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Superior Court of California
County of Los Angeles

SEP 07 2017

Shawn R. Carter, Executive Officer/Clerk
By: Choriotta Robinson, Deputy

PANISH SHEA & BOYLE LLP
BRIAN J. PANISH, State Bar No. 116060
panish@psblaw.com
KEVIN R. BOYLE, State Bar No. 192718
boyle@psblaw.com
ANDREW OWEN, State Bar No. 273343
owen@psblaw.com
11111 Santa Monica Boulevard, Suite 700
Los Angeles, California 90025
Telephone: 310.477.1700
Facsimile: 310.477.1699

Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

STEPHANIE SCOTT, an individual

Plaintiff,

v.

COUNTY OF LOS ANGELES, a government
entity; CITY OF LOS ANGELES, a
government entity, LOS ANGELES
DEPARTMENT OF WATER AND POWER,
a government entity; LOS ANGELES
DEPARTMENT OF PUBLIC WORKS, a
government entity; SANITATION
DISTRICTS OF LOS ANGELES COUNTY, a
government entity; and DOES 1 through 100,

Defendants.

COMPLAINT **BC 675020**

1. NEGLIGENCE

2. DANGEROUS CONDITION OF
PUBLIC PROPERTY (Gov. C. § 835)

DEMAND FOR JURY TRIAL

BY FAX

COMES NOW plaintiff STEPHANIE SCOTT for causes of action against the COUNTY
OF LOS ANGELES, a government entity; CITY OF LOS ANGELES, a government entity, LOS
ANGELES DEPARTMENT OF WATER AND POWER, a government entity; LOS ANGELES
DEPARTMENT OF PUBLIC WORKS, a government entity; SANITATION DISTRICTS OF
LOS ANGELES COUNTY, a government entity (hereafter collectively "DEFENDANTS"); and
DOES 1 through 100, inclusive, who complains and alleges as follows:

GENERAL ALLEGATIONS

1. On the evening of February 17, 2017, Plaintiff STEPHANIE SCOTT was inside her vehicle located at or near the intersection of Woodbridge Street and Laurel Canyon Boulevard in Studio City, California. Suddenly and without any warning to plaintiff, a large sinkhole opened up below her vehicle causing plaintiff and her vehicle to fall into the gaping hole below. Plaintiff suffered significant injuries, damages and losses as a result of this serious incident. All of the foregoing will be referred to as the "SUBJECT INCIDENT."

THE PARTIES

2. Plaintiff STEPHANIE SCOTT, at all times herein relevant, is a resident of Los Angeles County, California.

3. Defendant COUNTY OF LOS ANGELES, at all times herein relevant, is a government entity.

4. Defendant CITY OF LOS ANGELES, at all times herein relevant, is a government entity.

5. Defendant LOS ANGELES DEPARTMENT OF WATER AND POWER, at all times herein relevant, is a government entity.

6. Defendant LOS ANGELES DEPARTMENT OF PUBLIC WORKS, at all times herein relevant, is a government entity.

7. Defendant SANITATION DISTRICTS OF LOS ANGELES COUNTY, at all times herein relevant, is a government entity.

8. The true names and capacities, whether individual, plural, corporate, partnership, associate, or otherwise, of DOES 1 through 50, inclusive, are unknown to PLAINTIFF who therefore sues said defendants by such fictitious names. The full extent of the facts linking such fictitiously sued defendants is unknown to PLAINTIFF. PLAINTIFF is informed and believe, and thereupon allege, that each of the defendants designated herein as a DOE was, and is, negligent, or in some other actionable manner, responsible for the events and happenings hereinafter referred to, and thereby negligently, or in some other actionable manner, legally and proximately caused the

hereinafter described injuries and damages to PLAINTIFF. PLAINTIFF will hereafter seek leave of the Court to amend this Complaint to show the defendants' true names and capacities after the same have been ascertained.

TIMELY GOVERNMENT CLAIMS FILED

9. The SUBJECT INCIDENT occurred on February 17, 2017. Plaintiff timely filed her government claims against DEFENDANTS on April 28, 2017. Defendant COUNTY OF LOS ANGELES rejected the claim on or around May 2, 2017. Defendant SANITATION DISTRICTS OF LOS ANGELES COUNTY rejected the claim on or around May 16, 2017. The other government entity defendants did not act on plaintiff's government claims. This lawsuit now follows.

FIRST CAUSE OF ACTION

NEGLIGENCE

[As Against Defendants COUNTY OF LOS ANGELES, CITY OF LOS ANGELES, LOS ANGELES DEPARTMENT OF WATER AND POWER, LOS ANGELES DEPARTMENT OF PUBLIC WORKS, SANITATION DISTRICTS OF LOS ANGELES COUNTY, and DOES 1 Through 50, inclusive]

10. PLAINTIFF re-alleges and incorporates herein by reference each and every allegation and statement contained in the prior paragraphs.

11. DEFENDANTS and DOES 1 through 100, inclusive, designed, constructed, installed, operated, inspected, maintained, repaired, controlled, managed, owned, and leased all of the sewage and water piping and related infrastructure above and below the ground at or near where the SUBJECT INCIDENT occurred.

12. DEFENDANTS and DOES 1 through 100, inclusive, owed a duty to all reasonably foreseeable people, including PLAINTIFF, to design, construct, install, operate, inspect, maintain, repair, control, manage, own, and lease all of the sewage and water piping and related infrastructure above and below the ground at or near where the SUBJECT INCIDENT occurred in

a reasonable manner.

13. DEFENDANTS and DOES 1 through 100, inclusive, breached their duty to all reasonably foreseeable people, including PLAINTIFF, to design, construct, install, operate, inspect, maintain, repair, control, manage, own, and lease all of the sewage and water piping and related infrastructure above and below the ground at or near where the SUBJECT INCIDENT occurred in a reasonable manner. In particular, the design, construction, installation, operation, inspection, maintenance, repairing, control, management, ownership, and leasing of the sewage and water piping and related infrastructure above and below the ground at or near where the SUBJECT INCIDENT occurred created an unreasonable risk of harm because the sewage and water piping and related infrastructure above and below the ground were prone to foreseeable failure DEFENDANTS and DOES 1 through 100, inclusive, negligently failed to address, repair, and/or warn about.

14. DEFENDANTS and DOES 1 through 100, inclusive, knew, or, through the exercise of reasonable care, should have known about this unreasonable risk of harm. This unreasonable risk of harm was of such a nature and existed long enough that DEFENDANTS and DOES 1 through 100, inclusive, had sufficient time to discover it and, using reasonable care, repair the unreasonable risk of harm, or protect against harm from the condition, or adequately warn of the unreasonable risk of harm.

15. PLAINTIFF is informed and believe and thereon alleges that DEFENDANTS and DOES 1 through 100, inclusive, failed to make reasonable inspections of the sewage and water piping and related infrastructure above and below the ground at or near where the SUBJECT INCIDENT occurred to discover the unreasonable risk of harm.

16. DEFENDANTS and DOES 1 through 100, inclusive, also failed to repair this unreasonable risk of harm, protect against harm from the condition, or give adequate warning of the unreasonable risk of harm.

17. Such negligence created foreseeable burst pipe(s) and foreseeable torrents of water sufficient to create dangerous erosion and sinkholes at or near where the SUBJECT INCIDENT occurred, and ultimately caused the SUBJECT INCIDENT as well as PLAINTIFF's injuries,

damages, suffering, and losses.

18. Plaintiff further alleges that pursuant to California Government Code sections 815.2(a) and 820(a) *et seq.*, DEFENDANTS and DOES 1 through 50, inclusive, are further liable for PLAINTIFF's injuries proximately caused by the negligent conduct of its employees and agents, who were employees and/or agents of these public entities and acting within the course and scope of their employment when such negligent conduct occurred.

19. As a direct, legal and proximate result of the negligent conduct of DEFENDANTS and DOES 1 through 50, inclusive, PLAINTIFF was compelled to, and did, and will in the future, employ the services of hospitals, doctors, physicians, surgeons, nurses, and the like, to care for and treat PLAINTIFF, and incurred, and will incur in the future, medical, professional, and incidental expenses, the exact amount of such losses to be stated according to proof.

20. As a direct, legal and proximate result of the negligent conduct of DEFENDANTS and DOES 1 through 50, inclusive, PLAINTIFF suffered property damage, the exact amount of such losses to be stated according to proof.

21. As a direct, legal and proximate result of the negligent conduct of DEFENDANTS and DOES 1 through 50, inclusive, PLAINTIFF suffered lost earnings and earning capacity, the exact amount of such losses to be stated according to proof.

SECOND CAUSE OF ACTION

DANGEROUS CONDITION OF PUBLIC PROPERTY

(Pursuant to Government Code § 835, *et seq.*)

[As Against Defendants COUNTY OF LOS ANGELES, CITY OF LOS ANGELES, LOS ANGELES DEPARTMENT OF WATER AND POWER, LOS ANGELES DEPARTMENT OF PUBLIC WORKS, SANITATION DISTRICTS OF LOS ANGELES COUNTY, and DOES 1 Through 50, inclusive]

22. PLAINTIFF re-alleges and incorporates herein by reference each and every allegation and statement contained in the prior paragraphs.

23. DEFENDANTS and DOES 1 through 100, inclusive, owned or controlled the

sewage and water piping and related infrastructure above and below the ground at or near where the SUBJECT INCIDENT occurred.

24. The sewage and water piping and related infrastructure above and below the ground at or near where the SUBJECT INCIDENT occurred was in a dangerous condition at the time of the SUBJECT INCIDENT. In particular, the design, construction, installation, operation, inspection, maintenance, repairing, control, management, ownership, and leasing of the sewage and water piping and related infrastructure above and below the ground at or near where the SUBJECT INCIDENT occurred created a dangerous condition and unreasonable risk of harm because the sewage and water piping and related infrastructure above and below the ground were prone to foreseeable failure that the DEFENDANTS, and DOES 1 through 100, inclusive, negligently failed to address, repair, and/or warn about. Such negligence created foreseeable burst pipe(s) and foreseeable torrents of water sufficient to create dangerous erosion and sinkholes at or near where the SUBJECT INCIDENT occurred, and ultimately caused the SUBJECT INCIDENT and PLAINTIFF's injuries, damages, and losses. This dangerous condition created a reasonably foreseeable risk of the kind of incident that occurred here.

25. The employees and agents of the DEFENDANTS and DOES 1 through 100, inclusive, created this dangerous condition and, at the time they created this dangerous condition, the employees and agents were acting within the course and scope of their employment with the DEFENDANTS and DOES 1 through 100, inclusive. Moreover, the DEFENDANTS and DOES 1 through 100, inclusive, had notice of the dangerous condition for a long enough time to have protected against it, but they failed to do so.

26. As a legal, direct and proximate result of this dangerous condition created by DEFENDANTS and DOES 1 through 100, inclusive, PLAINTIFF was harmed and suffered damages in the SUBJECT INCIDENT.

27. The design, construction, installation, operation, inspection, maintenance, repairing, control, management, ownership, and leasing of the sewage and water piping and related infrastructure above and below the ground at or near where the SUBJECT INCIDENT occurred was further dangerous because of a change in physical conditions, which include,

without limitation, changing soil, seismic and water patterns, changing conditions of sewage and water pipes, increasing population, increasing rainfall, and increasing motorized and pedestrian traffic at or near where the SUBJECT INCIDENT occurred.

28. The DEFENDANTS and DOES 1 through 100, inclusive, had actual or constructive notice of these changes in physical conditions, and had a reasonable time to obtain the funds and carry out the necessary remedial work to bring the sewage and water piping and related infrastructure above and below the ground at or near where the SUBJECT INCIDENT occurred in conformity with a reasonable design or plan. Alternatively, if the DEFENDANTS and DOES 1 through 100, inclusive, claim it was unable to remedy these changed conditions due to practical impossibility or lack of funds, then the DEFENDANTS and DOES 1 through 100, inclusive, failed to provide adequate warnings of these dangerous changed conditions.

29. These dangerous changed conditions, and the failure of the DEFENDANTS and DOES 1 through 100, inclusive, to warn of such dangerous changed conditions were a substantial factor in causing the SUBJECT INCIDENT and PLAINTIFF's injuries, damages, suffering and losses.

30. Plaintiff further alleges that pursuant to California Government Code sections 815.2(a) and 820(a) *et seq.*, DEFENDANTS and DOES 1 through 50, inclusive, are further liable for PLAINTIFF's injuries proximately caused by the negligent conduct of its employees and agents, who were employees and/or agents of these public entities and acting within the course and scope of their employment when such negligent conduct occurred.

31. As a direct, legal and proximate result of the negligent conduct of DEFENDANTS and DOES 1 through 50, inclusive, PLAINTIFF was compelled to, and did, and will in the future, employ the services of hospitals, doctors, physicians, surgeons, nurses, and the like, to care for and treat PLAINTIFF, and incurred, and will incur in the future, medical, professional, and incidental expenses, the exact amount of such losses to be stated according to proof.

32. As a direct, legal and proximate result of the negligent conduct of DEFENDANTS and DOES 1 through 50, inclusive, PLAINTIFF suffered property damage, the exact amount of such losses to be stated according to proof.

33. As a direct, legal and proximate result of the negligent conduct of DEFENDANTS and DOES 1 through 50, inclusive, PLAINTIFF suffered lost earnings and earning capacity, the exact amount of such losses to be stated according to proof.

PRAYER FOR RELIEF

Plaintiff STEPHANIE SCOTT prays judgment against defendants COUNTY OF LOS ANGELES, CITY OF LOS ANGELES, LOS ANGELES DEPARTMENT OF WATER AND POWER, LOS ANGELES DEPARTMENT OF PUBLIC WORKS, SANITATION DISTRICTS OF LOS ANGELES COUNTY, and DOES 1-50, inclusive, and each of them, as follows:

1. For non-economic damages, including, but not limited to, past and future pain and suffering, in an amount in excess of the jurisdictional minimum, according to proof;
2. For economic damages related to loss of earnings and loss of earning capacity;
3. For past and future hospital, medical, professional and incidental expenses, according to proof;
4. For property damage, according to proof;
5. For prejudgment interest, according to proof;
6. For pre-trial interest, according to proof; and
7. For such other and further relief as this Court may deem just and proper.

DATED: September 6, 2017

PANISH SHEA & BOYLE LLP



By:

Brian J. Panish
Kevin R. Boyle
Andrew Owen
Attorneys for PLAINTIFF

DEMAND FOR JURY TRIAL

Plaintiff STEPHANIE SCOTT hereby demands a trial by jury as to all causes of action.

DATED: September 6, 2017

PANISH SHEA & BOYLE LLP



By: _____

Brian J. Panish
Kevin R. Boyle
Andrew Owen
Attorneys for PLAINTIFF