

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY: SIAMAK VAZIRI [SBN 242447] DAVID C. SHAY [SBN 241702] 9454 WILSHIRE BLVD., STE. 830 BEVERLY HILLS, CA 90212 (310) 777-7540		STATE BAR NUMBER 242447	Reserved for Clerk's File Stamp  <b>FILED</b> Superior Court of California County of Los Angeles  MAR 07 2017  Sherri R. Carter, Executive Officer/Clerk By <u>Raul Sanchez</u> Deputy
ATTORNEY FOR (Name):			
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>			
COURTHOUSE ADDRESS: Central District - 111 N. Hill St. Los Angeles, CA 90012			
PLAINTIFF: EDWARD GONZALEZ and MARITZA MALDONADO, individually as successors			
DEFENDANT: SHOOSHANI DEVELOPERS, LLC, Et. Al.			
<b>AMENDMENT TO COMPLAINT</b> (Fictitious /Incorrect Name)		CASE NUMBER: BC 600 771	<u>Dept 47</u>

☒ **FICTITIOUS NAME (No order required)**

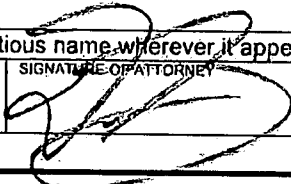
Upon the filing of the complaint, the plaintiff, being ignorant of the true name of the defendant and having designated the defendant in the complaint by the fictitious name of:

FICTITIOUS NAME DOE 2
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and having discovered the true name of the defendant to be:

TRUE NAME Farshid Shooshani AKA Joe Shooshani
--

amends the complaint by substituting the true name for the fictitious name wherever it appears in the complaint.

DATE 03/06/2017	TYPE OR PRINT NAME Farshid Shooshani	SIGNATURE OF ATTORNEY 
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☐ **INCORRECT NAME (Order required)**

The plaintiff, having designated a defendant in the complaint by the incorrect name of:

INCORRECT NAME
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and having discovered the true name of the defendant to be:

TRUE NAME
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amends the complaint by substituting the true name for the incorrect name wherever it appears in the complaint.

DATE	TYPE OR PRINT NAME	SIGNATURE OF ATTORNEY
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**ORDER**

THE COURT ORDERS the amendment approved and filed.

Dated \_\_\_\_\_

Judicial Officer \_\_\_\_\_

BY FAX

03/11/2017

SIAMAK VAZIRI, ESQ. [SBN 242447]  
MARK JOSEPH GIANNAMORE, ESQ. [SBN 125550]  
DAVID C. SHAY, ESQ. [SBN:241702]  
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**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

MAY 01 2017

Sherri R. Carter, Executive Officer/Clerk  
By Shamya Bolden, Deputy

Attorneys for Plaintiff, EDWARD GONZALEZ and MARITZA MALDONADO, individually  
and as successors and heirs of BRANDON GONZALEZ, deceased

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

EDWARD GONZALEZ and MARITZA  
MALDONADO, individually as successors  
and heirs of BRANDON GONZALEZ,  
deceased,

Plaintiff,

vs.

SHOOSHANI DEVELOPERS, LLC, a  
Delaware Limited Liability Company;  
BOBCO METALS, LLC, a California Limited  
Liability Company; BIGRENTZ, INC., dba  
BIGRENTZ.COM, a Delaware Corporation;  
MAKO EQUIPMENT, LLC, a California  
Limited Liability Company; CITY OF WEST  
HOLLYWOOD; , and DOES 1 through 50,  
inclusive,

Defendant(s).

CASE NO. BC 600771

[Assigned for all purposes to the Honorable  
Randolph M. Hammock / Dept. 47]

**SECOND AMENDED COMPLAINT FOR  
DAMAGES:**

- 1. NEGLIGENCE FOR SURVIVAL  
AND WRONGFUL DEATH**
- 2. GOVERNMENT LIABILITY  
UNDER GOVERNMENT CODE  
SECTIONS 815, 830 & 835 FOR  
SURVIVAL AND WRONGFUL  
DEATH**

- 3. STRICT PRODUCT LIABILITY**

*[Demand for Jury Trial]*

Complaint Filed: November 12, 2015

~~Trial Date: May 12, 2017~~

New Trial Date: July 2, 2018

COMES NOW, Plaintiffs EDWARD GONZALEZ and MARITZA MALDONADO,  
individually as successors and heirs of BRANDON GONZALEZ, deceased, Causes of Action  
against Defendants, and each of them, complain and allege as follows:

By Fax

**THE PARTIES**

1. Plaintiffs EDWARD GONZALEZ and MARITZA MALDONADO file this action individually and as successors in interest and heirs of BRANDON GONZALEZ, deceased. Plaintiff EDWARD GONZALEZ is the Father of the decedent. MARITZA MALDONADO is the Mother of decedent.
2. Plaintiffs are informed and believe and thereon allege that Defendant SHOOSHANI DEVELOPERS, LLC, ("SHOOSHANI") a Delaware Limited Liability Company registered with the California Secretary of State as a foreign LLC (Entity # 199909910095), conducting business in Los Angeles County with offices located at 9200 W. Sunset Blvd. Penthouse 9 West Hollywood, California 90069.
3. Plaintiffs are informed and believe and thereon allege that Defendant BOBCO METALS, LLC, ("BOBCO") a California Limited Liability Company (Entity # 199825910037), conducting business in Los Angeles County with offices located at 2000 S. Alameda St. Los Angeles, California 90058.
4. Plaintiffs are informed and believe and thereon allege that Defendant BIGRENTZ, INC., dba BIGRENTZ.COM, ("BIGRENTZ") a Delaware Corporation registered with the California Secretary of State as a foreign corporation (Entity # C3783548), conducting business in Los Angeles County with offices located at 1063 McGaw Ave., Suite 200 Irvine, California 92614.
5. Plaintiffs are informed and believe and thereon allege that Defendant MAKO EQUIPMENT, LLC, ("MAKO EQUIPMENT") a California Limited Liability Company (Entity # 200017110124), conducting business in Los Angeles County with offices located at 10859 S. Norwalk Blvd. Santa Fe Springs, California 90670.
6. Plaintiffs are informed and believe and thereon allege that Defendant CITY OF WEST HOLLYWOOD is a public entity, and at all times mentioned in this complaint, was and/or is located in the County of Los Angeles, State of California.
7. Plaintiffs are ignorant of the true names and capacities of defendants sued herein as DOES 1 through 50, inclusive, and therefore sue these defendants by such fictitious

1 names. Plaintiffs will amend this complaint to allege their true names and capacities  
2 when ascertained.

- 3 8. Plaintiffs are informed and believe and thereon allege that each of the fictitiously named  
4 defendants are negligently responsible in some manner for the occurrences alleged in  
5 this complaint, and Plaintiffs' injuries as alleged were proximately caused by  
6 defendants' negligence.

7 **THE COLLISION**

- 8 9. In the early morning hours of April 27, 2015, Plaintiffs' Decedent and son, former  
9 College of the Canyons student and Model U.N. Team member, Brandon Gonzalez  
10 ("Brandon"), was driving a Toyota Prius Eastbound on the 8400 block of Sunset  
11 Boulevard within the city limits of West Hollywood, California.  
12 10. On information and belief, at all times, Brandon was exercising due care and driving in a  
13 manner that a reasonably prudent driver would drive under the existing traffic  
14 conditions.  
15 11. Unbeknownst to Brandon, the OVERSIZED JLG LIFT was parked in a manner that a  
16 substantial portion of the OVERSIZED JLG LIFT was protruding onto one of two very  
17 narrow driving lanes on Sunset Boulevard.  
18 12. As set forth more fully below, Brandon would lose his life because of this unreasonable  
19 and unwarranted protrusion, for which *all* defendants had actual knowledge and *no*  
20 defendant would take any action to warn motorists of the impending danger.

21 **The OVERSIZED JLG LIFT – Which was 17 Times the Weight Permitted by Code –**

22 **Was Substantially Protruding Beyond the Parking Markers,**

23 **Effectively Turning the Two-Laned Roadway into a One-Lane Road.**

- 24 13. On information and belief, the protrusion was due to one or more factors – described  
25 more fully below -- that combined to create a dangerous and unwarranted and  
26 unexpected trap for an unwary motorist and that did in fact take Brandon's life.  
27 14. As a preliminary matter, the parking and particular positioning of the OVERSIZED JLG  
28 LIFT clearly violated the municipal code of the CITY OF WEST HOLLYWOOD.

- 1 15. More particularly, section 10.07.110 of the CITY OF WEST HOLLYWOOD'S  
2 Municipal Code prohibits the parking of vehicles such as the OVERSIZED JLG LIFT,  
3 which have a length in excess of 24 feet and have a manufacturer's load capacity greater  
4 than three quarters of a ton. Plaintiffs allege that the unlawfully parked JLG Lift well  
5 exceeded the 24 feet length maximum. The length of the Lift was in fact 35 feet 8  
6 inches.
- 7 16. Further, the manufacturer's machine weight specifications state the machine weight for  
8 the JLG 660SJ to be 26,650 lbs. After converting lbs. to tons (1 ton = 2,204.62 lbs.), the  
9 weight of the JLG Lift permitted to be unlawfully parked and left unattended on Sunset  
10 Boulevard at 4:00 a.m. on April 27, 2015 was 13.325 tons, over 17 times the maximum  
11 weight limit specified by the CITY OF WEST HOLLYWOOD'S Municipal Code.
- 12 17. In addition to the weight and length standards which the unlawfully parked  
13 OVERSIZED JLG LIFT exceeded, the lift width was far greater than the marked  
14 parking space within which the OVERSIZED JLG LIFT was left unlawfully parked.  
15 Photographs taken after the subject incident clearly show the OVERSIZED JLG LIFT  
16 substantially exceeding the parking space markings in violation of West Hollywood  
17 Municipal Code section 10.07020.
- 18 18. These factors alone created an unreasonable and unwarranted dangerous condition for  
19 motorists using the roadway, specifically including motorists like Brandon, who were  
20 exercising due care and had no reason to expect they would happen upon the  
21 OVERSIZED JLG LIFT protruding onto traffic lanes and effectively turning a two-lane  
22 roadway into a single lane.
- 23 19. This unreasonable danger was exacerbated by the fact that the lanes were particularly  
24 narrow at this stretch of Sunset Boulevard and by the fact that the OVERSIZED JLG  
25 LIFT was 17 times the weight limit permitted under the Municipal Code of the CITY  
26 OF WEST HOLLYWOOD.
- 27 20. Motorists driving low-to-the-ground passenger vehicles – such as the Toyota Prius  
28 driven by Brandon – were at a particular disadvantage as their view of the roadway  
ahead is blocked by vehicles directly in front. Such drivers – unlike drivers of higher

1 level vehicles such as SUVs and busses – would have no way of anticipating in advance  
2 that there was a significant obstruction ahead that would require such drivers to merge  
3 into the adjacent lane to avoid a collision with the OVERSIZED JLG LIFT.

4 21. Put simply, motorists in the number two lane were blind-sided by unexpectedly being  
5 forced to essentially “thread the needle” in an attempt to avoid either drifting into the  
6 number one lane – and possibly causing a collision with another vehicle in that lane -- or  
7 colliding into the OVERSIZED JLG LIFT.

8 22. The potential and actual consequences of this trap were extraordinary, given the  
9 excessive weight of the OVERSIZED JLG LIFT.

10 23. More particularly, while even a simple passenger vehicle protruding onto the overly  
11 narrow number two lane would pose an unreasonable danger – as such protrusion could  
12 cause a serious accident -- the protrusion of the OVERSIZED JLG LIFT all but  
13 guaranteed that such a collision would be catastrophic.

14 24. On information and belief, The OVERSIZED JLG LIFT may have been parked in a  
15 manner that was *not* flush to the curb, thereby further exacerbating the weight and other  
16 deviations from that permitted under the municipal code of the CITY OF WEST  
17 HOLLYWOOD.

18 **Despite the Presence of a CITY OF WEST HOLLYWOOD Traffic Officer**  
19 **at the Scene Prior to the Accident, the CITY OF WEST HOLLYWOOD Fails to**  
20 **Warn Motorists that the Stretch of Sunset Boulevard had Effectively Been Turned**  
21 **Into a One-Lane Roadway.**

22 25. Notably, prior to the accident that took Brandon’s life, a CITY OF WEST  
23 HOLLYWOOD traffic officer – Parking Enforcement Officer Osama Ghattas -- was on  
24 scene and had parked his vehicle directly across the street from the OVERSIZED JLG  
25 LIFT.

26 26. On information and belief, and as set forth more fully below, Officer Ghattas  
27 Officer Ghattas was at the scene for a sufficient time prior to the accident to observe the  
28 significantly protruding Oversized JLG LIFT, appreciate the danger, and warn motorists  
that the protrusion effectively turned the two-laned roadway into a single lane.

- 1 27. Put differently, Officer Ghattas had the last opportunity to warn of the danger posed by  
2 the protrusion of the OVERSIZED JLG Lift – which took Brandon’s life -- but failed to  
3 do so.
- 4 28. On the night of the accident that took Brandon’s life, Officer Ghattas was performing his  
5 scheduled patrols, specifically including but not limited to, monitoring the area for  
6 vehicles, both passenger and commercial, that might be parked or otherwise positioned  
7 in a roadway in a manner that created a dangerous condition for pedestrians and/or  
8 motorists.
- 9 29. Officer Ghattas, who was specifically trained in terms of parking rules and who had to  
10 have known the weight and other limitations set forth above, had to have appreciated the  
11 substantial danger posed by the protruding OVERSIZED JLG LIFT.
- 12 30. More particularly, Officer Ghattas visually observed both the lack of any warning signs  
13 as to the presence of the OVERSIZED JLG LIFT and the significant protrusion over the  
14 markings between the parking lane and the traffic lanes that effectively turned Sunset  
15 Boulevard into a one-lane roadway.
- 16 31. Officer Ghattas knew that this protrusion was especially dangerous given that the traffic  
17 lanes in this particular stretch of Sunset Boulevard were narrower than traffic lanes in  
18 other areas of Sunset Boulevard.
- 19 32. More particularly, Officer Ghattas had to have known that the narrowness of the lanes  
20 exacerbated the effect of a significant protrusion into the traffic lane as motorists could  
21 not stay within the lane markings without either colliding with a vehicle in the number  
22 one lane or colliding with the OVERSIZED JLG LIFT.
- 23 33. Officer Ghattas also must have been aware that the massive size and weight of the  
24 OVERSIZED JLG LIFT posed far more of a danger than the normal – albeit significant  
25 -- danger caused by a regular passenger vehicle protruding onto a roadway. Put simply,  
26 the massive weight and size all but guaranteed a catastrophic accident.
- 27 34. Under these circumstances – whereby Sunset Boulevard was effectively turned into a  
28 one-lane roadway – Officer Ghattas was under a duty to take reasonable precautions to  
warn unwary motorists of the trap.

1 35. Notably, there were no other vehicles parked in front of the OVERSIZED JLG LIFT.

2 This enabled Officer Ghattas to immediately position his vehicle in front of the  
3 OVERSIZED JLG LIFT and to turn on his hazard lights and reflectors to warn motorists  
4 that the two-laned roadway was merging into a single lane. Despite knowledge that this  
5 was the correct protocol under the circumstances, and despite easily having the time and  
6 means to move his vehicle, Officer Ghattas failed to do so.

7 36. There were other simple means by which Officer Ghattas could have warned motorists  
8 that this stretch of Sunset Boulevard had effectively been narrowed to a single traffic  
9 lane. These means are the very same means that typically are employed whenever there  
10 is an unexpected obstruction of a roadway, for example, when there is a traffic accident  
11 obstructing one or more lanes.

12 37. For example, Officer Ghattas could have followed the usual protocol put in place  
13 whenever there is a lane blockage, namely, indicating the need for motorists to merge  
14 lanes by using cones, flares, or other means of capturing the attention of oncoming  
15 motorists and alerting such motorists to the impending danger.

16 38. As noted above, Officer Ghattas was at the scene for a sufficient time prior to the  
17 accident to both notice the OVERSIZED JLG LIFT and appreciate the unique and  
18 significant danger, but Officer Ghattas failed to do so. As also set forth below, Officer  
19 Ghattas negligent acts was a proximate cause of Brandon's death.

20 **Due to the Combined Negligence of the CITY of WEST HOLLYWOOD and the**  
21 **Other Defendants, Brandon Loses His Life in a Catastrophic Accident**

22 39. As noted above, it cannot be disputed that the CITY OF WEST HOLLYWOOD had  
23 actual knowledge of the protruding OVERSIZED JLG LIFT that effectively transformed  
24 Sunset Boulevard from a two-laned roadway into a one-lane roadway.

25 40. Nor would appear disputed that Defendants SHOOSHANI, BOBCO METALS,  
26 BIGRENTZ, and MAKO was well aware that the OVERSIZED JLG LIFT was  
27 substantially protruding into the traffic lane – and that no warnings were placed – as  
28 these Defendants actually parked the OVERSIZED JLG LIFT in the protruding position  
on Sunset Boulevard.



1 41. It also is alleged that the OVERSIZED JLG LIFT may not have been parked flush with  
2 the curb, thereby further exacerbating the danger posed to unwary motorists.

3 42. Defendants' negligence culminated in a horrific accident that took Brandon's life.

4 43. More particularly, Brandon's vehicle – a simple Toyota Prius – was no match for the  
5 negligently parked and protruding OVERSIZED JLG LIFT which was encroaching into  
6 the number two lane of Eastbound Sunset Blvd.

7 44. The impact was devastating and illustrates the particular danger posed by protrusion of  
8 the OVERSIZED JLG LIFT, which was 17 times the maximum weight limit mandated  
9 by the Municipal Code of CITY OF WEST HOLLYWOOD.

10 45. More particularly, as a direct and proximate result of such collision and violent impact  
11 with the negligently and unlawfully parked OVERSIZED JLG LIFT, Brandon's vehicle  
12 was demolished and burst into flames shortly after the collision.

13 46. Sadly, Brandon suffered severe internal injuries, which resulted in Brandon's untimely  
14 demise within hours subsequent to the subject horrific collision with the protruding  
15 OVERSIZED JLG LIFT.

16 **ADDITIONAL GENERAL CHARGING ALLEGATIONS PERTAINING**  
17 **TO ALL DEFENDANTS**

18 47. As a direct and proximate result of the negligence, carelessness and violation of the law  
19 by Defendants, and each of them, Plaintiffs' Decedent, Brandon Gonzalez suffered  
20 devastating abdominal and internal injuries, and he perished as a direct and proximate  
21 result of the injuries sustained in the collision and impact with the OVERSIZED JLG  
22 LIFT. More particularly, Plaintiffs' Decedent, Brandon Gonzalez died on April 27,  
23 2015 at 6:52 a.m.

24 48. As a direct consequence and result of the crash and the matters herein alleged, Plaintiffs'  
25 Decedent Brandon Gonzalez – who had exercised due care prior to the incident -- was  
26 forced to endure severe mental and physical anguish and fear of impending death.

27 49. Plaintiffs are informed and believe and thereon allege that Defendants SHOOSHANI,  
28 BOBCO METALS, BIGRENTZ, and MAKO EQUIPMENT, LLC were the owners,

1 operators, lessors, lessees, renters, suppliers, controllers, users and/or drivers of the  
2 OVERSIZED JLG LIFT, which carried the Model number: 660SJ.

3 50. In conjunction with the CITY of WEST HOLLYWOOD, Defendants SHOOSHANI,  
4 BOBCO METALS, BIGRENTZ, and MAKO EQUIPMENT, unlawfully parked, or  
5 caused to be unlawfully parked said OVERSIZED JLG LIFT, thereby proximately  
6 causing Brandon's death.

7 51. In conjunction with the CITY of WEST HOLLYWOOD, Defendants SHOOSHANI,  
8 BOBCO METALS, BIGRENTZ, and MAKO EQUIPMENT left said OVERSIZED  
9 JLG LIFT unattended and dangerously encroaching on the road way of the Eastbound  
10 number two lane of the 8400 block of Sunset Blvd, creating a dangerous condition and  
11 hazard on a highly traveled public street, Sunset Boulevard. More particularly, the  
12 unlawfully parked JLG Lift was negligently parked and permitted to be parked on the  
13 South curb of the 8400 block of Sunset Boulevard, approximately 132 feet West of  
14 Kings Road.

15 52. In conjunction with the CITY of WEST HOLLYWOOD, Defendants SHOOSHANI,  
16 BOBCO METALS, BIGRENTZ, and MAKO EQUIPMENT owned, leased, caused to  
17 be leased and/or otherwise controlled the subject OVERSIZED JLG LIFT resulting in  
18 the OVERSIZED JLG LIFT being dangerously parked on Sunset Boulevard and left  
19 unattended, unsupervised and without warnings on April 27, 2015.

20 53. As explained extensively above, Officer Ghattas had parked his vehicle -- issued by the  
21 CITY OF WEST HOLLYWOOD -- across the street from the incident scene in  
22 sufficient time prior to the incident to warn motorists of the danger, but failed to do so.  
23 This omission was despite the fact that it would be normal protocol for a CITY OF  
24 WEST HOLLYWOOD officer to warn motorists whenever a two-laned roadway has  
25 effectively been turned into a single lane because of a roadway obstruction.

26 54. Accordingly, Officer Ghattas had the last opportunity to prevent the horrific accident  
27 that took Brandon's life. This negligence, as well as the negligence of the other  
28 defendants, proximately caused Plaintiffs' injuries.

**FIRST CAUSE OF ACTION**

**NEGLIGENCE/ SURVIVAL AND WRONGFUL DEATH**

**[Against Defendants SHOOSHANI; BOBCO METALS; BIGRENTZ; MAKO  
EQUIPMENT; and DOES 1 through 50, Inclusive]**

55. Plaintiffs incorporate by reference and allege each and every allegation contained in paragraphs 1 through 54.

56. Plaintiffs are informed and believe and thereon allege that Defendants SHOOSHANI, BOBCO METALS, BIGRENTZ, and MAKO EQUIPMENT, and Does, were the owners, operators, lessors, lessees, renters, suppliers, controllers, users and/or drivers of the OVERSIZED JLG LIFT, Model 660SJ. These defendants unlawfully parked, or caused to be unlawfully parked said OVERSIZED JLG LIFT.

57. These defendants also left said OVERSIZED JLG LIFT unattended and encroaching on the road way of the Eastbound number two lane of the 8400 block of Sunset Blvd, creating a dangerous condition and hazard on the public street, Sunset Blvd.

58. These defendants negligently parked the OVERSIZED JLG LIFT on Sunset Blvd. creating a dangerous condition and hazard, which they knew or should have known could cause harm to the general public exercising due care and driving on Sunset Boulevard.

59. These defendants further negligently failed to ensure that the OVERSIZED JLG Lift was parked within the parking space markings and not encroaching on the roadway. Defendants violated West Hollywood Municipal Code Sections 10.07.020 and 10.07.110.

60. In the early morning hours of April 27, 2015, Plaintiffs' Decedent and son, former College of the Canyons student and Model U.N. Team member, Brandon Gonzalez, was driving Eastbound on the 8400 block of Sunset Boulevard within the city limits of West Hollywood, California.

61. Plaintiffs' Decedent, Brandon Gonzalez's vehicle struck the negligently parked OVERSIZED JLG LIFT which was encroaching into the number two lane of Eastbound Sunset Blvd. The unlawfully parked OVERSIZED JLG LIFT was negligently parked

1 and permitted to be parked on the South curb of the 8400 block of Sunset Boulevard,  
2 approximately 132 feet West of Kings Road.

3 62. As a direct and proximate result of such collision and violent impact with the unlawfully  
4 parked OVERSIZED JLG LIFT, Plaintiffs' Decedent's vehicle was demolished and  
5 decedent suffered severe internal injuries, which resulted in Plaintiffs' Decedent's  
6 untimely demise within hours subsequent to the subject horrific collision with  
7 Defendants' negligently parked OVERSIZED JLG LIFT.

8 63. As a direct and proximate result of the negligence, carelessness and violation of the law  
9 by Defendants, and each of them, Plaintiffs' Decedent, Brandon Gonzalez, suffered  
10 devastating abdominal and internal injuries, and he perished as a direct and proximate  
11 result of the injuries sustained in the collision and impact with Defendants'  
12 OVERSIZED JLG LIFT.

13 64. Plaintiffs' Decedent, Brandon Gonzalez died on April 27, 2015 at 6:52 a.m.

14 65. As a direct consequence and result of the crash and the matters herein alleged, Plaintiffs'  
15 Decedent was forced to endure severe mental and physical anguish and fear of impending  
16 death, and he ultimately suffered severe physical injuries which caused his death.

17 66. As a result of the foregoing, Plaintiffs, as the sole heirs of Brandon Gonzalez, and his  
18 successors n interest, hereby assert a survivor's claim on behalf of Decedent Brandon  
19 Gonzalez, deceased, pursuant to California *Code of Civil Procedure* Sections 377.10,  
20 377.20, 377.30, *et seq.*, and based upon all other applicable statutes and case law, and  
21 succeed to causes of action that might have been brought by Brandon Gonzalez,  
22 deceased. Plaintiffs have or will file a declaration under penalty of perjury as required  
23 by *Code of Civil Procedure* Section 377.32.

24 67. By reason of the subject incident, Plaintiffs' Decedent, Brandon Gonzalez, was  
25 compelled to and did employ the services of paramedics, hospitals, surgeons, physicians,  
26 nurses and other health care providers, for medical treatment and care, and did incur  
27 medical expenses prior to his death, in a sum according to proof at trial. The exact  
28 amount of such losses to be stated according to proof, pursuant to *California Code of*  
*Civil Procedure* § 425.10.

1 68. As a result of the foregoing, Plaintiffs have sustained and are entitled to recover  
2 compensatory damages, pursuant to California *Code of Civil Procedure* Section 377.60  
3 *et seq.* and based upon all other applicable statutes and case law, including but not  
4 limited to pecuniary losses, losses of support, services, property losses, love, care,  
5 comfort, society, solace, moral support, guidance, prospective inheritance, emotional  
6 distress, grief and sorrow. Further, Plaintiffs are entitled to compensation for their  
7 Decedent's mental and physical pain and suffering, burial and funeral expenses and  
8 other damages.

9 69. As a direct result of the negligent and careless conduct of Defendants, and each of them,  
10 Plaintiffs' Decedent, Brandon Gonzalez, suffered injuries that proved to be fatal.  
11 Plaintiffs suffered damages, and Defendants are liable to Plaintiffs for damages, in an  
12 amount which will be stated according to proof, pursuant to *California Code of Civil*  
13 *Procedure* § 425.10, which amount is in excess of the jurisdictional limits.

14 70. Plaintiffs have been deprived of the support that Brandon would have contributed to his  
15 family and estate during his lifetime, and the gifts and benefits that he would have  
16 bestowed upon them and that they reasonably expected to receive from him.

17 71. Plaintiffs have therefor been damaged in amounts to be proven at the time of trial.

18 72. As a result of the foregoing, Plaintiffs have sustained and are entitled to recover  
19 compensatory damages from Defendant, including but not limited to pecuniary losses,  
20 losses of support, services, property losses, love, care comfort, society, solace, moral  
21 support, emotional distress, grief and sorrow. Further Plaintiffs are entitled to  
22 compensation for their decedent's mental and physical pain and suffering, burial and  
23 funeral expenses and other damages.

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25 ///

26 ///

27 ///

28 ///

1                                   **SECOND CAUSE OF ACTION**

2       **GOVERNMENT LIABILITY: GOVERNMENT CODE §§ 815, 830 and 835 et seq.**

3                                   **SURVIVAL AND WRONGFUL DEATH**

4       **[Against Defendant CITY OF WEST HOLLYWOOD and DOES 25 through 50,**  
5                                   **Inclusive]**

6       73. Plaintiffs incorporate by reference and allege each and every allegation contained in  
7       paragraphs 1 through 72.

8                                   **PLAINTIFFS' GENERAL ALLEGATIONS AGAINST THE CITY OF WEST**  
9                                   **HOLLYWOOD INCLUDING PLAINTIFF'S TIMELY COMPLIANCE WITH**  
10                                  **THE CLAIM FOR DAMAGES STATUTORY REQUIREMENT**

11       74. Based on information and belief, Plaintiff alleges that the street where the subject  
12       incident occurred was owned, operated, maintained and controlled by the CITY OF  
13       WEST HOLLYWOOD.

14       75. Plaintiffs are further informed and believe and based thereon generally allege that at all  
15       times herein mentioned, the street at issue in this lawsuit was dangerous, defective and  
16       unsafe in ways which include but are not limited to the following:

- 17       • Defendants knowingly allowed or permitted the OVERSIZED JLG LIFT to park on  
18       Sunset Blvd. subjecting Plaintiff and the general public to serious bodily injury and  
19       related damages;
- 20       • Defendants failed to warn Decedent and the general public of the dangerous  
21       condition presented by the unlawfully parked OVERSIZED JLG LIFT and the  
22       immediate risk of bodily injury, which such unlawfully parked vehicle posed to  
23       Decedent and the general public;
- 24       • Defendants failed to inspect, maintain and correct the dangerous condition posed by  
25       the unlawfully parked JLG Lift.

26       76. Plaintiffs are further informed and believe and based thereon allege that under  
27       *California Government Code sections 815.2, 815.6, 830, 835, et seq.*, the CITY OF  
28       WEST HOLLYWOOD and DOES 25 through 50, inclusive, are public entities, or  
      employees of public entities liable for injury caused by a dangerous condition of public

1 property created by permitting or failing to prevent the OVERSIZED JLG LIFT from  
2 being parked on Sunset Boulevard.

3 77. The CITY OF WEST HOLLYWOOD assumed a *mandatory duty* by enacting West  
4 Hollywood Municipal Code sections 10.07.110 and 10.07020. West Hollywood  
5 Municipal Code sections 10.07.110 and 10.07020 were enacted to prevent the particular  
6 kind of injury which Plaintiffs' decedent and Plaintiffs suffered. Permitting or failing to  
7 prevent the JLG Lift from parking on Sunset Blvd. was unreasonable and a violation of  
8 Defendant CITY OF WEST HOLLYWOOD'S assumed mandatory duty.

9 78. Plaintiffs are further informed and believe and based thereon allege that under  
10 *California Government Code sections 815.2, 815.6, 830, 835, et seq.*, Defendant City  
11 and DOES 25 through 50, inclusive, are public entities, or employees of public entities  
12 liable for injury caused by a dangerous condition of public property created by  
13 permitting or failing to prevent the JLG Lift from being parked on Sunset Blvd.  
14 Defendant City assumed a *mandatory duty* by enacting West Hollywood Municipal  
15 Code sections 10.07.110 and 10.07020. West Hollywood Municipal Code sections  
16 10.07.110 and 10.07020 were enacted to prevent the particular kind of injury which  
17 Plaintiffs' decedent and Plaintiffs suffered. Permitting or failing to prevent the JLG Lift  
18 from parking on Sunset Blvd. was unreasonable and a violation of Defendant City's  
19 assumed mandatory duty.

20 79. Plaintiffs are further informed and believe and based thereon allege that either a  
21 negligent or wrongful act or omission of an employee, contractors, sub-contractors of  
22 Defendant CITY and DOES 25 through 50, inclusive, within the scope of their  
23 employment, or contractual obligations on behalf of Defendants created the dangerous  
24 condition, as herein stated, or, that Defendant City and DOES 25 through 50, inclusive,  
25 had actual or constructive notice of said dangerous condition under *Section 835.2* a  
26 sufficient time prior to Plaintiff's injury to have taken measures to protect against the  
27 dangerous condition.  
28

1 80. On or after the accident Plaintiffs timely filed a *Claim for Damages* with Defendant  
2 City in this matter. A true and correct copy of the Claim for Damages are attached  
3 hereto as **EXHIBIT 1**, and made a part hereof. This Complaint is timely filed.

4 **PLAINTIFFS' MULTIPLE AND /OR ALTERNATIVE THEORIES OF**  
5 **LIABILITY AGAINST CITY OF WEST HOLLYWOOD BASED**  
6 **UPON BOTH NEGLIGENCE AND NOTICE.**

7 81. As set forth below, and also factually explained in part above, Plaintiffs allege that the  
8 CITY OF WEST HOLLYWOOD is accountable to Plaintiffs under multiple and/or  
9 alternative theories of liability.

10 82. Plaintiffs' primary theory of liability is simple and based upon the "notice" provision of  
11 Section 835 (b).

12 83. Put simply, this theory of liability is no different than the usual theory of liability that  
13 would exist when a public entity has notice of a major obstruction in a roadway, *e.g.*, a  
14 fallen tree, but fails to warn motorists of the danger. Case law is clear that knowledge of  
15 and failure to warn of such an obstruction does *not* fall within the immunity for failing to  
16 provide signals under Section 830.8. This is because failure to warn under such  
17 circumstances constitutes a "trap" to unwary motorists.

18 84. As alleged above, Officer Ghattas was present at the scene *prior* to the incident,  
19 appreciated the danger in sufficient time to warn motorists that the two-laned portion of  
20 Sunset Boulevard had been effectively turned into a single lane, and failed to follow  
21 usual protocol to warn motorists of the danger. Accordingly, unwary motorists  
22 exercising due care -- such as Plaintiff-decedent Brandon Gonzales -- were exposed to an  
23 unreasonable and unnecessary trap, ultimately resulting in Brandon's death.

24 85. This is the classic basis for liability under Government Code sections 835 and there is *no*  
25 basis for the CITY OF WEST HOLLYWOOD to claim immunity under any other  
26 statute.

27 86. Alternately or additionally, as also set forth below, Plaintiffs allege that the CITY OF  
28 WEST HOLLYWOOD is liable under the "negligence" provision of Section 835 (a),  
which imposes liability when, as alleged here, a public entity has a direct hand in



1 creating a dangerous roadway condition and the public liability is not subject to  
2 immunity based upon any other statutory provision. Even assuming the CITY OF  
3 WEST HOLLYWOOD could negate liability under this theory at trial, this does *not*  
4 displace the straight-forward liability under Section 835(b) for Officer Ghattas'  
5 knowledge and ability but failure to warn motorists of the imminent danger.

6 **Liability Under Section 835 (b) Based Upon Officer Ghattas' Knowledge and**  
7 **Ability But Failure to Warn of the Protruding OVERSIZED JLG LIFT that**  
8 **Effectively Transformed Sunset Boulevard into a One-Laned Roadway.**

9 87. As set forth above, and incorporated herein and repeated for convenience, Officer  
10 Ghattas had knowledge of but failed to follow prudent protocol regarding the protrusion  
11 of the OVERSIZED JLG LIFT onto the second lane, thereby effectively turning a two-  
12 laned roadway into a single lane.

13 88. More particularly, prior to the accident that took Brandon's life, a CITY OF WEST  
14 HOLLYWOOD traffic officer -- Parking Enforcement Officer Osama Ghattas -- was on  
15 scene and had parked his vehicle directly across the street from the OVERSIZED JLG  
16 LIFT.

17 89. On information and belief, The OVERSIZED JLG LIFT may have been parked in a  
18 manner that was *not* flush to the curb, thereby further exacerbating the weight and other  
19 deviations from that permitted under the municipal code of the CITY OF WEST  
20 HOLLYWOOD.

21 90. As alleged above the protrusion of the OVERSIZED JLG LIFT created an unreasonable  
22 and unwarranted dangerous condition for motorists using the roadway, specifically  
23 including motorists like Brandon, who were exercising due care and had no reason to  
24 expect they would happen upon the OVERSIZED JLG LIFT protruding onto traffic  
25 lanes and effectively turning a two-lane roadway into a single lane.

26 91. This unreasonable danger was exacerbated by the fact that the lanes were particularly  
27 narrow at this stretch of Sunset Boulevard and by the fact that the OVERSIZED JLG  
28 LIFT was 17 times the weight limit permitted under the Municipal Code of the CITY  
OF WEST HOLLYWOOD.

- 1 92. Motorists driving low-to-the-ground passenger vehicles – such as the Toyota Prius  
2 driven by Brandon – were at a particular disadvantage as their view of the roadway  
3 ahead is blocked by vehicles directly in front. Such drivers – unlike drivers of higher  
4 level vehicles such as SUVs and busses – would have no way of anticipating in advance  
5 that there was a significant obstruction ahead that would require such drivers to merge  
6 into the adjacent lane to avoid a collision with the OVERSIZED JLG LIFT.
- 7 93. Put simply, motorists in the number two lane were blind-sided by unexpectedly being  
8 forced to essentially “thread the needle” in an attempt to avoid either drifting into the  
9 number one lane – and possibly causing a collision with another vehicle in that lane -- or  
10 colliding into the OVERSIZED JLG LIFT.
- 11 94. The potential and actual consequences of this trap were extraordinary, given the  
12 excessive weight of the OVERSIZED JLG LIFT.
- 13 95. More particularly, while even a simple passenger vehicle protruding onto the overly  
14 narrow number two lane would pose an unreasonable danger – as such protrusion could  
15 cause a serious accident – the protrusion of the OVERSIZED JLG LIFT all but  
16 guaranteed that such a collision would be catastrophic.
- 17 96. On information and belief, and as set forth more fully below, Officer Ghattas Officer  
18 Ghattas was at the scene for a sufficient time prior to the accident to both observe the  
19 significantly protruding Oversized JLG LIFT, appreciate the danger, and warn motorists  
20 that the protrusion effectively turned the two-laned roadway into a single lane.
- 21 97. Put differently, Officer Ghattas had the last opportunity to warn of the danger posed by  
22 the protrusion of the OVERSIZED JLG Lift – which took Brandon’s life -- but failed to  
23 do so.
- 24 98. On the night of the accident that took Brandon’s life, Officer Ghattas was performing his  
25 scheduled patrols, specifically including but not limited to, monitoring the area for  
26 vehicles, both passenger and commercial, that might be parked or otherwise positioned  
27 in a roadway in a manner that created a dangerous condition for pedestrians and/or  
28 motorists.

- 1 99. Officer Ghattas, who was specifically trained in terms of parking rules and who had to  
2 have known the weight and other limitations set forth above, had to have appreciated the  
3 substantial danger posed by the protruding OVERSIZED JLG LIFT.
- 4 100. More particularly, Officer Ghattas visually observed both the lack of any warning signs  
5 as to the presence of the OVERSIZED JLG LIFT and the significant protrusion over the  
6 markings between the parking lane and the traffic lanes that effectively turned Sunset  
7 Boulevard into a one-lane roadway.
- 8 101. Officer Ghattas knew that this protrusion was especially dangerous given that the traffic  
9 lanes in this particular stretch of Sunset Boulevard were narrower than traffic lanes in  
10 other areas of Sunset Boulevard.
- 11 102. More particularly, Officer Ghattas had to have known that the narrowness of the lanes  
12 exacerbated the effect of a significant protrusion into the traffic lane as motorists could  
13 not stay within the lane markings without either colliding with a vehicle in the number  
14 one lane or colliding with the OVERSIZED JLG LIFT.
- 15 103. Officer Ghattas also must have been aware that the massive size and weight of the  
16 OVERSIZED JLG LIFT posed far more of a danger than the normal – albeit significant  
17 -- danger caused by a regular passenger vehicle protruding onto a roadway. Put simply,  
18 the massive weight and size all but guaranteed a catastrophic accident.
- 19 104. Under these circumstances – whereby Sunset Boulevard was effectively turned into a  
20 one-lane roadway – Officer Ghattas was under a duty to take reasonable precautions to  
21 warn unwary motorists of the trap.
- 22 105. Notably, there were no other vehicles parked in front of the OVERSIZED JLG LIFT.  
23 This enabled Officer Ghattas to immediately position his vehicle in front of the  
24 OVERSIZED JLG LIFT and to turn on his hazard lights and reflectors to warn motorists  
25 that the two-laned roadway was merging into a single lane. Despite knowledge that this  
26 was the correct protocol under the circumstances, and despite easily having the time and  
27 means to move his vehicle, Officer Ghattas failed to do so.
- 28 106. There were other simple means by which Officer Ghattas could have warned motorists  
that this stretch of Sunset Boulevard had effectively been narrowed to a single traffic

lane. These means are the very same means that typically are employed whenever there is an unexpected obstruction of a roadway, for example, when there is a traffic accident obstructing one or more lanes.

107. For example, Officer Ghattas could have followed the usual protocol put in place whenever there is a lane blockage, namely, indicting the need for motorists to merge lanes by using cones, flares, or other means of capturing the attention of oncoming motorists and alerting such motorists to the impending danger.

108. As noted above, Officer Ghattas was at the scene for a sufficient time prior to the accident to both notice the OVERSIZED JLG LIFT and appreciate the unique and significant danger, but Officer Ghattas failed to do so. As also alleged and repeated below, Officer Ghattas negligent acts was a proximate cause of Brandon's death.

109. There also is an additional and /or independent basis to find the CITY OF WEST HOLLYWOOD liable for creating the hazardous condition that took Brandon's life.

**Plaintiffs' Additional and/or Independent Basis for Liability Under Section 835 (a):**  
**City of West Hollywood Had a Hand in the Creation of the Dangerous Condition**

110. Plaintiffs incorporate by reference and allege each and every allegation contained in paragraphs 1 through 109.

111. Statutory and case law is clear that a public entity can be found liable under Section 835 (a) for having a hand in directly *creating* a dangerous condition of the roadway, absent a finding that the public entity is otherwise statutorily immune from liability.

112. In its demurrer to Plaintiffs' original filed complaint, the CITY OF WEST HOLLYWOOD contended that it issued a permit that allowed the parking of the OVERSIZED JLG LIFT on the highly-traveled yet narrow stretch of Sunset Boulevard where Brandon suffered his fatal injuries.

113. Assuming the truth of that assertion, Plaintiffs allege that this potentially gives rise to a separate and independent basis for liability under Government Code section 835 (a).

114. More specifically, Plaintiffs allege that if the CITY OF WEST HOLLYWOOD issued a permit that allowed the other defendants to park the OVERSIZED JLG LIFT – which was bigger, longer, and wider than that allowed under the CITY OF WEST

HOLLYWOOD'S Municipal code, including being 17 times the maximum allowed weight – this squarely renders CITY OF WEST HOLLYWOOD potentially liable for its direct hand in the creation of the dangerous condition that caused Brandon's death.

115. Put differently, CITY OF WEST HOLLYWOOD is potentially directly liable for creating the circumstances by which the other defendants negligently positioned the OVERSIZED JLG LIFT in a manner that effectively turned a two-laned roadway into a single lane.

116. Case law also is clear that said liability is *not* automatically negated by the immunity afforded under section 818.4 for issuance / non-issuance of a permit. This is because that section only extends immunity when the issuance of a permit does not – in and of itself – necessarily *create* an unreasonably dangerous condition.

117. On information and belief, Plaintiffs allege that the issuance of the permit may have been done in such a reckless and negligent manner that the immunity of section 818.4 does not apply.

118. Existing known facts supporting this independent theory of liability include that the OVERSIZED JLG LIFT greatly exceeded the permissible provisions of the CITY OF WEST HOLLYWOOD'S Municipal Code, specifically including being 17 times the permissible weight.

119. Other existing facts supporting this theory include that Shooshani is a repeat and principle player in terms of development in the CITY OF WEST HOLLYWOOD, giving rise to the inference that CITY OF WEST HOLLYWOOD may have deliberately and/or recklessly and negligently skirted its obligations in terms of reviewing the permit application for the exact purpose of currying favor with Shooshani and other construction entities, such as the remaining defendants, by incentivizing such entities to continue to further do business within the CITY OF WEST HOLLYWOOD.

120. On information and belief, the CITY OF WEST HOLLYWOOD was well aware that its actions had the intended and /or actual consequence and effect of encouraging and facilitating developers and other players in the construction business to violate city ordinances and forego warning motorists of roadway dangers.

1 121. Put differently, the actions of the CITY OF WEST HOLLYWOOD emboldened  
2 developers and other construction entities – such as the remaining defendants – to  
3 improperly seek permits to park vehicles in locations within the CITY OF WEST  
4 HOLLYWOOD that ultimately would – and did – result in the death of a motorist  
5 exercising due care.

6 122. But for the reckless and repeated acts of the CITY OF WEST HOLLYWOOD that  
7 resulted in flagrant city-approved violations of common sense city ordinances, such  
8 developers and construction entities – including the defendants in this action -- would  
9 have applied for permits that may have been less convenient but did *not* endanger the  
10 public.

11 123. For example, but for the signaled willingness of the CITY OF WEST HOLLYWOOD to  
12 issue permits that would allow parking the OVERSIZED JLG LIFT on a particularly  
13 narrow stretch of a busy Sunset Boulevard, the other defendants may have sought a  
14 more conventional and reasonable permitted location to park the OVERSIZED JLG  
15 LIFT, such as a location that was *not* on a busy street or a location that did not  
16 effectively turn a busy two-laned roadway into a single lane.

17 124. On information and belief, the CITY OF WEST HOLLYWOOD'S reckless and  
18 negligent conduct may have further emboldened developers and construction entities –  
19 specifically including the defendants named in this action – to not even bother to ensure  
20 that excessively large equipment – such as the OVERSIZED JLG LIFT was parked  
21 flush to the curb -- and/or to place warnings to ensure that motorists are aware of the  
22 imminent danger.

23 125. The CITY OF WEST HOLLYWOOD'S reckless and repeated condoning of such acts  
24 therefore combined with the remaining defendants' negligence and substantially  
25 contributed to the dangerous condition of the roadway that essentially was a trap for  
26 unwary motorists.

27 126. The CITY OF WEST HOLLYWOOD'S direct hand in creating the dangerous roadway  
28 condition is *not* negated by the immunity afforded under Section 818.4 pertaining to the

1 discretion employed by city official in the issuance of a permit. Case law is clear that a  
2 public entity has *no* discretion to *create* a dangerous roadway condition.

3 127. Moreover, the creation of this dangerous condition was *not* due simply to the purported  
4 issuance of the permit, but also due to the CITY OF WEST HOLLYWOOD'S repeated  
5 encouragement of and acquiescence to improper requests by developers and other  
6 construction entities to seek permits for parking excessively large equipment – such as  
7 the OVERSIZED JLG LIFT – in areas where the parking of such equipment, especially  
8 when coupled with the consequent failure to warn, necessarily created a hazardous and  
9 unwarranted trap for unwary motorists.

10 128. The CITY OF WEST HOLLYWOOD'S conduct in creating this reckless disregard for  
11 safety also negates a finding of immunity under Section 818.2, which provides that a  
12 public entity is not liable for failure to enforce its laws.

13 129. Put simply, Plaintiffs have alleged much more than that the CITY OF WEST  
14 HOLLYWOOD has simply failed to enforce or follow its own laws. The CITY OF  
15 WEST HOLLYWOOD has repeatedly and actively condoned and encouraged other  
16 entities – such as the defendants in this case – to park oversized equipment in  
17 outrageously dangerous locations without even taking the precaution of warning  
18 motorists of the impending danger. On information and belief, the CITY OF WEST  
19 HOLLYWOOD has done so for the exact purpose of encouraging developers and other  
20 construction entities – including repeat players like Shooshani and the other defendants  
21 named in this action – to do more business within the CITY OF WEST HOLLYWOOD.

22 130. Additionally, even assuming the CITY OF WEST HOLLYWOOD could defeat a  
23 finding of liability under Government Code section 835 (a) at trial, this does *not* absolve  
24 CITY OF WEST HOLLYWOOD of liability under 835 (b).

25 131. As noted above, that very simple and straight-forward liability renders the CITY OF  
26 WEST HOLLYWOOD accountable for Officer Ghattas' knowledge of the existing  
27 dangerous condition that effectively turned Sunset Boulevard into a one-lane roadway  
28 and Officer Ghattas' consequent ability to – but failure – to warn motorists of the  
impending danger.

**ADDITIONAL GENERAL CHARGING ALLEGATIONS AGAINST CITY OF  
WEST HOLLYWOOD**

132. Plaintiffs incorporate by reference and allege each and every allegation contained in paragraphs 1 through 131.

133. As alleged more fully above, the unlawfully parked OVERSIZED JLG LIFT constituted a dangerous condition, for which Defendants' employees owed a duty of due care to protect the public. Through Officer Ghattas, the CITY OF WEST HOLLYWOOD had *actual knowledge* that the JLG Lift had been unlawfully parked on the street in violation of West Hollywood Municipal Code, specifically including that the OVERSIZED JLG LIFT may not have been parked flush to the curb.

134. Defendants negligently failed to either remove the unlawfully parked OVERSIZED JLG LIFT, which may not have been parked flush to the curb, or to otherwise warn Decedent of the danger resulting in Decedent's untimely demise.

135. An additional or alternate basis for liability, also described more fully above, is that the CITY OF WEST HOLLYWOOD had a direct hand in the *creation* of the dangerous condition that took Brandon's life by, *inter alia*, fostering, condoning and encouraging repeat players – like Shooshani and the other defendants – to park such vehicles in a reckless manner on public roadways without even providing warnings to motorists of the imminent danger.

136. But for this purposeful and ongoing conduct, such construction entities would have parked excessively large or heavy equipment – such as the OVERSIZED JLG LIFT – on side streets or other areas that did not carry the unwarranted and unreasonable risks posed by parking such equipment on busy thoroughfares in a manner that created traps for unwary motorists by unexpectedly – and without warning – turned a two-laned roadway into a single lane.

137. Plaintiffs are further informed and believe and based thereon allege that each Defendant had actual and/or constructive notice of the unreasonably dangerous, defective and/or unsafe condition as herein stated, among other things, within a sufficient period of time prior to the accident to correct, warn, remedy, prevent, block and/or remove the danger.



1 138. Despite Defendants' actual and/or constructive notice of the unreasonably dangerous,  
2 defective and/or unsafe condition Defendants failed to so remedy or prevent or warn  
3 Decedent and the general public of such existing dangerous condition.

4 139. The dangerous, defective, and/or unsafe condition created a reasonably foreseeable risk  
5 of the kind of injury that Plaintiffs' decedent sustained.

6 140. As a direct and proximate result of the negligence, carelessness and violation of the law  
7 by Defendants, and each of them, Plaintiffs' Decedent, Brandon Gonzalez, suffered  
8 devastating abdominal and internal injuries, and he perished as a direct and proximate  
9 result of the injuries sustained in the collision and impact with Defendants' JLG Lift.  
10 Plaintiffs' Decedent, Brandon Gonzalez died on April 27, 2015 at 6:52 a.m.

11 141. As a direct consequence and result of the crash and the matters herein alleged, Plaintiffs'  
12 Decedent was forced to endure severe mental and physical anguish and fear of impending  
13 death, and he ultimately suffered severe physical injuries which caused his death. As a  
14 result of the foregoing, Plaintiffs, as the sole heirs of Brandon Gonzalez, and his  
15 successors n interest, hereby assert a survivor's claim on behalf of Decedent Brandon  
16 Gonzalez, deceased, pursuant to California *Code of Civil Procedure* Sections 377.10,  
17 377.20, 377.30, *et seq.*, and based upon all other applicable statutes and case law, and  
18 succeed to causes of action that might have been brought by Brandon Gonzalez,  
19 deceased. Plaintiffs have or will file a declaration under penalty of perjury as required  
20 by *Code of Civil Procedure* Section 377.32.

21 142. By reason of the subject incident, Plaintiffs' Decedent, Brandon Gonzalez, was  
22 compelled to and did employ the services of paramedics, hospitals, surgeons, physicians,  
23 nurses and other health care providers, for medical treatment and care, and did incur  
24 medical expenses prior to his death, in a sum according to proof at trial. The exact  
25 amount of such losses to be stated according to proof, pursuant to *California Code of*  
26 *Civil Procedure* § 425.10.

27 143. As a result of the foregoing, Plaintiffs have sustained and are entitled to recover  
28 compensatory damages, pursuant to California *Code of Civil Procedure* Section 377.60  
*et seq.* and based upon all other applicable statutes and case law, including but not

1 limited to pecuniary losses, losses of support, services, property losses, love, care,  
2 comfort, society, solace, moral support, guidance, prospective inheritance, emotional  
3 distress, grief and sorrow. Further, Plaintiffs are entitled to compensation for their  
4 Decedent's mental and physical pain and suffering, burial and funeral expenses and  
5 other damages.

6 144. As a direct result of the negligent and careless conduct of Defendants, and each of them,  
7 Plaintiffs' Decedent, Brandon Gonzalez, suffered injuries that proved to be fatal.  
8 Plaintiffs suffered damages, and Defendants are liable to Plaintiffs for damages, in an  
9 amount which will be stated according to proof, pursuant to *California Code of Civil*  
10 *Procedure* § 425.10, which amount is in excess of the jurisdictional limits.

11 145. Plaintiffs have been deprived of the support that Brandon Gonzalez would have  
12 contributed to his family and estate during his lifetime, and the gifts and benefits that he  
13 would have bestowed upon them and that they reasonably expected to receive from him.

14 146. Plaintiffs have therefor been damaged in amounts to be proven at the time of trial.

15 147. As a result of the foregoing, Plaintiffs have sustained and are entitled to recover  
16 compensatory damages from Defendant, including but not limited to pecuniary losses,  
17 losses of support, services, property losses, love, care comfort, society, solace, moral  
18 support, emotional distress, grief and sorrow. Further Plaintiffs are entitled to  
19 compensation for their decedent's mental and physical pain and suffering, burial and  
20 funeral expenses and other damages.

21 **THIRD CAUSE OF ACTION**

22 **STRICT PRODUCTS LIABILITY**

23 **AGAINST**

24 **[Against Defendants SHOOSHANI; BOBCO METALS; BIGRENTZ; MAKO**  
25 **EQUIPMENT; and DOES 1 through 50, Inclusive]**

26 148. Plaintiffs incorporate by reference and allege each and every allegation  
27 contained in paragraphs 1 through 147.

28 149. At all times mentioned and relevant herein defendants and DOES 1 to 50,  
inclusive, and each of them, manufactured, designed, assembled, tested,

1 inspected, supplied, fabricated, furnished, delivered, imported, distributed, sold,  
2 and transferred the OVERSIZED JLG LIFT with the knowledge that it would be  
3 used by consumers without inspection for defects.

4 150. At all times relevant to this complaint, Defendants DOES 1 through 50,  
5 inclusive, were in the business of erecting, designing, manufacturing, fabricating,  
6 assembling, marketing, distributing, wholesaling, retailing and re-selling  
7 machinery, including but not limited to, the OVERSIZED JLG LIFT and/or its  
8 component parts.

9 151. Plaintiffs' are informed and believe, and thereon alleges that at the time  
10 the OVERSIZED JLG LIFT was sold, it was defective and unsafe for its  
11 intended purpose.

12 152. Prior to April 27, 2015, Defendants DOES 1 through 50, inclusive,  
13 inclusive, did, in fact, erect, design, fabricate, assemble, market, distribute,  
14 wholesale, retail and re-sell the OVERSIZED JLG LIFT and/or its component  
15 parts.

16 153. Defendants DOES 1 through 50, inclusive, intended that the  
17 OVERSIZED JLG LIFT and/or its component parts would be utilized by  
18 members of the public, including Plaintiff, and knew, or should have known, that  
19 members of the public, including Plaintiff, would utilize and come into contact  
20 with the OVERSIZED JLG LIFT and/or its component parts with the  
21 expectation and belief that they were safe for their intended use and purpose and  
22 without inspecting them for defects.

23 154. On April 27, 2015, and previously, the OVERSIZED JLG LIFT and/or its  
24 component parts were defective, unsafe and unreasonably dangerous for their  
25 intended use and purpose in that, inter alia: the lift did not have rear lights, did  
26 not have reflectors, did not have any reflective tape and failed to have any rear  
27 illumination, markers or warning to let bystanders of the OVERSIZED JLG  
28 LIFT that the lift was present, presents a hazard and obstructs the lanes of travel,  
nor did the lift provide any device for the general public to appreciate the

1 presence of this non-standard size vehicle on the roadway and generally lacked  
2 any means of alerting the public to its presence as would be required for  
3 passenger vehicle pursuant to the Federal Motor Vehicle Safety Standards, and is  
4 therefore defectively inconspicuous.

5 155. As a result of the foregoing, Plaintiffs have sustained and are entitled to  
6 recover compensatory damages from Defendant, including but not limited to  
7 pecuniary losses, losses of support, services, property losses, love, care comfort,  
8 society, solace, moral support, emotional distress, grief and sorrow. Further  
9 Plaintiffs are entitled to compensation for their decedent's mental and physical  
10 pain and suffering, burial and funeral expenses and other damages.

11 **DEMAND FOR JURY TRIAL**

12 Plaintiffs EDWARD GONZALEZ and MARITZA MALDONADO, individually and as  
13 successors and heirs of BRANDON GONZALEZ, deceased, hereby demand a trial by jury as to  
14 all causes of action.

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1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiffs EDWARD GONZALEZ and MARITZA MALDONADO,  
3 individually and as successors and heirs of BRANDON GONZALEZ, deceased, prays for  
4 judgment against all Defendants as follows:

- 5 i. For compensatory damages including damages for lost wages, lost employee  
6 benefits, vacation benefits, medical expenses, mental and emotional distress, and  
7 other general and special damages according to proof at trial;  
8 ii. For actual damages, including but not limited to medical and related expenses, in  
9 an amount according to proof at trial;  
10 iii. For pre-judgment interest at the maximum legal rate;  
11 iv. For post-judgment interest at the maximum legal rate;  
12 v. For costs of suit herein incurred;  
13 vi. For such other relief that at the Court may deem just and proper.

14  
15 DATED: May 1, 2017

VAZIRI LAW GROUP, A.P.C.

16  
17 By: 

18 SIAMAK VAZIRI, ESQ.  
19 DAVID C. SHAY, ESQ.  
20 Attorneys for Plaintiffs,  
21 EDWARD GONZALEZ AND MARITZA  
22 MALDONADO, INDIVIDUALLY AS  
23 SUCESSORS AND HEIRS BRANDON  
24 GONZALEZ, DECEASED,  
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1 **EDWARD GONZALEZ, et. al. v. SHOOSHANI DEVELOPERS, LLC, et. al.**

2 **SERVICE LIST**

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