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6 Attorneys for Plaintiffs

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

10 THE ESTATE OF BING WANG, by and
11 through its Successor-in-Interest XIAOMEI
WANG, XIAOMEI WANG, individually, and
12 WENXUAN WANG, individually,

13 Plaintiffs,

14 v.

15 DOORDASH, INC., VLADIMIR
TISHCHENKO, and DOES 1-10,

16 Defendants.
17

Case No. **23STCV19098**

COMPLAINT FOR DAMAGES:

- 1. **WRONGFUL DEATH – NEGLIGENCE**
- 2. **NEGLIGENCE**
- 3. **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**
- 4. **LOSS OF CONSORTIUM**

DEMAND FOR JURY TRIAL

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20 COME NOW Plaintiffs THE ESTATE OF BING WANG, by and through its Successor-
21 in-Interest XIAOMEI WANG, XIAOMEI WANG, individually, and WENXUAN WANG,
22 individually, (“Plaintiffs”) for causes of action against Defendants DOORDASH, INC.,
23 VLADIMIR TISHCHENKO, and DOES 1-10, inclusive (“Defendants”), who complain and allege
24 as follows:

25 **GENERAL ALLEGATIONS**

26 1. A few hours after arriving in Los Angeles on the afternoon of June 7, 2023, the
27 Wang family went walking in the Pico-Robertson area to do some sightseeing. As they walked
28 past a Chase Bank on La Cienega, a DoorDash driver lost control of his car, ran over the Wang

1 family on the sidewalk and ultimately crashed into the side of the bank. Bing Wang, 51, died from
2 his injuries. His wife, Xiaomei Wang, 48, was catastrophically injured and had to have her left leg
3 amputated. And their son, Wenxuan Wang, 19, suffered broken bones and watched helplessly as
4 his parents were mangled within a split second before his very eyes. The "dasher"—the name the
5 company has given to its drivers—is 36-year-old Vladimir Tishchenko.

6 2. Mr. Tishchenko was driving a 2019 Hyundai Ioniq with a DoorDash logo on it and
7 was in the process of handling a food order for a DoorDash customer at the time of the crash.

8 3. DoorDash, Inc. is a San Francisco based company that operates an online food
9 ordering and food delivery platform. DoorDash is the largest food delivery company in the United
10 States.

11 4. Plaintiffs are informed and believe, and thereon allege, that at all times herein
12 relevant, Defendant Tishchenko was working for Defendant DoorDash and DOES 1 through 10,
13 inclusive, and was at all times herein relevant acting within the course and scope of his duties for
14 Defendant DoorDash and DOES 1 through 10, inclusive.

15 5. Plaintiffs are further informed and believe, and thereon allege, that Defendants
16 Tishchenko and DoorDash, including DOES 1 through 10, inclusive, were agents, servants,
17 employees, successors in interest, and/or joint venturers of their co-defendants, and were, as such,
18 acting within the course, scope, and authority of said agency, employment and/or venture, and that
19 each and every defendant, as aforesaid, when acting as a principal, was negligent in the selection
20 of each and every other defendant as an agent, servant, employee, successor in interest, and/or
21 joint venturer.

22 6. Plaintiffs are further informed and believe, and thereon allege, that Defendants
23 Tishchenko and DoorDash and DOES 1 through 10, inclusive, were acting in concert with each
24 other by assisting, facilitating, encouraging and otherwise condoning Tishchenko's negligent and
25 reckless driving and as such are equally liable for Tishchenko's negligent and reckless behavior.

26 7. Decedent BING WANG, at all times herein relevant, was a citizen of China.

27 8. Plaintiff XIAOMEI WANG, at all times herein relevant, was a citizen of China.

28 9. Plaintiff WENXUAN WANG, at all times herein relevant, was a citizen of China.

1 10. At all relevant times, BING WANG and XIAOMEI WANG were lawfully married
2 as husband and wife.

3 11. Plaintiffs XIAOMEI WANG and WENXUAN WANG, at all times herein relevant,
4 are the surviving heirs of the Decedent BING WANG. As surviving heirs, Plaintiffs XIAOMEI
5 WANG and WENXUAN WANG have standing to bring a wrongful death cause of action as
6 wrongful death heirs for Decedent Bing Wang, under California Code of Civil Procedure section
7 377.60.

8 12. Decedent BING WANG would have been a plaintiff in this action had he lived.
9 BING WANG's actions are brought by Plaintiff XIAOMEI WANG on behalf of her husband
10 pursuant to California Code of Civil Procedure Sections 377.10 to 377.35 inclusive.

11 13. Defendant DOORDASH, INC. at all times herein relevant, is a California
12 corporation and is authorized to do business in California, with its principal place of business in
13 San Francisco.

14 14. Defendant VLADIMIR TISHCHENKO, at all times herein relevant, was a resident
15 of Los Angeles County, California.

16 15. The true names and capacities, whether individual, plural, corporate, partnership,
17 associate, or otherwise, of DOES 1 through 10, inclusive, are unknown to Plaintiffs who therefore
18 sue said defendants by such fictitious names. The full extent of the facts linking such fictitiously
19 sued defendants is unknown to Plaintiffs. Plaintiffs are informed and believe, and thereupon
20 allege, that each of the defendants designated herein as a DOE was, and is, negligent, or in some
21 other actionable manner, responsible for the events and happenings hereinafter referred to, and
22 thereby negligently, or in some other actionable manner, legally and proximately caused the
23 hereinafter described injuries and damages to Plaintiffs. Plaintiffs will hereafter seek leave of the
24 Court to amend this Complaint to show the defendants' true names and capacities after the same
25 have been ascertained.

26 **FIRST CAUSE OF ACTION**

27 **(Wrongful Death Sounding in Negligence Brought by Plaintiffs THE ESTATE OF BING**
28 **WANG, by and through its Successor-in-Interest XIAOMEI WANG, XIAOMEI WANG,**

1 **individually, and WENXUAN WANG, individually, Against All Defendants and DOES 1**
2 **Through 10, Inclusive)**

3 16. Plaintiffs THE ESTATE OF BING WANG, by and through its Successor-in-
4 Interest XIAOMEI WANG, XIAOMEI WANG, individually, and WENXUAN WANG,
5 individually, re-allege and incorporate herein by reference each and every allegation and statement
6 contained in the prior paragraphs.

7 17. Plaintiffs THE ESTATE OF BING WANG, by and through its Successor-in-
8 Interest XIAOMEI WANG, XIAOMEI WANG, individually, and WENXUAN WANG,
9 individually, are informed and believe, and thereon allege, that at all times mentioned herein,
10 Defendants and DOES 1 through 10, inclusive, owed a duty of care to all reasonably foreseeable
11 people, including Decedent and Plaintiffs, to own, lease, manage, maintain, control, entrust, and
12 operate the subject Hyundai Ioniq in a reasonable manner.

13 18. Plaintiffs THE ESTATE OF BING WANG, by and through its Successor-in-
14 Interest XIAOMEI WANG, XIAOMEI WANG, individually, and WENXUAN WANG,
15 individually, are informed and believe, and thereon allege, that Defendants' and DOES 1 through
16 10, and each of them, said careless, negligent, reckless and unlawful conduct in regards to the
17 ownership, control, entrustment, management, maintenance and operation of the subject Hyundai
18 Ioniq was the direct, legal and proximate cause of the fatal injuries sustained by Decedent Bing
19 Wang and the damages to Plaintiffs as herein alleged.

20 19. The aforementioned subject incident giving rise to this wrongful death and survival
21 action caused Decedent Bing Wang to suffer various traumatic injuries. As a legal, direct and
22 proximate result of the conduct of said Defendants, including DOES 1 through 10, inclusive,
23 Decedent Bing Wang suffered pre-death physical injuries, mental anguish, terror, anxiety and
24 unconsciousness.

25 20. Plaintiffs THE ESTATE OF BING WANG, by and through its Successor-in-
26 Interest XIAOMEI WANG, XIAOMEI WANG, individually, and WENXUAN WANG,
27 individually, are further informed and believe, and thereon allege, that Defendants, including
28 DOES 1 through 10, inclusive, were agents, servants, employees, successors in interest, and/or

1 joint venturers of their co-defendants, and were, as such, acting within the course, scope, and
2 authority of said agency, employment and/or venture, and that each and every defendant, as
3 aforesaid, when acting as a principal, was negligent in the selection of each and every other
4 defendant as an agent, servant, employee, successor in interest, and/or joint venturer.

5 21. Plaintiffs THE ESTATE OF BING WANG, by and through its Successor-in-
6 Interest XIAOMEI WANG, XIAOMEI WANG, individually, and WENXUAN WANG,
7 individually, are further informed and believe, and thereon allege, that Defendants and DOES 1
8 through 10, inclusive, were acting in concert with each other by assisting, facilitating, encouraging
9 and otherwise condoning Defendant Tishchenko's negligent and reckless driving and as such are
10 equally liable for Defendant Tishchenko's negligent and reckless behavior.

11 22. Plaintiffs THE ESTATE OF BING WANG, by and through its Successor-in-
12 Interest XIAOMEI WANG, XIAOMEI WANG, individually, and WENXUAN WANG,
13 individually, are informed and believe, and thereon allege, that at all times mentioned herein,
14 Defendants and DOES 1 through 10, inclusive, carelessly, negligently, recklessly and with
15 conscious disregard for the welfare and safety of others, including Decedent Bing Wang, owned,
16 leased, managed, maintained, controlled, entrusted and operated the subject Hyundai Ioniq so as to
17 legally and proximately cause the subject collision and kill Decedent Bing Wang while he was
18 lawfully and safely walking on the sidewalk on La Cienega.

19 23. BING WANG endured pain and suffering caused by Defendants', including DOES
20 1 through 10, acts and/or admissions prior to her death. Pursuant to California Code of Civil
21 Procedure section 377.34, Plaintiff XIAOMEI WANG seeks damages, as decedent's successor in
22 interest according to California Code of Civil Procedure section 377.11 and decedent's heir at law,
23 for BING WANG's pain and suffering prior to his death.

24 24. As a legal, direct and proximate result of the intentional, reckless and negligent
25 conduct of Defendants, including DOES 1 through 10, Plaintiffs THE ESTATE OF BING
26 WANG, by and through its Successor-in-Interest XIAOMEI WANG, XIAOMEI WANG,
27 individually, and WENXUAN WANG, individually, have sustained damages resulting from the
28 loss of love, affection, society, service, comfort, support, right of support, expectations of future

1 support and counseling, companionship, solace and mental support, as well as other benefits and
2 assistance of Decedent Bing Wang, all to their general damages in a sum in excess of the
3 jurisdictional limits of this Court, which will be stated according to proof, pursuant to Section
4 425.10 of the *California Code of Civil Procedure*.

5 25. As a legal, direct and proximate result of the conduct of Defendants, including
6 DOES 1 through 10, inclusive, Plaintiffs THE ESTATE OF BING WANG, by and through its
7 Successor-in-Interest XIAOMEI WANG, XIAOMEI WANG, individually, and WENXUAN
8 WANG, individually, will be deprived of the financial support and assistance of Decedent Bing
9 Wang, the exact amount of such losses to be stated according to proof, pursuant to Section 425.10
10 of the *California Code of Civil Procedure*.

11 26. As a legal, direct and proximate result of the conduct of Defendants, including
12 DOES 1 through 10, inclusive, as aforesaid, Plaintiffs THE ESTATE OF BING WANG, by and
13 through its Successor-in-Interest XIAOMEI WANG, XIAOMEI WANG, individually, and
14 WENXUAN WANG, individually, have incurred property, medical, funeral and burial expenses
15 in an amount to be stated according to proof, pursuant to Section 425.10 of the *California Code of*
16 *Civil Procedure*.

17 27. As a legal, direct and proximate result of the conduct of Defendants, including
18 DOES 1 through 10, inclusive, Decedent Bing Wang suffered lost earnings and property damages,
19 the exact amount of such losses to be stated according to proof, pursuant to Section 425.10 of the
20 *California Code of Civil Procedure*.

21 **SECOND CAUSE OF ACTION**

22 **(Negligence Brought By Plaintiffs XIAOMEI WANG, individually, and WENXUAN** 23 **WANG, individually, Against All Defendants and DOES 1 Through 10, Inclusive)**

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

26 29. Plaintiffs XIAOMEI WANG and WENXUAN WANG are informed and believe,
27 and thereon allege, that at all times mentioned herein, Defendants and DOES 1 through 10,
28 inclusive, owed a duty of care to all reasonably foreseeable people, including Plaintiff, to own,

1 lease, manage, maintain, control, entrust, and operate the Hyundai Ioniq in a reasonable manner.

2 30. Plaintiffs XIAOMEI WANG and WENXUAN WANG are informed and believe,
3 and thereon allege, that Defendants' and DOES 1 through 10, and each of them, said careless,
4 negligent, reckless and unlawful conduct in regards to the ownership, control, entrustment,
5 management, maintenance and operation of the Hyundai Ioniq was the direct, legal and proximate
6 cause of the injuries and damages suffered by Plaintiffs XIAOMEI WANG and WENXUAN
7 WANG as herein alleged.

8 31. Plaintiffs XIAOMEI WANG and WENXUAN WANG are informed and believe
9 and thereon allege that on June 7, 2023 Defendant Tishchenko, in the course and scope of his
10 employment with DoorDash, and Does 1 through 10, inclusive, negligently and carelessly
11 operated the Hyundai Ioniq by suddenly, and without warning, driving onto the sidewalk along La
12 Cienega and crashing into the Wang family in front of the Chase Bank. Such negligent and
13 careless operation of the vehicle caused the vehicle to collide into Plaintiffs XIAOMEI WANG
14 and WENXUAN WANG causing catastrophic injuries.

15 32. Plaintiffs XIAOMEI WANG and WENXUAN WANG are informed and believe
16 and thereon allege that Defendants and DOES 1 through 10, inclusive, breached their duty to
17 operate, drive, control, entrust, service, and maintain the vehicle in a reasonable manner.

18 33. Plaintiffs XIAOMEI WANG and WENXUAN WANG are informed and believe
19 and thereon allege, that Defendants, including DOES 1 through 10, inclusive, were agents,
20 servants, employees, successors in interest, and/or joint venturers of their co-defendants, and were,
21 as such, acting within the course, scope, and authority of said agency, employment and/or venture,
22 and that each and every defendant, as aforesaid, when acting as a principal, was negligent in the
23 selection of each and every other defendant as an agent, servant, employee, successor in interest,
24 and/or joint venturer.

25 34. Plaintiffs XIAOMEI WANG and WENXUAN WANG are informed and believe
26 and thereon alleges, that Defendants and DOES 1 through 10, inclusive, were acting in concert
27 with each other by assisting, facilitating, encouraging and otherwise condoning Defendant
28 Tishchenko's negligent and reckless driving and as such are equally liable for Defendant

1 Tishchenko's negligent and reckless behavior.

2 35. Plaintiffs XIAOMEI WANG and WENXUAN WANG are informed and believe
3 and thereon alleges, that at all times mentioned herein, Defendants and DOES 1 through 10,
4 inclusive, carelessly, negligently and recklessly owned, leased, managed, maintained, controlled,
5 entrusted and operated the vehicle so as to legally and proximately cause the same to collide with,
6 damage, and injure Plaintiffs XIAOMEI WANG and WENXUAN WANG.

7 36. As a direct and proximate result of the conduct of Defendants and DOES 1 through
8 10, inclusive, Plaintiffs XIAOMEI WANG and WENXUAN WANG were caused to suffer severe
9 injuries.

10 37. Plaintiffs XIAOMEI WANG and WENXUAN WANG have sustained non-
11 economic damages, including, but not limited to, past and future physical pain and mental
12 suffering, loss of enjoyment of life, disfigurement, physical impairment, inconvenience, grief,
13 anxiety, humiliation, serious emotional distress, in an amount in excess of the jurisdictional
14 minimum, according to proof, pursuant to Section 425.10 of the California *Code of Civil*
15 *Procedure*.

16 38. Plaintiffs XIAOMEI WANG and WENXUAN WANG were compelled to, and did,
17 employ the services of hospitals, physicians, surgeons, nurses, and the like, to care and treat him,
18 the exact amount of such losses to be stated according to proof, pursuant to Section 425.10 of the
19 California *Code of Civil Procedure*.

20 39. Plaintiff XIAOMEI WANG also suffered wage loss and lost earning capacity, the
21 exact amount of such losses to be stated according to proof, pursuant to Section 425.10 of the
22 California *Code of Civil Procedure*.

23 **THIRD CAUSE OF ACTION**

24 **(Negligent Infliction of Emotional Distress (Direct Victim Claim) by Plaintiffs XIAOMEI** 25 **WANG and WENXUAN WANG Against All Defendants and DOES 1 Through 10,** 26 **Inclusive)**

27 40. Plaintiffs XIAOMEI WANG and WENXUAN WANG re-allege and incorporate
28 herein by reference each and every allegation and statement contained in the prior paragraphs.

1 41. Plaintiff Wenxuan Wang witnessed his father get killed and his mother suffer
2 catastrophic injuries resulting in her leg being amputated all as a result of the DoorDash dasher's
3 negligent and reckless driving. To add insult to injury, Plaintiff Wenxuan Wang was also injured
4 in the collision.

5 42. Plaintiffs XIAOMEI WANG and WENXUAN WANG allege that Defendants'
6 negligent and reckless conduct, which killed Bing Wang and caused catastrophic injuries to
7 Xiaomei Wang and Wenxuan Wang, caused them to suffer serious emotional distress, including,
8 but not limited to, suffering, anguish, fright, horror, nervousness, grief, anxiety, worry and shock
9 requiring treatment and counseling.

10 43. The negligence, carelessness and recklessness of Defendants and DOES 1 through
11 10, inclusive, was a substantial factor in causing Plaintiffs XIAOMEI WANG and WENXUAN
12 WANG's serious emotional distress.

13 **FOURTH CAUSE OF ACTION**

14 **(Loss of Consortium by Plaintiff XIAOMEI WANG Against All Defendants and**
15 **DOES 1 Through 10, Inclusive)**

16 44. Plaintiff XIAOMEI WANG re-alleges and incorporates herein by reference each
17 and every allegation and statement contained in the prior paragraphs.

18 45. At all times herein mentioned, Decedent BING WANG and Plaintiff XIAOMEI
19 WANG were, and legally married as husband and wife.

20 46. As a direct and proximate cause of the aforementioned conduct and/or fault by
21 Defendants and DOES 1 through 10, inclusive, and each of them, which caused the injuries and
22 death to Decedent BING WANG, Plaintiff XIAOMEI WANG has been deprived of the love,
23 companionship, comfort, affection, society, solace or moral support, protection, loss of enjoyment
24 of sexual relations, and loss of physical assistance in the operation and maintenance of the home,
25 of her husband, BING WANG, and has thereby sustained, and will continue to sustain damages, in
26 an amount to be stated according to proof, pursuant to California Code of Civil Procedure Section
27 425.10.

28 ///

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs THE ESTATE OF BING WANG, by and through its Successor-in-Interest XIAOMEI WANG, XIAOMEI WANG, individually, and WENXUAN WANG, individually, pray judgment against all Defendants as follows:

1. For past and future non-economic wrongful death damages suffered by Plaintiffs XIAOMEI WANG and WENXUAN WANG including, but not limited to, loss of love, affection, care, society, service, comfort, support, right to support, companionship, solace or moral support, expectations of future support and counseling, other benefits and assistance of Decedent BING WANG, in an amount in excess of the jurisdictional minimum, according to proof;

2. For past and future non-economic general damages suffered by Plaintiffs XIAOMEI WANG and WENXUAN WANG, including, but not limited to, past and future physical pain and mental suffering, loss of enjoyment of life, disfigurement, physical impairment, inconvenience, grief, anxiety, humiliation, serious emotional distress, in an amount in excess of the jurisdictional minimum, according to proof;

3. For past and future economic damages suffered by Plaintiffs XIAOMEI WANG and WENXUAN WANG related to loss of earnings and loss of financial support from DECEDENT BING WANG, according to proof;

4. For past and future economic damages related to loss of earnings and loss of earning capacity suffered by Plaintiff XIAOMEI WANG, according to proof;

5. For all pre-death pain and suffering by Decedent BING WANG pursuant to California Code of Civil Procedure section 377.34;

6. For funeral and burial expenses suffered by Plaintiffs XIAOMEI WANG and WENXUAN WANG, according to proof;

7. For past and future hospital, medical, professional and incidental expenses suffered by Plaintiffs THE ESTATE OF BING WANG, by and through its Successor-in-Interest XIAOMEI WANG, XIAOMEI WANG, individually, and WENXUAN WANG, individually, according to proof;

8. For loss of personal property and income suffered by Plaintiffs THE ESTATE OF

1 BING WANG, by and through its Successor-in-Interest XIAOMEI WANG, XIAOMEI WANG,
2 individually, and WENXUAN WANG, individually, according to proof;

3 9. As to plaintiff XIAOMEI WANG, for loss of consortium damages for loss of love,
4 affection, care, society, service, comfort, support, right to support, companionship, solace or moral
5 support, expectations of future support and counseling as well as other benefits and assistance of
6 Decedent BING WANG, which will be stated according to proof, and beyond the jurisdictional
7 minimum of this Court; in a sum within the jurisdiction of this Court and which will be established
8 according to proof at trial;


9 10. For prejudgment interest, according to proof;

10 11. For pre-trial interest, according to proof;

11 12. For such other and further relief as this Court may deem just and proper.

13 DATED: August 10, 2023

PANISH | SHEA | BOYLE | RAVIPUDI LLP


16 By: 
Robert S. Glassman
Jonathan H. Davidi
Attorneys for Plaintiffs

19 **DEMAND FOR JURY TRIAL**

20 Plaintiffs THE ESTATE OF BING WANG, by and through its Successor-in-Interest
21 XIAOMEI WANG, XIAOMEI WANG, individually, and WENXUAN WANG, individually,
22 hereby demand a trial by jury as to all causes of action.

24 DATED: August 10, 2023

PANISH | SHEA | BOYLE | RAVIPUDI LLP

26 By: 
Robert S. Glassman
Jonathan H. Davidi
Attorneys for Plaintiffs