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**FILED**  
 Superior Court of California  
 County of Los Angeles

JAN 09 2018

Sherri R. Carter, Executive Officer/Clerk  
 By *Linda Klein* Deputy  
 Linda Klein

7 Attorneys for Plaintiffs JASON LO and NINA  
 LO

8  
 9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
 10 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

11 JASON LO, NINA LO,  
 12  
 Plaintiffs,  
 13  
 v.  
 14  
 15 DOMINICK CONSOLAZIO, SOUTHERN  
 CALIFORNIA GAS COMPANY, and DOES  
 16 1 through 50, Inclusive,  
 17  
 Defendants.

Case No. BC653464  
**PLAINTIFFS' FIRST AMENDED  
 COMPLAINT FOR DAMAGES**  
 1. NEGLIGENCE  
 2. LOSS OF CONSORTIUM  
**DEMAND FOR JURY TRIAL**  
 Assigned for All Purposes to:  
 Hon. Benny C. Osorio, Dept. 97  
 Action Filed: 03/07/2017  
 Trial Date: 02/01/2018

18  
 19  
 20  
 21  
 22 COMES NOW Plaintiffs JASON LO, an individual, and NINA LO, an individual, for causes  
 23 of action against Defendants DOMINICK CONSOLAZIO, an individual, SOUTHERN  
 24 CALIFORNIA GAS COMPANY, a business entity, and DOES 1 through 50, inclusive, and each of  
 25 them, and complains and alleges as follows:

26 **GENERAL ALLEGATIONS**

27 1. This case arises from severe personal injuries sustained by Plaintiff JASON LO and  
 28 loss of consortium injuries sustained by Plaintiff NINA LO as a result of a motor vehicle v.

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 04/17/2018

1 motorcycle collision that occurred on February 13, 2017 at 6:46 a.m. at the intersection of Rosecrans  
2 Avenue and Hindry Avenue, Hawthorne, California ("SUBJECT INCIDENT").

3 2. Plaintiff JASON LO was at all times relevant herein a resident of Long Beach,  
4 California.

5 3. Plaintiff NINA LO was at all times relevant herein a resident of Long Beach,  
6 California.

7 4. Plaintiffs are informed and believe, and thereon allege, that Defendant DOMINICK  
8 CONSOLAZIO is currently a resident of Seattle, Washington. DOMINIC CONSOLAZIO, based on  
9 information and belief, was a resident of Hawthorne, County of Los Angeles, State of California at the  
10 time of the subject incident and when served with Plaintiffs' Complaint. DOMINIC CONSOLAZIO  
11 has made a general appearance in this action.

12 5. Plaintiffs are informed and believe, and thereon allege, that Defendant SOUTHERN  
13 CALIFORNIA GAS COMPANY ("SOCAL GAS") is, and at all times herein relevant was, a  
14 California corporation with its principal place of business at 555 W. 5<sup>th</sup> Street, Los Angeles,  
15 California. Defendant SOCAL GAS is authorized to do, has regularly done, and is doing, business  
16 throughout California, and has systematically conducted business on a regular basis in the State of  
17 California, under and by virtue of the laws of the State of California.

18 6. Plaintiffs are informed and believe, and thereon allege, that the following individuals,  
19 among others to be discovered through discovery process, were officers, directors, and/or managing  
20 agents of Defendant SOCAL GAS at all relevant times as discussed herein: Field Operations  
21 Supervisor William Igoe; District Operations Manager Don Parnell; Absence Leave Specialist Karen  
22 De Leon; Supervisor Vincent Gonzales; and Director of Safety & Wellness Wallace Rawls.

23 7. The true names and capacities, whether individual, plural, corporate, partnership,  
24 associate, or otherwise, of DOES 1 through 50, inclusive, are unknown to plaintiffs who therefore sues  
25 said defendants by such fictitious names. The full extent of the facts linking such fictitiously sued  
26 defendants is unknown to plaintiffs. Plaintiffs are informed and believe, and thereon allege, that each  
27 of the defendants designated herein as a DOE was, and is, negligent, or in some other actionable  
28 manner, responsible for the events and happenings hereafter referred to, and thereby negligently, or in

1 some other actionable manner, legally, actually, and proximately caused the hereafter described  
2 injuries and damages to plaintiff. Plaintiffs will hereafter seek leave of the Court to amend this  
3 Complaint to show the defendants' true names and capacities after the same have been ascertained.

4 8. Plaintiffs are informed and believe, and thereon allege, that at all times mentioned  
5 herein, Defendants DOMINICK CONSOLAZIO, SOCAL GAS, and DOES 1 through 50, inclusive,  
6 and each of them, were agents, servants, employees, successors in interest, and/or joint venturers of  
7 their co-defendants, and were, as such, acting within the course, scope, and authority of said agency,  
8 employment, and/or venture, and that each and every defendant, as aforesaid, when acting as a  
9 principal, was negligent in the selection and hiring of each and every other defendant as an agent,  
10 servant, employee, successor in interest, and/or joint venturer.

11 **FIRST CAUSE OF ACTION**

12 **(Negligence by Plaintiff JASON LO As Against Defendants DOMINICK CONSOLAZIO,  
13 SOCAL GAS, and DOES 1 through 50, Inclusive)**

14 9. Plaintiffs re-allege and incorporates herein by reference each and every allegation and  
15 statement contained in the prior paragraphs.

16 10. On or about September 15, 2012, Defendant DOMINICK CONSOLAZIO suffered a  
17 severe seizure resulting in hospitalization ("2012 Seizure"). After consultation with neurologist, on or  
18 around September 17, 2012, Defendant DOMINICK CONSOLAZIO was diagnosed with a Seizure  
19 Disorder and prescribed anti-seizure medication. This diagnosis was communicated to Defendant  
20 DOMINICK CONSOLAZIO at that time.

21 11. Specifically, Defendant DOMINICK CONSOLAZIO suffers from recurrent, Absence  
22 Seizures. When Defendant DOMINICK CONSOLAZIO suffers one of the Absence Seizures, as he  
23 did at the time of the 2012 Seizure, his symptoms include: losing his ability to control his movement  
24 and speech; staring blankly as if absent from reality; lapse of consciousness; and having no  
25 recollection of suffering the event. These symptoms generally last between 20 to 25 minutes.

26 12. To ensure he remembers to take his anti-seizure medication, since the 2012 Seizure to  
27 the present, Defendant DOMINICK CONSOLAZIO uses an alarm system on his cellphone which  
28 rings several times a day to remind him when to consume his medication.

1           13.     At the time of the 2012 Seizure, Defendant DOMINICK CONSOLAZIO was  
2 employed by Defendant SOCAL GAS as a Crew Leader, which required use and operation of a  
3 Defendant SOCAL GAS motor vehicle.

4           14.     On or around September 17, 2012, Defendant DOMINICK CONSOLAZIO's treating  
5 neurologist further informed Defendant DOMINICK CONSOLAZIO that the 2012 Seizure was  
6 caused, in part, by work stress and fatigue associated with his position at Defendant SOCAL GAS.  
7 Specifically, approximately three weeks before the 2012 Seizure, Defendant DOMINICK  
8 CONSOLAZIO worked 79 hours of overtime in the span of one week for Defendant SOCAL GAS.  
9 Further, Defendant DOMINICK CONSOLAZIO was on-call at Defendant SOCAL GAS for a twenty-  
10 three (23) hour shift, which ended less than 24 hours prior to his suffering the 2012 Seizure.

11           15.     As a result of the 2012 Seizure, the California Department of Motor Vehicles ("DMV")  
12 suspended Defendant DOMINICK CONSOLAZIO's California Driver's license for six (6) months  
13 given its determination that Defendant DOMINICK CONSOLAZIO had a disorder characterized by  
14 lapses of consciousness and/or episodes of marked confusions which affected his ability to drive  
15 safety and/or to have reasonable control of a motor vehicle, pursuant to Cal. Code Regs. tit. 13, §  
16 110.01.

17           16.     Defendant DOMINICK CONSOLAZIO promptly reported the occurrence of the 2012  
18 Seizure as well as the suspension of his driver's license for medical purposes to following officers,  
19 directors, and/or managing agents of Defendant SOCAL GAS: Field Operations Supervisor William  
20 Igoe and District Operations Manager Don Parnell.

21           17.     In response, Defendant SOCAL GAS placed Defendant DOMINICK CONSOLAZIO  
22 on disability leave until January 2013 and filed a disability claim with the California Employment  
23 Development Department on his behalf. The disability claim was filed by Defendant SOCAL GAS's  
24 Absence Leave Specialist Karen De Leon and specifically identifies the reason for the leave as  
25 "Seizures. Sleep Apnea. Risk of seizure recurrence". Ms. Leon then reported Defendant DOMINICK  
26 CONSOLAZIO's disability status to Defendant DOMINICK CONSOLAZIO's direct supervisor, Mr.  
27 Igoe.

28     ///

1           18.       Upon information and belief, current Defendant SOCAL GAS Director of Safety &  
2 Wellness Wallace Rawls was also knowledgeable of Defendant DOMINICK CONSOLAZIO's 2012  
3 Seizure and nature of Defendant DOMINICK CONSOLAZIO's disability claim, given his role as the  
4 Dir. of Safety & Wellness, a capacity that requires knowledge of employee disability claims.

5           19.       On or around January 15, 2013, Defendant DOMINICK CONSOLAZIO returned to  
6 work at Defendant SOCAL GAS from his disability leave of absence.

7           20.       At some time in the year 2015, Defendant DOMINICK CONSOLAZIO suffered  
8 another severe Absence Seizure at a SOCAL GAS employee meeting with company management  
9 ("2015 Seizure"). The 2015 Seizure was witnessed by fellow Defendant SOCAL GAS employees  
10 Jose Arietta and Richard Bernal, also present at this meeting.

11           21.       Concerned for Defendant DOMINICK CONSOLAZIO's well-being, Mr. Arietta and  
12 Mr. Bernal brought Defendant DOMINICK CONSOLAZIO into SOCAL GAS Supervisor Vincent  
13 Gonzales' office to report the seizure episode. At that time, Defendant DOMINICK CONSOLAZIO  
14 explained to Supervisor Gonzales that he occasionally suffers from temporary "blackouts", which last  
15 anywhere from five to twenty minutes. However, that once the episode concluded, he was "fine".

16           22.       In response, Supervisor Gonzales asked if Defendant Consolazio was sure he was OK  
17 to return to work that day. Defendant DOMINICK CONSOLAZIO responded that he was OK.  
18 Supervisor Gonzales then let Defendant DOMINICK CONSOLAZIO go back to work with no further  
19 due diligence into his ability to safely perform his job functions, including operation of a motor  
20 vehicle. Upon information and belief, current Defendant SOCAL GAS Director of Safety & Wellness  
21 Wallace Rawls was also knowledgeable of Defendant DOMINICK CONSOLAZIO's 2015 Seizure.

22           23.       Following the 2015 Seizure, Defendant DOMINICK CONSOLAZIO's return to work  
23 that same day as well as Supervisor Gonzales' approval/authorization of Defendant DOMINICK  
24 CONSOLAZIO's return to work, without performing any due diligence whatsoever as to the fitness of  
25 Defendant DOMINICK CONSOLAZIO to return to work, was in direct violation of Defendant  
26 SOCAL GAS' own safety policies. To wit, this conduct violated the following provisions of  
27 Defendant SOCAL GAS' safety policies:

28       ///

- 1 a. "Do not work while your abilities are impaired by fatigue, illness, or other  
2 causes." (Defendant SOCAL GAS Injury and Illness Prevention Program);  
3 b. "All supervisors are responsible for regularly inspecting employee work practices,  
4 and taking action to correct any at-risk behaviors" (Defendant SOCAL GAS  
5 Injury and Illness Prevention Program);  
6 c. "Some medical situations ALWAYS require IMMEDIATE professional attention,  
7 including: Fainting or seizures- Call 911"(Defendant SOCAL GAS Injury and  
8 Illness Prevention Program).

9 24. On or around January 16, 2015, Defendant DOMINICK CONSOLAZIO was advised  
10 by his treating neurologist that it was her medical recommendation that Defendant DOMINICK  
11 CONSOLAZIO abstain from driving and further that Defendant DOMINICK CONSOLAZIO must be  
12 seizure free for at least three months before resuming driving.

13 25. On or around August 1, 2016, Defendant DOMINICK CONSOLAZIO was advised by  
14 his treating neurologist again that it was her medical recommendation that Defendant DOMINICK  
15 CONSOLAZIO abstain from driving and further that Defendant DOMINICK CONSOLAZIO must be  
16 seizure free for at least three months before resuming driving.

17 26. Despite proper use of various anti-seizure medications as prescribed by his treating  
18 medical providers, Defendant DOMINICK CONSOLAZIO continued to suffer from Absence  
19 Seizures. To wit, between September 15, 2012 (2012 Seizure) and the date of the SUBJECT  
20 INCIDENT, Defendant DOMINICK CONSOLAZIO suffered at least nine or ten other Absence  
21 Seizures. This included seizures in September of 2016 and January of 2017, six weeks before the  
22 SUBJECT INCIDENT. However, Defendant DOMINICK CONSOLAZIO continued to operate a  
23 motor vehicle in the course and scope of his employment with Defendant SOCAL GAS, in direct  
24 violation of his treating doctor's recommendation that he must be seizure free for at least three months  
25 prior to resuming driving.

26 27. An individual, such as Defendant DOMINICK CONSOLAZIO, who has a history of  
27 uncontrolled, recurrent seizures is unfit to operate a motor vehicle given that a seizure episode, with  
28 its associated symptoms including lapse of consciousness, could occur without notice and while the

1 afflicted individual was driving. Moreover, the occurrence of a seizure episode while driving could  
2 foreseeably cause a serious motor vehicle accident due to an inability to control the vehicle while  
3 unconscious. As such, given that Defendant DOMINICK CONSOLAZIO's seizures were  
4 uncontrolled even with medication, caused lapses in consciousness for up to twenty-five (25) minutes,  
5 and were further unpredictable, he was unfit to operate a motor vehicle at the time of the SUBJECT  
6 INCIDENT.

7 28. Defendant SOCAL GAS, including but not limited to Field Operations Supervisor  
8 William Igoe, District Operations Manager Don Parnell, Absence Leave Specialist Karen De Leon,  
9 Supervisor Vincent Gonzales, and Director of Safety & Wellness Wallace Rawls, had advance  
10 knowledge of Defendant DOMINICK CONSOLAZIO's seizure disorder, including his symptom of  
11 losing consciousness for up to twenty-five minutes, and therefore his unfitness to operate a motor  
12 vehicle.

13 29. Despite advanced knowledge of Defendant DOMINICK CONSOLAZIO's unfitness to  
14 operate a motor vehicle, Defendant SOCAL GAS, including but not limited to Field Operations  
15 Supervisor William Igoe, District Operations Manager Don Parnell, Absence Leave Specialist Karen  
16 De Leon, Supervisor Vincent Gonzales, and Director of Safety & Wellness Wallace Rawls, employed  
17 Defendant DOMINICK CONSOLAZIO as a Sewer Lateral Inspection Program Inspector ("SLIP  
18 Inspector"), a job which required use of a company truck. To wit, as a SLIP Inspector, Defendant  
19 SOCAL GAS required that Defendant DOMINICK CONSOLAZIO drive a company owned truck to  
20 and from job sites. In the company truck, Defendant DOMINICK CONSOLAZIO kept his company  
21 computer, GPS navigation to direct him to and from job sites, a gas line locator to locate gas lines at  
22 job sites, and other tools to perform his work for Defendant SOCAL GAS. Defendant DOMINICK  
23 CONSOLAZIO would further keep this company owned truck at his home, driving directly from his  
24 own to job sites. This was the position Defendant DOMINICK CONSOLAZIO held at the time of the  
25 SUBJECT INCIDENT.

26 30. At the time of the SUBJECT INCIDENT, Plaintiff JASON LO was at a complete stop  
27 at a red light on westbound Rosecrans Avenue at its controlled intersection with Hindry Avenue  
28 ("SUBJECT INTERSECTION"). Plaintiff JASON LO was operating his black 2013 Harley Davidson

1 Sportster motorcycle, California License plate No. 21E4060 ("PLAINTIFF'S MOTORCYCLE").

2 31. At that time, Defendant DOMINICK CONSOLAZIO was driving westbound on  
3 Rosecrans Ave. approaching its controlled intersection with Hindry Avenue. Defendant DOMINICK  
4 CONSOLAZIO was driving to a jobsite in the course and scope of his employment as a SLIP  
5 Inspector with Defendant SOCAL GAS. Specifically, he was operating a white 2016 Chevrolet  
6 Colorado truck, California License plate No. 03465C2 ("DEFENDANT'S VEHICLE"), which was  
7 owned and entrusted to him by Defendant SOCAL GAS.

8 32. As Defendant DOMINICK CONSOLAZIO approached the SUBJECT  
9 INTERSECTION, Defendant DOMINICK CONSOLAZIO suffered a severe Absence Seizure,  
10 causing him to lose consciousness and control of the DEFENDANT'S VEHICLE. As an actual and  
11 proximate cause of the seizure, Defendant DOMINICK CONSOLAZIO rear-ended PLAINTIFF'S  
12 MOTORCYCLE, causing multiple injuries to Plaintiff JASON LO, including but not limited to severe  
13 injury to his right leg.

14 33. Plaintiffs allege at the time of the SUBJECT INCIDENT, Defendant DOMINICK  
15 CONSOLAZIO had a duty to Plaintiff JASON LO to use reasonable care in the operation of the  
16 DEFENDANT'S VEHICLE. Defendant DOMINICK CONSOLAZIO breached this duty by speeding  
17 in violation of California Vehicle Code § 22350, failing to keep a lookout for other vehicles on the  
18 roadway, and failing to reasonably and safely control the movement of the DEFENDANT VEHICLE.

19 34. Defendant DOMINICK CONSOLAZIO further breached this duty by operating a  
20 motor vehicle with actual knowledge of his unfitness to do so. Specifically, Defendant DOMINICK  
21 CONSOLAZIO was informed on September 17, 2012 of his Seizure Disorder diagnosis. Moreover,  
22 on both January 16, 2015 and August 11, 2016, Defendant Consolazio was informed by his treating  
23 physician that it was her medical recommendation that Defendant DOMINICK CONSOLAZIO  
24 abstain from driving and further that Defendant DOMINICK CONSOLAZIO must be seizure free for  
25 at least three months before resuming driving. Defendant Consolazio then suffered a seizure in  
26 January of 2017, six weeks before the SUBJECT INCIDENT. As such, pursuant to his doctor's  
27 recommendation, Defendant DOMINICK CONSOLAZIO should not have been driving at the time of  
28 the SUBJECT INCIDENT. However, despite his actual knowledge of his recurrent, Absence Seizure

1 disorder and doctor's recommendation to abstain from driving, he willingly drove the DEFENDANT'S  
2 VEHICLE, resulting in the SUBJECT INCIDENT.

3 35. Defendant DOMINICK CONSOLAZIO's negligent operation of the DEFENDANT'S  
4 VEHICLE was the legal and proximate cause of Plaintiffs' injuries.

5 36. Moreover, as a result of the collision, Plaintiff JASON LO was thrown from  
6 PLAINTIFF'S MOTORCYCLE and his person became pinned under DEFENDANT'S VEHICLE.  
7 Defendant DOMINICK CONSOLAZIO then came to a stop following the impact, with Plaintiff  
8 JASON LO pinned under DEFENDANT'S VEHICLE.

9 37. After remaining stopped for several seconds, Defendant DOMINICK CONSOLAZIO  
10 regained consciousness and knowingly and intentionally attempted to hit-and-run in violation of  
11 California Vehicle Code §20001 (Duty to Stop At Scene Of Injury Accident) and §20003 (Duty Upon  
12 Injury Or Death), with full knowledge that Plaintiff JASON LO was still trapped under  
13 DEFENDANT'S VEHICLE. Specifically, PLAINTIFF'S MOTORCYCLE was lodged under  
14 DEFENDANT'S VEHICLE after the initial impact and therefore visible to Defendant DOMINICK  
15 CONSOLAZIO as he attempted to flee the scene. Further, witnesses yelled, honked horns, chased  
16 after Defendant DOMINICK CONSOLAZIO to stop his vehicle, thereby providing further evidence  
17 of his knowledge that an accident had in fact occurred.

18 38. In his attempt to flee the accident scene, Defendant DOMINICK CONSOLAZIO  
19 dragged Plaintiff JASON LO under DEFENDANT'S VEHICLE for approximately 436 feet until  
20 numerous witnesses forced Defendant DOMINICK CONSOLAZIO to stop the vehicle. Defendant  
21 DOMINICK CONSOLAZIO was subsequently arrested at the incident scene.

22 39. As a result of the SUBJECT INCIDENT, on August 24, 2017, Defendant Consolazio  
23 was convicted of one felony count of violating California *Vehicle Code* §20001(B)(2).

24 40. As a result of the SUBJECT INCIDENT, Plaintiff JASON LO suffered severe and  
25 permanent injuries to his right leg.

26 41. Plaintiffs are informed and believe, and thereon allege, that Defendant DOMINICK  
27 CONSOLAZIO committed the following conduct that was oppressive, malicious, fraudulent and/or in  
28 conscious disregard of the health and safety of individuals of the public like Plaintiff JASON LO

1 herein pursuant to Cal. Civ. Code § 3294:

2 a. Defendant DOMINICK CONSOLAZIO had actual knowledge since September  
3 17, 2012 of his unfitness to safely operate a motor vehicle due to his seizure disorder, which would  
4 cause him, without notice, to lose consciousness for up to approximately twenty-five minutes.

5 b. Defendant DOMINICK CONSOLAZIO further had actual, advanced  
6 knowledge that his seizure disorder was uncontrolled by medication, in that he suffered at least nine or  
7 ten other Absence Seizures between his 2012 Seizure and the SUBJECT INCIDENT, despite the fact  
8 that properly and regularly used anti-seizure medications, as prescribed by his physicians.

9 c. Defendant DOMINICK CONSOLAZIO was further instructed by his treating  
10 physician on both January 16, 2015 and August 1, 2016, that it was her medical recommendation that  
11 Defendant DOMINICK CONSOLAZIO abstain from driving and further that Defendant DOMINICK  
12 CONSOLAZIO must be seizure free for at least three months before resuming driving. Moreover,  
13 Defendant DOMINICK CONSOLAZIO suffered Absence Seizures in September 2016 and January  
14 2017, six weeks before the SUBJECT INCIDENT. Therefore, his willful and intentional decision to  
15 drive on February 13, 2017, was in direct violation of his doctor's recommendation.

16 d. Defendant DOMINICK CONSOLAZIO's California Driver's license was also  
17 suspended for six months following his 2012 Seizure. Defendant DOMINICK CONSOLAZIO was  
18 aware at that time his license was suspended due to the DMV's determination he was unfit to safely  
19 operate a motor vehicle. Yet he continued to work for Defendant SOCAL GAS without asking for an  
20 accommodation to a non-driving position, thereby putting his personal career interests above those of  
21 the general public on the roadways, including Plaintiff JASON LO.

22 e. Further, Defendant DOMINICK CONSOLAZIO continued to drive as required  
23 by his position at Defendant SOCAL GAS despite actual knowledge that the stress of his job could  
24 trigger a seizure, as was reported to him by his medical provider following the 2012 Seizure.

25 f. Defendant DOMINICK CONSOLAZIO's decision to continue to drive, despite  
26 suffering from multiple, uncontrolled, Absence Seizure disorder, which episodes would occur without  
27 notice, was despicable in that it was so vile, base, or contemptible that it would be looked down on  
28 and despised by reasonable people. Specifically, any reasonable person would be appalled to learn

1 that an individual who suffers from recurrent Absence Seizures would continue to willingly operate a  
2 gas company truck on public streets, despite the fact that his license had been previously suspended  
3 for medical purposes, he suffered a seizure just six weeks before the SUBJECT INCIDENT, and his  
4 continued operation of a motor vehicle went against the express recommendations of his doctor,  
5 communicated not once, but twice, to Defendant DOMINICK CONSOLAZIO prior to the SUBJECT  
6 INCIDENT.

7 g. Defendant DOMINICK CONSOLAZIO's decision to continue to drive also  
8 directly violated Defendant SOCAL GAS's safety policies, further putting him on notice of the  
9 probable dangerous consequences of his decision to keep driving. (See Defendant SOCAL GAS  
10 Injury and Illness Prevention Program, "Do not work while your abilities are impaired by fatigue,  
11 illness, or other causes.").

12 h. As such, Defendant DOMINICK CONSOLAZIO was aware, well prior to the  
13 SUBJECT INCIDENT that he could suffer another Absence Seizure at any time, including while  
14 driving. Further, he was aware that suffering a seizure while driving could cause probable dangerous  
15 consequences, i.e. a motor vehicle accident. However, he continued to drive, thereby deliberately  
16 failing to avoid these consequences.

17 i. Further, Defendant DOMINICK CONSOLAZIO intentionally attempted to flee  
18 the scene of the collision with knowledge that Plaintiff JASON LO was still trapped under  
19 DEFENDANT'S VEHICLE and in fact dragged Plaintiff JASON LO for approximately 436 feet over  
20 the asphalt roadway before he was forced to stop by other witnesses. Such conduct is despicable in  
21 that a reasonable person would look down upon and despise an individual who intentionally flees an  
22 accident scene and further drags an injured person under their vehicle across an asphalt roadway for  
23 over a football field in length. Such conduct also evidences Defendant DOMINICK CONSOLAZIO's  
24 willful and knowing disregard of the rights and safety of Plaintiff JASON LO. Here, Defendant  
25 DOMINICK CONSOLAZIO was aware of the probable dangerous consequences of fleeing an  
26 accident scene with an injured person in the roadway and further driving a motor vehicle while an  
27 injured person was trapped under his vehicle. Nevertheless, Defendant DOMINICK CONSOLAZIO  
28 deliberately failed to avoid those consequences when he attempted to flee the scene of the accident,

1 driving over and dragging the body of Plaintiff JASON LO in the process. As a result of the  
2 SUBJECT INCIDENT, on August 24, 2017, Defendant DOMINICK CONSOLAZIO was convicted  
3 of one felony count of violating California *Vehicle Code* §20001(B)(2). Such conduct is clear and  
4 convincing evidence of malicious conduct.

5 42. Plaintiff is informed and believes, and thereon alleges, that Field Operations Supervisor  
6 William Igoe, District Operations Manager Don Parnell, Absence Leave Specialist Karen De Leon,  
7 Supervisor Vincent Gonzales, and Director of Safety & Wellness Wallace Rawls were officers,  
8 directors, and/or managing agents of Defendant SOCAL GAS at all relevant times as discussed herein  
9 and committed the following conduct that was oppressive, malicious, fraudulent and/or in conscious  
10 disregard of the health and safety of individuals of the public, including Plaintiff JASON LO,  
11 consistent with Cal. Civ. Code § 3294(b):

12 a. Field Operations Supervisor William Igoe, District Operations Manager Don  
13 Parnell, Absence Leave Specialist Karen De Leon, Supervisor Vincent Gonzales, and Director of  
14 Safety & Wellness Wallace Rawls had advance knowledge of the unfitness of Defendant DOMINICK  
15 CONSOLAZIO to operate a motor vehicle and employed him with a knowing disregard for the rights  
16 or safety of others, including Plaintiff JASON LO.

17 b. Specifically, Defendant DOMINICK CONSOLAZIO promptly reported his  
18 2012 Seizure and the medical suspension of his driver's license to Field Operations Supervisor  
19 William Igoe and District Operations Manager Don Parnell.

20 c. Following the 2012 Seizure, on or around October 16, 2012, Absence Leave  
21 Specialist Karen De Leon filed a disability claim with the California Employment Development  
22 Department on Defendant DOMINICK CONSOLAZIO'S behalf. The disability claim was filed by  
23 Defendant SOCAL GAS's Absence Leave Specialist Karen De Leon and specifically identifies the  
24 reason for the leave as "Seizures. Sleep Apnea. Risk of seizure recurrence". Ms. Leon then reported  
25 Defendant DOMINICK CONSOLAZIO's disability status to Defendant DOMINICK  
26 CONSOLAZIO's direct supervisor, Mr. Igoe.

27 d. Upon information and belief, Defendant SOCAL GAS Director of Safety &  
28 Wellness Wallace Rawls was also knowledgeable of Defendant DOMINICK CONSOLAZIO's 2012

1 Seizure and nature of Defendant DOMINICK CONSOLAZIO's disability claim due to his role as  
2 Director of Safety & Wellness, which would include a knowledge of employee disability claims.

3 e. Despite knowledge of Defendant DOMINICK CONSOLAZIO unfitness to  
4 operate a motor vehicle due to his seizure disorder, as it posed probable dangerous consequences, i.e.  
5 a motor vehicle accident due to a lapse in consciousness, Field Operations Supervisor William Igoe,  
6 District Operations Manager Don Parnell, Absence Leave Specialist Karen De Leon, and Director of  
7 Safety & Wellness Wallace Rawls employed Defendant DOMINICK CONSOLAZIO as a SLIP  
8 Inspector, a position which required operation of a company truck.

9 f. Supervisor Vincent Gonzales had advanced knowledge of the unfitness of  
10 Defendant DOMINICK CONSOLAZIO to operate a motor vehicle, as the 2015 Seizure was directly  
11 reported to him. Nevertheless, Supervisor Vincent Gonzales sent Defendant DOMINICK  
12 CONSOLAZIO back to work without consulting with any medical professional, in a position which  
13 required use of a motor vehicle. Failure to immediately call 911 when Defendant DOMINICK  
14 CONSOLAZIO reported his seizure was further a direct violation of Defendant SOCAL GAS' safety  
15 policies. (See "All supervisors are responsible for regularly inspecting employee work practices, and  
16 taking action to correct any at-risk behaviors"; "Some medical situations ALWAYS require  
17 IMMEDIATE professional attention, including: Fainting or seizures- Call 911). As such, Supervisor  
18 Vincent Gonzales had advance knowledge of Defendant DOMINICK CONSOLAZIO's unfitness to  
19 operate a motor vehicle, yet employed him with a knowing disregard for the rights and safety of  
20 others.

21 g. Upon information and belief, Defendant SOCAL GAS Director of Safety &  
22 Wellness Wallace Rawls was also knowledgeable of Defendant DOMINICK CONSOLAZIO's 2015  
23 Seizure due to his role as Director of Safety & Wellness, which would include a knowledge of  
24 employee seizures at work, per the reporting requirements of Defendant SOCAL GAS' safety policies.

25 h. Defendant DOMINICK CONSOLAZIO's conduct constituting malice,  
26 oppression, or fraud, i.e. continuing to operate a motor vehicle for work purposes despite actual  
27 knowledge that doing so had the probable dangerous consequence of causing a motor vehicle accident,  
28 was authorized by Field Operations Supervisor William Igoe, District Operations Manager Don

1 Parnell, Absence Leave Specialist Karen De Leon, Supervisor Vincent Gonzales, and Director of  
2 Safety & Wellness Wallace Rawls in that these managing agents continued to employ Defendant  
3 DOMINICK CONSOLAZIO as a SLIP Inspection, a position which required use of a motor vehicle.

4 i. Field Operations Supervisor William Igoe, District Operations Manager Don  
5 Parnell, Absence Leave Specialist Karen De Leon, Supervisor Vincent Gonzales, and Director of  
6 Safety & Wellness Wallace Rawls further knew of Defendant DOMINICK CONSOLAZIO's conduct  
7 constituting malice, oppression, or fraud, i.e. continuing to operate a motor vehicle for work purposes  
8 despite actual knowledge that doing so had the probable dangerous consequence of causing a motor  
9 vehicle accident, and adopted or approved of that conduct by continuing to employ Defendant  
10 DOMINICK CONSOLAZIO as a SLIP Inspection, a position which required use of a motor vehicle.

11 j. Field Operations Supervisor William Igoe, District Operations Manager Don  
12 Parnell, Absence Leave Specialist Karen De Leon, Supervisor Vincent Gonzales, and Director of  
13 Safety & Wellness Wallace Rawls continued employment of Defendant DOMINICK CONSOLAZIO  
14 as a SLIP Inspector was further in violation of the Americans with Disability Act ("ADA") and the  
15 California Fair Employment and Housing Act ("FEHA"), which requires once an employer becomes  
16 aware of the need for accommodation (i.e. inability to drive a motor vehicle), the employer has a  
17 mandatory obligation to engage in an interactive process with the employee to identify and implement  
18 appropriate reasonable accommodations.

19 43. As such, the imposition of punitive damages against Defendant SOCAL GAS is  
20 appropriate.

21 **SECOND CAUSE OF ACTION**

22 **(Loss Of Consortium by Plaintiff NINA LO As Against Defendants DOMINICK  
23 CONSOLAZIO, SOCAL GAS, and DOES 1 through 50, Inclusive)**

24 44. Plaintiffs re-allege and incorporate herein by reference each and every allegation and  
25 statement contained in the prior paragraphs.

26 45. At all times herein mentioned, injured Plaintiffs JASON LO and NINA LO were, and  
27 are, legally married as husband and wife.

28 46. As a legal, direct and proximate result of the aforementioned conduct of the Defendants

1 DOMINICK CONSOLAZIO, SOCAL GAS, and DOES 1 through 50, inclusive, which caused the  
2 injuries and damages to Plaintiff JASON LO, Plaintiff NINA LO has been deprived of the love,  
3 companionship, comfort, affection, society, solace or moral support, protection, loss of enjoyment of  
4 sexual relations, and loss of physical assistance in the operation and maintenance of the home, of each  
5 other, and have thereby sustained, and will continue to sustain damages in an amount to be stated  
6 according to proof pursuant to California Code of Civil Procedure §425.10.

7  
8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiffs JASON LO and NINA LO prays judgment against all Defendants as  
10 follows:

11 1. As to Plaintiff JASON LO for non-economic damages (general damages), including,  
12 but not limited to, past and future pain and suffering for the physical, mental and emotional distress  
13 damages suffered by Plaintiff, in an amount in excess of the jurisdictional minimum, according to  
14 proof;

15 2. As to Plaintiff JASON LO for special damages (also known as economic damages),  
16 including but not limited to past and future hospital, medical, professional, and incidental expenses as  
17 well as past and future loss of earnings, loss of opportunity, and loss of earning capacity, in excess of  
18 the jurisdictional minimum, according to proof;

19 3. For damages for Plaintiff JASON LO's property and economic damage related thereto,  
20 according to proof;

21 4. As to Plaintiff NINA LO, for general damages for loss of love, affection, care, society,  
22 service, comfort, support, right to support, companionship, solace or moral support, expectations of  
23 future support and counseling;

24 5. As to Defendants DOMINICK CONSOLAZIO and SOCAL GAS for punitive damages  
25 in an amount necessary to punish and/or set an example of Defendants, according to proof.

26 6. For prejudgment interest, according to proof;

27 ///

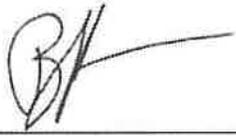
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- 7. For costs of suit incurred herein, according to proof; and
- 8. For such other and further relief as this Court may deem just and proper.

DATED: December 6, 2017

PANISH SHEA & BOYLE LLP

By:   
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Brian J. Panish  
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