



SHORT TITLE: Latorella v. Sea Bowl Pacifica, Inc., et al.	CASE NUMBER:
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4.  Plaintiff (name): Luigi Latorella  
 is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

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|---|--|
| a. <input checked="" type="checkbox"/> except defendant (name): Sea Bowl Pacifica, Inc. c. <input type="checkbox"/> except defendant (name):<br>(1) <input type="checkbox"/> a business organization, form unknown<br>(2) <input checked="" type="checkbox"/> a corporation<br>(3) <input type="checkbox"/> an unincorporated entity (describe):<br><br>(4) <input type="checkbox"/> a public entity (describe):<br>(5) <input type="checkbox"/> other (specify): | (1) <input type="checkbox"/> a business organization, form unknown<br>(2) <input type="checkbox"/> a corporation<br>(3) <input type="checkbox"/> an unincorporated entity (describe):<br><br>(4) <input type="checkbox"/> a public entity (describe):<br>(5) <input type="checkbox"/> other (specify): |
|---|--|

- |  |  |
|--|--|
| b. <input type="checkbox"/> except defendant (name):<br>(1) <input type="checkbox"/> a business organization, form unknown<br>(2) <input type="checkbox"/> a corporation<br>(3) <input type="checkbox"/> an unincorporated entity (describe):<br><br>(4) <input type="checkbox"/> a public entity (describe):<br>(5) <input type="checkbox"/> other (specify): | d. <input type="checkbox"/> except defendant (name):<br>(1) <input type="checkbox"/> a business organization, form unknown<br>(2) <input type="checkbox"/> a corporation<br>(3) <input type="checkbox"/> an unincorporated entity (describe):<br><br>(4) <input type="checkbox"/> a public entity (describe):<br>(5) <input type="checkbox"/> other (specify): |
|--|--|

Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

- a.  Doe defendants (specify Doe numbers): 1-15 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b.  Doe defendants (specify Doe numbers): 16-30 are persons whose capacities are unknown to plaintiff.

7.  Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

- a.  at least one defendant now resides in its jurisdictional area.  
 b.  the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.  
 c.  injury to person or damage to personal property occurred in its jurisdictional area.  
 d.  other (specify):

9.  Plaintiff is required to comply with a claims statute, and

- a.  has complied with applicable claims statutes, or  
 b.  is excused from complying because (specify):

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10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a.  Motor Vehicle
- b.  General Negligence
- c.  Intentional Tort
- d.  Products Liability
- e.  Premises Liability
- f.  Other (specify):

Gross negligence, negligent infliction of emotional distress, negligent entrustment, permissive use, respondeat superior, intentional infliction of emotional distress.

11. Plaintiff has suffered

- a.  wage loss
- b.  loss of use of property
- c.  hospital and medical expenses
- d.  general damage
- e.  property damage
- f.  loss of earning capacity
- g.  other damage (specify):

Severe emotional distress and emotional distress.

12.  The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a.  listed in Attachment 12.
- b.  as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1)  compensatory damages
- (2)  punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1)  according to proof
- (2)  in the amount of: \$

15.  The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: May 26, 2016

Salvatore C. Timpano

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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First \_\_\_\_\_ **CAUSE OF ACTION—Motor Vehicle**  
 (number)

ATTACHMENT TO:  Complaint  Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name): Luigi Latorella

MV- 1. Plaintiff alleges the acts of defendants were negligent; the acts were the legal (proximate) cause of injuries and damages to plaintiff; the acts occurred

on (date): June 1, 2014

at (place):

Eastbound on Sharp Park Road in Pacifica, CA.

MV- 2. DEFENDANTS

a.  The defendants who operated a motor vehicle are (names):  
 Jose O. Rosa, an adult individual (also referred to in this complaint as "Rosa")

Does 1 \_\_\_\_\_ to 5 \_\_\_\_\_

b.  The defendants who employed the persons who operated a motor vehicle in the course of their employment are (names):

On information and belief, Sea Bowl Pacifica, Inc., a California corporation

Does 6 \_\_\_\_\_ to 10 \_\_\_\_\_

c.  The defendants who owned the motor vehicle which was operated with their permission are (names):  
 On information and belief, Sea Bowl Pacifica, Inc.

Does 11 \_\_\_\_\_ to 15 \_\_\_\_\_

d.  The defendants who entrusted the motor vehicle are (names):  
 Sea Bowl Pacifica, Inc.

Does 16 \_\_\_\_\_ to 20 \_\_\_\_\_

e.  The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):

On information and belief, Sea Bowl Pacifica, Inc. employed Jose O. Rosa, who was acting within the course and scope of his employment on the date of loss up to the point of the colli

Does 21 \_\_\_\_\_ to 25 \_\_\_\_\_

f.  The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are  listed in Attachment MV-2f  as follows:

Defendants are liable to plaintiff for all known and unknown damages defendants, and each of them, caused to plaintiff.

Plaintiff incorporates these facts throughout this complaint and the following causes of action.

Does 26 \_\_\_\_\_ to 30 \_\_\_\_\_

SHORT TITLE:

Latorella v. Sea Bowl Pacifica, Inc., et al.

CASE NUMBER:

Second

(number)

**CAUSE OF ACTION—General Negligence**

Page 2

ATTACHMENT TO  Complaint  Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Luigi Latorella

alleges that defendant (name): Sea Bowl Pacifica, Inc. and Jose O. Rosa ("Rosa")

 Does 1 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): June 1, 2014

at (place): County of San Mateo

(description of reasons for liability):

Plaintiff incorporates facts previously set forth as if set forth herein at length herein.

At approximately 9:45 p.m., on the date of loss Mr. Latorella was lawfully operating his 2004 Nissan Sentra eastbound on Sharp Park Road in Pacifica, California. Defendant Rosa was operating a 1993 Ford Econoline 250, owned, or provided to him, by Sea Bowl Pacifica, Inc. On the date of loss, Rosa was traveling behind Mr. Latorella before slamming into the rear of Mr. Latorella's car. Rosa immediately fled the scene of the collision. Prior to the impact, Mr. Latorella received no warning signs of the impending collision, no horn, no skid. Mr. Latorella was wearing his seat belt at the time of impact. Upon impact, Mr. Latorella sustained serious physical injuries and immediately after the impact, severe emotional distress. Mr. Latorella's car was a total loss. Rosa caused this accident and then exacerbated Mr. Latorella's damages by immediately fleeing the scene of the accident.

Each defendant contributed to the negligent, reckless, careless, and unlawful operation of the motor vehicle, operated by defendant Rosa, which he negligently drove into plaintiff's motor vehicle, in violation of safe and reasonable vehicle operation procedures and California Vehicle Codes, causing the collision and the resulting injuries to Plaintiff, including but not limited to physical injury, emotional injury, loss of use of property, medical expenses, general damages, property damage, loss of earning capacity. Rosa also caused severe emotion distress to Mr. Latorella by immediately fleeing the scene of the collision without care for Mr. Latorella's condition, or need of assistance, after the collision. Rosa fled the scene without identifying himself, or exchanging information with Mr. Latorella.

Defendants' negligence and Rosa's intentional acts were a substantial factor in causing harm to Mr. Latorella.

Plaintiff suffered damages in an amount according to proof.

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Latorella v. Sea Bowl Pacifica, Inc., et al.

CASE NUMBER:

Third

(number)

**CAUSE OF ACTION—General Negligence**Page 3ATTACHMENT TO  Complaint  Cross - Complaint*(Use a separate cause of action form for each cause of action.)*

GN-1. Plaintiff (name): Luigi Latorella

alleges that defendant (name): Sea Bowl Pacifica, Inc. and Jose O. Rosa ("Rosa")

 Does 11 to 15

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): June 1, 2014

at (place): County of San Mateo

*(description of reasons for liability):*

Negligent Entrustment:

Plaintiff incorporates facts previously set forth as if set forth herein at length herein.

On the date of loss, defendant Rosa was negligent in the operation of the vehicle he was operating at the time of loss. On information and belief, Rosa was operating said vehicle within the course and scope of his employment, until he fled the scene of the collision. On information and belief, defendant Sea Bowl Pacifica, Inc., owned the vehicle operated by Rosa or had possession of said vehicle, operated by Rosa with the vehicle owner's permission. Sea Bowl Pacifica, Inc., or the owner of the vehicle operated by Rosa, knew or should have known, that Rosa was incompetent or unfit to drive the vehicle. Rosa's incompetence or unfitness to drive was a substantial factor in causing harm to the plaintiff.

Plaintiff suffered damages in an amount according to proof.

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CASE NUMBER:

Fourth

(number)

**CAUSE OF ACTION—General Negligence**

Page 4

ATTACHMENT TO  Complaint  Cross - Complaint*(Use a separate cause of action form for each cause of action.)*

GN-1. Plaintiff (name): Luigi Latorella

alleges that defendant (name): Sea Bowl Pacifica, Inc. and Jose O. Rosa ("Rosa")

 Does 16 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): June 1, 2014

at (place): County of San Mateo

*(description of reasons for liability):*

Permissive Use:

Plaintiff incorporates facts previously set forth as if set forth herein at length herein.

On the date of loss, defendant Rosa was negligent in operating the 1993 Ford Econoline 250. which struck the vehicle operated by plaintiff. Sea Bowl Pacifica, Inc., was an owner, or the owner of the 1993 Ford Econoline 250 operated by defendant Rosa at the time of the injury to the plaintiff. Sea Bowl Pacifica, Inc., by words or conduct gave defendant Rosa permission to use the vehicle, operated by Rosa, on the date of loss.

On the date of loss, Rosa was negligent in the operation of the 1993 Ford Econoline 250. Defendant Sea Bowl Pacifica, Inc., owned the 1993 Ford Econoline 250. operated by Rosa or had possession of the motor vehicle operated by Rosa with the owner's, permission. Sea Bowl Pacifica, Inc., knew or should have known that Rosa was incompetence or unfit to drive the vehicle and that Jose O. Rosa's incompetence or unfitness to drive was a substantial factor in causing harm to the plaintiffs.

Plaintiff suffered damages in an amount according to proof.

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CASE NUMBER:

Fifth

(number)

**CAUSE OF ACTION—General Negligence**Page 5ATTACHMENT TO  Complaint  Cross - Complaint*(Use a separate cause of action form for each cause of action.)*

GN-1. Plaintiff (name): Luigi Latorella

alleges that defendant (name): Sea Bowl Pacifica, Inc., and Jose O. Rosa ("Rosa")

 Does 21 to 25

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): June 1, 2014

at (place): County of San Mateo

*(description of reasons for liability):*

Tort Liability Asserted Against Principle:

Plaintiff incorporates facts previously set forth as if set forth herein at length herein.

On information and belief, defendant Sea Bowl Pacifica, Inc., was the employer of Jose O. Rosa on the date of loss. Rosa was acting within the course and scope of his employment with Sea Bowl Pacifica, Inc., on the date of loss, when defendants caused injuries to plaintiff, except for immediately after the collision when Rosa fled the scene of the collision.

Plaintiff suffered damages in an amount according to proof.



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Sixth

(number)

**CAUSE OF ACTION—General Negligence**Page 6ATTACHMENT TO  Complaint  Cross - Complaint*(Use a separate cause of action form for each cause of action.)*

GN-1. Plaintiff (name): Luigi Latorella

alleges that defendant (name): Sea Bowl Pacifica, Inc., and Jose O. Rosa ("Rosa")

 Does 1 to 30

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): June 1, 2014

at (place): County of San Mateo.

*(description of reasons for liability):***Gross Negligence:**

Plaintiff incorporates facts previously set forth as if set forth herein at length herein.

By reason of the relationship between plaintiff and defendants, defendants owed plaintiff the duty to exercise reasonable care in the operation and ownership, management, and control of the motor vehicle controlled and owned, possessed and operated by defendants on the date of loss, which included but was not limited to the following: the duty to comply with all applicable state and local laws governing plaintiff's rights including the duty to exercise reasonable care in the operation and maintenance of the vehicle that caused the underlying motor vehicle accident.

Defendants breached those obligations to Plaintiff by not complying with the laws and standards of reasonableness and care.

Defendants' aforementioned acts and omissions were grossly negligent due to the lack of any care or an extreme departure from what a reasonably careful person would do in the same situation to prevent harm to oneself or to others.

Plaintiff is informed and believes and thereupon alleges that at all times relevant to this cause of action, defendants, and each of them, were the agents, servants, employees, employers, partners, and/or joint venturers of each other Defendant; and were, as such acting within the scope, course, and authority of said relationship regarding all damages, except damages that flow from intentional torts.

As a direct and proximate result of these breaches by defendants, plaintiff suffered damages, including sever emotional distress, in an amount according to proof.

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Latorella v. Sea Bowl Pacifica, Inc., et al.

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Seventh

(number)

**CAUSE OF ACTION—General Negligence**Page 7ATTACHMENT TO  Complaint  Cross - Complaint*(Use a separate cause of action form for each cause of action.)*GN-1. Plaintiff (*name*): Luigi Latorellaalleges that defendant (*name*): Jose O. Rosa ("Rosa") Does 1 to 30

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (*date*): Jose 1, 2014at (*place*): County of San Mateo*(description of reasons for liability):***Intentional Infliction of Emotional Distress:**

Plaintiff incorporate facts previously set forth as if set forth herein at length herein.

Defendant Rosa acted with reckless disregard of the probability that Mr. Latorella would suffer emotional distress, knowing that Mr. Latorella was present when the collision and immediately fleeing of the scene ("hit and run") of the collision occurred. As a result of Rosa hit and run, Mr. Latorella suffered sever emotional distress and Rosa conduct was a substantial factor is causing plaintiff to suffer sever emotional distress.

As a direct and proximate result of these actions by Rosa, plaintiffs suffered damages, including sever emotional distress, in an amount according to proof.

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Eighth

(number)

**CAUSE OF ACTION—General Negligence**

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ATTACHMENT TO:  Complaint  Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Luigi Latorella

alleges that defendant (name): Sea Bowl Pacifica, Inc., Jose O. Rosa ("Rosa")

 Does 1 to 30

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): June 1, 2014

at (place): County of San Mateo

(description of reasons for liability):

Negligent Infliction of Emotional Distress

Plaintiff incorporates facts previously set forth as if set forth herein at length herein.

Defendants' acts and omissions as described above caused plaintiff to suffer serious emotional distress.

Defendant Sea Bowl Pacifica Inc., was negligent in entrusting Rosa with a motor vehicle that Sea Bowl Pacifica, Inc., owned or controlled. Rosa was negligent in his operation of the vehicle entrusted to him and also negligent when he fled the scene of the collision in complete disregard for the condition or safety of Mr. Latorella.

As a result of the above described conduct, Mr. Latorella suffered serious emotional distress

Defendants' negligence was a substantial factor in causing Plaintiff serious emotional distress and damages in an amount according to proof.