



<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <b>Steven J. Bell (State Bar # 126567)</b>  <b>Jones Clifford Johnson Dehner Wong Morrison Sheppard &amp; Bell</b>  <b>1390 Market Street, Suite 1200</b>  <b>San Francisco, CA 94102</b></p> <p>TELEPHONE NO: (415) 431-5310      FAX NO. (Optional): (415) 431-2266</p> <p>E-MAIL ADDRESS (Optional):</p> <p>ATTORNEY FOR (Name): <b>Plaintiff Mitchell Ow</b></p>	<p>FOR COURT USE ONLY</p> <p><b>FILED</b> ALAMEDA COUNTY</p> <p>JUN - 3 2015 <i>[Signature]</i> Exec. Off/Clerk</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA</p> <p>STREET ADDRESS: 1225 Fallon Street          MAILING ADDRESS: 1225 Fallon Street          CITY AND ZIP CODE: Oakland 94612          BRANCH NAME:</p>	<p>By _____</p>
<p>PLAINTIFF: Mitchell Ow</p> <p>DEFENDANT: Port of Oakland</p> <p><input checked="" type="checkbox"/> DOES 1 TO <u>50</u></p>	
<p><b>COMPLAINT—Personal Injury, Property Damage, Wrongful Death</b></p> <p><input type="checkbox"/> AMENDED (Number):</p> <p>Type (check all that apply):</p> <p><input type="checkbox"/> MOTOR VEHICLE    <input checked="" type="checkbox"/> OTHER (specify): General Negligence; Premise Liability</p> <p><input type="checkbox"/> Property Damage    <input type="checkbox"/> Wrongful Death</p> <p><input checked="" type="checkbox"/> Personal Injury    <input checked="" type="checkbox"/> Other Damages (specify): Prejudgment Interest</p>	
<p>Jurisdiction (check all that apply):</p> <p><input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE          Amount demanded    <input type="checkbox"/> does not exceed \$10,000            <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000</p> <p><input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)</p> <p><input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint</p> <p><input type="checkbox"/> from limited to unlimited  <input type="checkbox"/> from unlimited to limited</p>	<p>CASE NUMBER:</p> <p style="font-size: 24px; font-weight: bold;">RG 15772722</p>

1. Plaintiff (name or names): Mitchell Ow  
 alleges causes of action against defendant (name or names): Port of Oakland, Does 1-50

2. This pleading, including attachments and exhibits, consists of the following number of pages: 5

3. Each plaintiff named above is a competent adult

- a.  except plaintiff (name):
  - (1)  a corporation qualified to do business in California
  - (2)  an unincorporated entity (describe):
  - (3)  a public entity (describe):
  - (4)  a minor     an adult
    - (a)  for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
    - (b)  other (specify):
  - (5)  other (specify):
- b.  except plaintiff (name):
  - (1)  a corporation qualified to do business in California
  - (2)  an unincorporated entity (describe):
  - (3)  a public entity (describe):
  - (4)  a minor     an adult
    - (a)  for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
    - (b)  other (specify):
  - (5)  other (specify):

Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

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4.  Plaintiff (name):  
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  
a.  except defendant (name): Port of Oakland  
 (1)  a business organization, form unknown  
 (2)  a corporation  
 (3)  an unincorporated entity (describe):  
  
 (4)  a public entity (describe):  
 (5)  other (specify):

c.  except defendant (name):  
 (1)  a business organization, form unknown  
 (2)  a corporation  
 (3)  an unincorporated entity (describe):  
  
 (4)  a public entity (describe):  
 (5)  other (specify):

b.  except defendant (name):  
 (1)  a business organization, form unknown  
 (2)  a corporation  
 (3)  an unincorporated entity (describe):  
  
 (4)  a public entity (describe):  
 (5)  other (specify):

d.  except defendant (name):  
 (1)  a business organization, form unknown  
 (2)  a corporation  
 (3)  an unincorporated entity (describe):  
  
 (4)  a public entity (describe):  
 (5)  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): 1-50 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): 1-50 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):

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):

Prejudgment interest pursuant to Civil Code Section 3291

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):

All.

Date: June 3, 2015

Steven J. Bell

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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FIRST **CAUSE OF ACTION—General Negligence** Page 4  
 (number)

ATTACHMENT TO  Complaint  Cross - Complaint

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

GN-1. Plaintiff (name): Mitchell Ow

alleges that defendant (name): Port of Oakland

Does 1 to 50

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 24, 2014

at (place): Oakland International Airport, near Oakland Maintenance Center

(description of reasons for liability):

That at the said time and place, as aforesaid, defendants and each of them, so negligently and carelessly maintained, retained, supervised, controlled, and monitored the Oakland International Airport airplane control tower and airport grounds during a safety drill which they planned and coordinated in that they instructed, permitted and allowed an aircraft to enter an area where a known fire safety drill was taking place so that the fire response vehicle driven by plaintiff was caused to roll over causing plaintiff serious personal injuries.

Defendants and each of them, planned, scheduled and was responsible for coordination of said fire safety drill, and also had policies and therefore were aware of the need/requirement to prohibit all traffic, including aircrafts from entering into any area of the Oakland International Airport where a fire safety drill was taking place. However, due to their gross negligence, carelessness, and failure to properly advise others of the time and location of the drill they caused an aircraft to enter an area where a known fire safety drill was taking place so as to create an imminent danger to others, including the crew and passengers in said aircraft, the participants in the drill and others.

Furthermore, defendants and each of them, negligently and carelessly, investigated, researched, hired, contracted, retained, supervised, controlled, instructed, monitored and trained its workers so that an aircraft was recklessly allowed and instructed to enter into the same area where a known fire safety drill was taking place so that the fire response vehicle driven by plaintiff was caused to roll over causing plaintiff serious personal injuries.

As a result of defendants' negligence as aforesaid, plaintiff was required to make an emergent and sudden maneuver in order to avoid a collision with said aircraft. In so doing the vehicle he was in was caused to tip thereby causing his severe personal injuries.

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SECOND CAUSE OF ACTION—Premises Liability

(number)

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

Prem.L-1. Plaintiff (name): Mitchell Ow

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): June 24, 2014 plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):

Due to their gross negligence, carelessness, and failure to maintain, retain, supervise, control, and monitor the Oakland International Airport, near Oakland Maintenance Ctr., defendants and each of them, allowed an aircraft to enter the aforementioned area while a known fire safety drill was taking place so that the fire response vehicle driven by plaintiff was caused to roll over causing plaintiff serious personal injuries. See GN-1 incorporated by this reference.

Prem.L-2:  **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names): Port of Oakland

Does 25 to 50

Prem.L-3:  **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names): Port of Oakland

Does 25 to 50

Plaintiff, a recreational user, was  an invited guest  a paying guest.

Prem.L-4:  **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names): Port of Oakland

Does 25 to 50

- a.  The defendant public entity had  actual  constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.
- b.  The condition was created by employees of the defendant public entity.

Prem.L-5. a.  **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):

Does 25 to 50

- b.  The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are  described in attachment Prem.L-5.b  as follows (names):