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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **COUNTY OF LOS ANGELES – NORTHWEST DISTRICT**  
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14 MARCIA HAYES, an individual,  
15  
16 Plaintiff,  
17  
18 v.  
19  
20 CITY OF LOS ANGELES, a government  
21 entity; LOS ANGELES FIRE  
22 DEPARTMENT, a public entity;  
23 and Does 1 through 20,  
24  
25 Defendants.

26 CASE NO.  
27  
28 **COMPLAINT FOR DAMAGES FOR**  
**1. NEGLIGENCE**  
**2. NEGLIGENT INFLICTION OF**  
**EMOTIONAL DISTRESS**  
**DEMAND FOR JURY TRIAL**

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31 COMES NOW, Plaintiff MARCIA HAYES ("Plaintiff") for a cause of action against  
32 Defendants CITY OF LOS ANGELES, LOS ANGELES FIRE DEPARTMENT; and DOES 1  
33 through 20, ("Defendants"), and each of them, and complains and alleges as follows:

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1 **NATURE OF THE ACTION**

2 1. The instant action arises from a fall that occurred in the County of Los Angeles,  
3 State of California on December 3, 2021. Plaintiff brings this lawsuit for the injuries she  
4 sustained pursuant to the laws of the State of California.

5 **THE PARTIES**

6 2. Plaintiff MARCIA HAYES is an individual residing in the County of Los  
7 Angeles, State of California.

8 3. The true names and/or capacities whether individual, corporate, associate or  
9 otherwise, of defendant DOES 1 through 20 inclusive, are unknown to Plaintiff who therefore  
10 sues Defendants by such fictitious names. Plaintiff is informed and believes and therefore alleges  
11 that each of the Defendants designated herein as a DOE is legally responsible in some manner  
12 for the events and happenings herein referred to, and legally caused injury and damages  
13 proximately thereby to Plaintiff as herein alleged.

14 4. Plaintiff alleges, upon information and belief, that Defendants CITY OF LOS  
15 ANGELES and LOS ANGELES FIRE DEPARTMENT are a public entity of the State of  
16 California and DOES 1 through 20, inclusive; was the agent or employee, of each of the  
17 remaining said Defendants and at all times alleged hereinafter mentioned, said Defendants were  
18 acting within the purpose and scope of said agency or employment, and each defendant has  
19 ratified and approved the acts of the remaining said Defendants.

20 5. Whenever Plaintiff refers to any act, deed, or conduct of "Defendant," or "CITY  
21 OF LOS ANGELES," or "LOS ANGELES FIRE DEPARTMENT," or "THE CITY" or  
22 "LAFD," said references mean that Defendants CITY OF LOS ANGELES, LOS ANGELES  
23 FIRE DEPARTMENT, and DOES 1 through 20, inclusive, collectively engaged in the act, deed,  
24 or conduct by and through one or more of its officers, directors, agents, employees or  
25 representatives who were actively engaged in the management, direction, control or transactions  
26 of Defendant THE CITY'S ordinary operations and business affairs

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1 **JURISDICTION AND VENUE**

2 6. Jurisdiction and venue are proper in this Court on the basis that the accident  
3 occurred in the County of Los Angeles, State of California. Furthermore, the amount in  
4 controversy exceeds the jurisdictional minimum of this court.

5 7. Furthermore, this Court has jurisdiction over this matter pursuant to, *inter alia*,  
6 *Government Code* § 815.2(a).

7 8. Plaintiff has complied with the Tort Claims Act (*Government Code* § 900, et seq.)  
8 because as required by *Government Code* § 945.6, Plaintiff presented a written claim to  
9 Defendant CITY OF LOS ANGELES on May 23, 2022, in accordance with *Government Code* §  
10 913. Said claim was rejected by Defendant CITY OF LOS ANGELES on May 31, 2022.  
11 Plaintiff files herewith a timely civil lawsuit, within the statutory six (6) months of said rejection.

12 **GENERAL ALLEGATIONS**

13 9. On December 3, 2021, Plaintiff, was at her residence located at 8931 Columbus  
14 Ave. #30, North Hills, CA 91343. On this day, Plaintiff began experiencing pain, dehydration  
15 and was incoherent. A call was placed to 9-1-1, and a Los Angeles Fire Department Rescue  
16 Ambulance ("RA") was dispatched to provide transport to the hospital.

17 10. Upon arriving at the residence where Plaintiff was present, the RA personnel,  
18 observed Plaintiff lying on her bed in a weakened and incoherent state. Shortly after arriving, the  
19 RA personnel attempted to transfer Plaintiff from her bed to a wheelchair located approximately  
20 three to four feet away from her bed.

21 11. As the RA personnel attempted to transfer Plaintiff from her bed to the  
22 wheelchair, they neither supported or secured Plaintiff such that, she fell violently and loudly,  
23 making contact with the ground, causing injury to Plaintiff. Plaintiff immediately experienced an  
24 intense pain in her leg from a broken bone. After Plaintiff fell, RA personnel failed to further  
25 tend to Plaintiff and instead waited for a supervisor to arrive at the scene before tending to  
26 Plaintiff and transferring her to the hospital. Plaintiff required surgery to her leg shortly  
27 thereafter.

28 12. By failing to secure and support Plaintiff, and by failing to make safe

1 transportation, e.g. failing to react when Plaintiff began to fall, in addition to allowing Plaintiff to  
2 remain on the floor unattended until a supervisor arrived, the RA personnel, city employees,  
3 were not only negligent, they acted with gross negligence; that is, the lack of any care or an  
4 extreme departure from what a reasonably careful person would do in the same situation to  
5 prevent harm to oneself or to others. The RA personnel acted with a complete disregard for the  
6 safety, life, and well-being of Plaintiff, breaching their duties to Plaintiff, in every regard.  
7 Furthermore, after causing the initial injury to Plaintiff, the RA personnel did not respond for an  
8 elongated period of time. In all these respects, the RA personnel breached their duty of care  
9 owed to Plaintiff.

10 13. As a direct and proximate result of the negligence, including gross negligence of  
11 the RA personnel, Plaintiff suffered a broken leg. Furthermore, as a direct and proximate result  
12 of the gross negligence of the RA personnel, Plaintiff was subsequently forced to undergo  
13 emergency surgical intervention to save her leg that has left her with the inability to move around  
14 without help.

15 14. Furthermore, as a direct and proximate result of the gross negligence of the RA  
16 personnel, Plaintiff suffered mental and emotional injuries in addition to being forced to incur  
17 medical costs.

### 18 **FIRST CAUSE OF ACTION**

#### 19 **(Negligence Against All Defendants)**

20 15. Plaintiff hereby incorporates the preceding paragraphs of this Complaint and re-  
21 alleges said allegations as though fully set forth herein.

22 16. That on December 3, 2021, a call was placed to 9-1-1, and the Los Angeles Fire  
23 Department Rescue Ambulance ("RA"), owned and operated by the CITY OF LOS ANGELES  
24 and the LOS ANGELES FIRE DEPARTMENT and its employees, was dispatched to provide  
25 Plaintiff a transport to the hospital.

26 17. As the RA personnel transported Plaintiff from her bed to the wheelchair, they  
27 neither secured nor supported Plaintiff, such that Plaintiff, fell violently, and loudly, making  
28 contact with the ground, causing injury to Plaintiff. Plaintiff immediately experienced an intense

1 pain in her leg from a broken bone that required surgery shortly thereafter.

2 18. As a result, and as a direct cause of the negligence, carelessness of the agent of  
3 the defendants, Plaintiff sustained significant and serious injury including but not limited to a  
4 broken leg and was forced to undergo emergency surgical intervention. As a result of the injury  
5 the Plaintiff suffered considerable pain, discomfort, and anxiety and as a consequence suffered  
6 general damages.

7 19. That by reason of the injuries, Plaintiff has incurred expenses of physicians,  
8 hospitals, medical, ambulance, nursing, and incidental care. The exact amount of which at this  
9 time is not known. It is likely because of the injuries Plaintiff will incur damages in the future.

10 **SECOND CAUSE OF ACTION**

11 **(Negligent Infliction of Emotional Distress Against All Defendants)**

12 20. Plaintiffs hereby incorporates the preceding paragraphs of this Complaint and re-  
13 alleges said allegations as though fully set forth herein.

14 21. That Defendants were negligent as alleged above.

15 22. That Plaintiff suffered serious emotional distress.

16 23. That Defendant's negligence was a substantial factor in causing Plaintiffs serious  
17 emotional distress.

18 **PRAYER FOR RELIEF**

19 **WHEREFORE**, Plaintiffs prays for judgment against Defendants as follows:

- 20 1. For general damages;
- 21 2. For medical expenses and all incidental expenses;
- 22 3. For punitive damages;
- 23 4. For costs of suit herein incurred; and
- 24 5. For economic losses, in an amount according to proof at trial;
- 25 6. For interest upon any judgment entered as provided by law.
- 26 7. For such other and further relief as the court may deem just and proper.

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**DEMAND FOR JURY TRIAL**

Please take notice that Plaintiff demands a trial by jury on all issues triable by jury.

Dated: November 28, 2022

ACEVEDO LAW GROUP, A.P.C.

By: \_\_\_\_\_



Charlie Acevedo, Esq.  
Attorney for Plaintiff

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