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4 Attorneys for Plaintiff
MINOR [REDACTED]

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

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11 MINOR [REDACTED], a minor, by and
Through his Guardian Ad Litem,

Case No. 7WIL07070

COMPLAINT FOR WRONGFUL DEATH

12 [REDACTED],
13 Plaintiffs,

14 v.

15 [REDACTED],
16 Defendant.

17
18 **FIRST CAUSE OF ACTION**

19 (Death of [REDACTED])

20 MINOR [REDACTED], by and through his guardian Ad Litem, [REDACTED],
21 Plaintiff, individually as heirs to [REDACTED], deceased, complain against
22 Defendant, [REDACTED], inclusive, and alleges as follows:

- 23 1. Plaintiffs, MINOR [REDACTED], by and through his guardian Ad Litem,
24 [REDACTED] is the surviving child and heir of [REDACTED].
25 2. Defendant [REDACTED], is the owner and operator of the subject firearm
26 3. On [REDACTED] Decedent [REDACTED], and his girlfriend,
27 Plaintiff [REDACTED], along with their two young children, pulled into the parking lot
28 at a convenient store to pick up some snacks for the entire family. The Plaintiff parked her

1 vehicle in a space that is said to be reserved for handicap. Decedent [REDACTED]
2 [REDACTED] exited the vehicle along with Plaintiff MINOR [REDACTED], walked
3 inside the convenient store to buy snacks. Plaintiff [REDACTED], waited in her vehicle along with
4 decedent's youngest child. While Plaintiff [REDACTED] was waiting, the Defendant [REDACTED]
5 [REDACTED] exited his vehicle, and in approaching Plaintiff [REDACTED], aggressively started an
6 argument over the parking space she was parked in. While inside the convenient store Decedent
7 [REDACTED] saw the defendant acting aggressive toward plaintiff [REDACTED].
8 [REDACTED] rushed out of the convenient store and in defending Plaintiff
9 [REDACTED], pushed the Defendant to the ground. The Defendant sat up, and while on the ground,
10 the Defendant then brandished a firearm at Decedent [REDACTED]. As
11 [REDACTED] turned his back toward the Defendant and walked away, in an
12 attempt to deescalate the incident, the Defendant then discharged his firearm at Decedent
13 [REDACTED] ultimately causing his death and thereby causing injury and
14 damages to the Plaintiffs.

15 4. The defendant, negligently discharged his firearm, in front of the Decedent's two
16 minor children, and while [REDACTED] was walking way in an attempt to
17 deescalate the incident, causing the death of [REDACTED], and the resulting
18 injuries and damages to the Plaintiffs.

19 5. As a direct result of the Defendant's negligence, and the death of the decedent
20 [REDACTED], Plaintiff MINOR [REDACTED], by and through his guardian
21 Ad Litem, [REDACTED], have sustained economic damages consisting of (1) the value
22 of lost financial and other support from the decedent, (2) the value of gifts and benefits that the
23 decedent would have provided, (3) the value of funeral and burial expenses, and (4) the
24 reasonable value of household services that the decedent would have provided .

25 6. As a direct result of the Defendant's negligence, and the death of decedent
26 [REDACTED], Plaintiff MINOR [REDACTED], by and through his guardian
27 Ad Litem, [REDACTED], have sustained non-economic damages consisting of loss of
28 the decedent's love, companionship, comfort, care, assistance, protection, affection, society,

1 and moral support.

2 Plaintiff MINOR [REDACTED], by and through his guardian Ad Litem, [REDACTED]

3 [REDACTED], pray for judgment against the Defendant for:

- 4 a) Non-economic damages in excess of the minimum jurisdictional requirements of this
5 court;
- 6 b) All funeral, burial, and other expenses according to proof;
- 7 c) Interest to the extent allowed by law;
- 8 d) All loss of decedent's care and support, according to proof;
- 9 e) All costs of suit;
- 10 f) Such other and further relief as this Court may deem just proper.

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12 **SECOND CAUSE OF ACTION**

13 **(Survivor's Action)**

14 As a separate cause of action, MINOR [REDACTED], by and through his guardian Ad
15 Litem, [REDACTED], Plaintiff, individually as heirs to [REDACTED],
16 deceased complain against Defendant, [REDACTED], and allege:

17 7. Plaintiff MINOR [REDACTED], by and through his guardian AD Litem, [REDACTED]
18 [REDACTED], incorporate herein by reference each and every allegation contained in the first cause of
19 action as though fully set forth.

20 8. Before the subject incident, Defendant [REDACTED], was looking for a
21 confrontation. This conduct constituted malice, and a conscious disregard for the rights and safety
22 of others. This conduct was also despicable as evidenced by the following:

23 a. Defendant [REDACTED] was consciously carrying a loaded firearm, and was
24 consciously aware of his anger.

25 b. Defendant [REDACTED] consciously drove on the highways in anger, would
26 certainly cause injury, damage, and potential death to members of the public.

27 c. Defendant [REDACTED] made a conscious decision to point his firearm, and made
28 a conscious decision to fire his firearm. He made a conscious decision to imperil the lives and safety

1 of everyone in the parking lot, and inside the convenient store. He was aware of the probable
2 consequences of his acts, and willfully and deliberately failed to avoid the likelihood of serious
3 injury to descendent and other similarly situated.

4 9. Defendant [REDACTED] has a history of road rage, gun threats, and aggressive
5 confrontations involving that same handicap spot at the same convenient store.

6 10. It is further believed that Defendant [REDACTED] has been stopped by police for
7 being the aggressor in an accident, which involved the Defendant breaking hard in front of a woman
8 and her two children.

9 11. Defendant's conduct would be despised by any reasonable person. Despite numerous police
10 reports, and their knowledge of the Defendant's behavior, the Defendant was allowed to continue to
11 drive, and allowed to continue to carry a firearm. The Defendant's conduct should be subject to
12 shame, scorn, and rebuke. Defendant's conduct was clearly despicable, and done in conscious
13 disregard for the safety of others.

14 Plaintiff MINOR [REDACTED], by and through his guardian Ad Litem, [REDACTED]

15 [REDACTED], pray for judgment against the Defendant for:

- 16 a. All current and future medical expenses incurred by the Plaintiffs, according to proof;
17 b. Punitive and exemplary damages, according to proof;
18 c. All prejudgment interest;
19 d. Costs of the suit incurred herein; and
20 e. Such other and future relief as the County may deem just and proper.

21
22 DATED: December 13, 2018

THE ADAMS LAW FIRM

23
24 By: _____

SANDRA ADAMS
Attorney (Student Work)