirators, and/or joint venturers of each of the Defendants named herein and were at all times operating and acting within the purpose and scope of said agency, service, employment, partnership, enterprise, conspiracy, and/or joint venture, and each Defendant has ratified and approved the acts of each of the remaining Defendants. Each of the Defendants aided and abetted, encouraged, and rendered substantial assistance to the other Defendants in breaching their obligations to Plaintiffs, as alleged herein. In taking action to aid and abet and substantially assist the commission of these wrongful acts and other wrongdoings complained of, as alleged herein, each of the Defendants acted with an awareness of his/her/its primary wrongdoing and realized that his/her/its conduct would substantially assist the accomplishment of the wrongful conduct, wrongful goals, and wrongdoing.

IV. **FACTUAL BASIS FOR THE CLAIMS ASSERTED**

16. **LAURA** requested a ride from **UBER** at approximately 10:30 a.m. on April 6, 2017. **ALKURDI** picked her up in a gray 2009 Ford Escape (California license plate 5XGV558) and began driving her across San Francisco.

17. As **ALKURDI** drove **LAURA** through the MacArthur Tunnel in San Francisco, he turned his attention to his phone and away from the road.

1 18. **ALKURDI** suddenly slammed on his brakes to avoid hitting cars ahead of him.
2 The force of the stopping caused him to spin around, hit the car in front of him, hit the tunnel,
3 and stop facing the wrong way just outside the tunnel.

4 19. As **ALKURDI** spun, their car was hit by a white 2000 GMC Sierra Truck
5 (California license plate 6T77097) being driven by Defendant **BRODGEN**.

6 20. Defendant **ALKURDI** so negligently, wrongfully, recklessly, and/or unlawfully
7 operated his vehicle that Laura suffered injuries.

8 21. Defendant **UBER** failed to use due care in the hiring, supervision, selection,
9 and/or retention of **ALKURDI**. Defendant **UBER** knew or should have known that
10 **ALKURDI** was unfit and/or incompetent to safely operate his vehicle.

11 22. Defendant **BROGDEN** so negligently, wrongfully, recklessly, and/or unlawfully
12 operated his vehicle that **LAURA** suffered injuries.

13 23. Defendant **NU FOREST PRODUCTS** failed to use due care in the hiring,
14 supervision, selection, and/or retention of **BROGDEN**. Defendant **NU FOREST**
15 **PRODUCTS** knew or should have known that **BROGDEN** was unfit and/or incompetent to
16 safely operate his vehicle.

17 **V. CAUSES OF ACTION**

18 **FIRST CAUSE OF ACTION**
19 **(NEGLIGENCE)**

20 **(Against Defendants **ALKURDI** and **BROGDEN**; and **DOES 1-10**)**

21 24. Plaintiff **LAURA** hereby realleges and incorporates by reference each and every
22 allegation contained in the foregoing paragraphs as if fully set forth in detail herein.

23 25. Plaintiff **LAURA** is informed and believe, and thereon allege, that at the time of
24 the subject collision, Defendant **ALKURDI** negligently, carelessly, recklessly, and/or
25 unlawfully operated the gray 2009 Ford Escape (California license plate 5XGV558), so as to
26 cause the subject collision. As a direct and legal result of the wrongful acts and omissions of
27 Defendant **ALKURDI**, **LAURA** sustained considerable physical and mental injuries as a result
28 of the traffic accident.

1 26. Plaintiff **LAURA** is informed and believe, and thereon allege, that at the time of
2 the subject collision, Defendant **BROGDEN** negligently, carelessly, recklessly, and/or
3 unlawfully operated the white 2000 GMC Sierra Truck (California license plate 6T77097) so as
4 to cause the subject collision. As a direct and legal result of the wrongful acts and omissions of
5 Defendant **BROGDEN**, **LAURA** sustained considerable physical and mental injuries as a
6 result of the traffic accident.

7 27. At the time of the subject collision, Defendants **ALKURDI** and **BROGDEN**
8 were under a duty to comply with California Vehicle Code § 22350;

9 28. At the time of the subject collision, **ALKURDI** and **BROGDEN** were under a
10 duty to comply with California Vehicle Code § 21703;

11 29. At the time of the subject collision, Defendant **ALKURDI** was under a duty to
12 comply with California Vehicle Code §§ 23123 and 23123.5.

13 30. At the time of the subject collision, Defendants **ALKURDI** and **BROGDEN**
14 violated the above-referenced statutes when they caused the collision causing harm to Plaintiff
15 **LAURA**.

16 31. Plaintiff **LAURA** was among the class of persons for whose protection these
17 statutes were afforded.

18 32. As a direct and legal result of the wrongful conduct and/or omissions, and
19 statutory violations of Defendants **ALKURDI** and **BROGDEN**, Plaintiff **LAURA** was injured
20 in her health, strength, and activity, and sustained injuries to her body and mind, all of which
21 caused her great physical, mental, emotional, and nervous pain and suffering. Plaintiff
22 **LAURA** is informed and believes, and upon such information and belief alleges, that such
23 injuries have resulted in debilitating injuries, all to her general damages in amount according to
24 proof at trial.

25 33. As a further direct and legal result of the wrongful conduct and/or omissions of
26 Defendant **ALKURDI** and **BROGDEN**, Plaintiff **LAURA** was required to employ physicians
27 and other health care providers to examine, treat, and care for her injuries, and have had to
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1 incur medical and incidental expenses for such examination, treatment, rehabilitation, and care
2 in amount according to proof at trial.

3 **SECOND CAUSE OF ACTION**
4 **(NEGLIGENT ENTRUSTMENT)**
5 **(Against Defendants NU FOREST PRODUCTS; and DOES 1-10)**

6 34. Plaintiff LAURA hereby realleges and incorporates by reference each and every
7 allegation contained in the foregoing paragraphs as if fully set forth in detail herein.

8 35. On April 6, 2017, Defendant NU FOREST PRODUCTS and DOES 1-10
9 entrusted and/or permitted Defendant BROGDEN to drive a truck for which they were the
10 owner, bailor, lessor, and/or licensee (the white 2000 GMC Sierra Truck with California
11 license plate 6T77097).

12 36. At the time Defendant NU FOREST PRODUCTS and DOES 1-10 permitted
13 and/or entrusted Defendant BROGDEN to drive their truck, NU FOREST PRODUCTS and
14 DOES 1-10 knew or should have known, that Defendant BROGDEN was incompetent and/or
15 unfit to safely drive the vehicle.

16 37. At all times preceding the collision, Defendant BROGDEN's incompetence
17 and/or unfitness to drive was the legal cause of Plaintiff LAURA's injuries.

18 38. As a direct and legal result of the aforementioned acts of Defendants NU
19 FOREST PRODUCTS and DOES 1-10, and/or each of them, Plaintiff LAURA suffered the
20 damages hereinabove set forth.

21 **THIRD CAUSE OF ACTION**
22 **(NEGLIGENT HIRING, TRAINING AND SUPERVISION)**
23 **(Against Defendants UBER; RASIER, LLC; RASIER-CA, LLC; and DOES 11-20)**

24 39. Plaintiff LAURA hereby realleges and incorporates by reference each and every
25 allegation contained in the foregoing paragraphs as if fully set forth in detail herein.

26 40. At all times herein mentioned, Plaintiff LAURA had the expectation that she
27 would be safe and secure travelling in the MacArthur Tunnel in San Francisco.

28 41. At all times herein mentioned, Defendants UBER; RASIER, LLC; RASIER-
CA, LLC; and DOES 11-20 had a responsibility to properly identify, screen, select, train,

1 supervise, monitor, oversee, and/or evaluate its employees and/or independent contractors to
2 ensure the fitness of such individuals for employment in positions of transporting passengers in
3 vehicles.

4 42. At all times herein mentioned, Defendant **ALKURDI** was unfit to transport
5 passengers in his gray 2009 Ford Escape with California license plate 5XGV558 because he
6 did not have liability insurance to act as a rideshare driver – the job he was hired for – as
7 required by California State Law and/or the terms of Defendant **ALKURDI**'s hirer-
8 independent contractor relationship with **UBER**.

9 43. At all times herein mentioned, Defendants **UBER, RASIER, LLC, RASIER-**
10 **CA, LLC, and DOES 11–20**, and/or each of them, knew or should have known that Defendant
11 **ALKURDI** was unfit to operate 2009 Ford Escape with California license plate 5XGV558 as a
12 driver and that his unfitness created a particular risk of harm to all passengers who stepped into
13 the 2009 Ford Escape with California license plate 5XGV558, such as Plaintiff **LAURA**.

14 44. As a result of the unfitness of Defendants described herein, Plaintiff **LAURA**
15 was seriously injured due to the accident that Defendants **ALKURDI** and **BROGDEN** directly
16 caused.

17 45. As a direct and legal result of Defendants **UBER; RASIER, LLC; RASIER-**
18 **CA, LLC; and DOES 11–20's**, and/or each of their, failure to properly identify, screen, select,
19 train, supervise, monitor, oversee, and/or evaluate the fitness of Defendant **ALKURDI** as an
20 operator of the 2009 Ford Escape with California license plate 5XGV558, **PLAINTIFFS**
21 suffered the injuries and damages hereinabove set forth.

22 VI. **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiffs pray that this Court enter judgment in their favor on every
24 claim for relief set forth above and award them relief including, but not limited to, the
25 following:

- 26 1. For general damages in an amount according to proof at trial, and beyond the
27 jurisdictional minimum of this Court;
- 28 2. For economic losses, in an amount according to proof at trial;

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- 3. For interest upon any judgment entered as provided by law;
- 4. For medical and related expenses according to proof at trial;
- 5. For costs of suit incurred herein;
- 6. For such other and further relief as the Court may deem just and proper.

Dated: April 4, 2019

COTCHETT, PITRE & McCARTHY, LLP

By: 
DONALD J. MAGILLIGAN
Attorneys for Plaintiffs

VII. JURY DEMAND

Plaintiff **LAURA** demands trial by jury on all issues so triable.

Dated: April 4, 2019

COTCHETT, PITRE & McCARTHY, LLP

By: 
DONALD J. MAGILLIGAN
Attorneys for Plaintiffs