

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): Jonathan B. Ambye, ESQ. 289970; 360 E. 2nd Street Suite 800 LA, CA 90012</p> <p>TELEPHONE NO: (323) 902-7247 FAX NO. (<i>Optional</i>):</p> <p>E-MAIL ADDRESS (<i>Optional</i>):</p> <p>ATTORNEY FOR (<i>Name</i>): Jesus Jimenez (Plaintiff)</p>	<p><i>FOR COURT USE ONLY</i></p> <p><b>Electronically FILED by Superior Court of California, County of Los Angeles 6/15/2023 11:32 AM David W. Slayton, Executive Officer/Clerk of Court, By N. Valles, Deputy Clerk</b></p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles</b></p> <p>STREET ADDRESS: Santa Monica Courthouse MAILING ADDRESS: 1725 main street CITY AND ZIP CODE: Santa Monica, CA 90401 BRANCH NAME: Santa Monica Courthouse</p>	
<p>PLAINTIFF: Jesus Jimenez DEFENDANT: The City of Beverly Hills, City of Beverly Hills Fire Department, Brenton Weist</p> <p><input checked="" type="checkbox"/> DOES 1 TO 25 _____ inclusive</p>	
<p><b>COMPLAINT—Personal Injury, Property Damage, Wrongful Death</b></p> <p><input type="checkbox"/> <b>AMENDED (<i>Number</i>):</b> <b>Type (<i>check all that apply</i>):</b></p> <p><input checked="" type="checkbox"/> <b>MOTOR VEHICLE</b>     <input type="checkbox"/> <b>OTHER (<i>specify</i>):</b> <input checked="" type="checkbox"/> <b>Property Damage</b>     <input type="checkbox"/> <b>Wrongful Death</b> <input checked="" type="checkbox"/> <b>Personal Injury</b>     <input type="checkbox"/> <b>Other Damages (<i>specify</i>):</b></p>	<p>CASE NUMBER:</p> <p style="font-size: 2em;"><b>23SMCV02735</b></p>
<p><b>Jurisdiction (<i>check all that apply</i>):</b></p> <p><input type="checkbox"/> <b>ACTION IS A LIMITED CIVIL CASE</b> 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"/> <b>ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)</b></p> <p><input type="checkbox"/> <b>ACTION IS RECLASSIFIED by this amended complaint</b> <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited</p>	

1. **Plaintiff** (*name or names*): Jesus Jimenez  
alleges causes of action against **defendant** (*name or names*):  
THE CITY OF BEVERLY HILLS, CITY OF BEVERLY HILLS FIRE DEPARTMENT, BRENTON WEIST
  2. This pleading, including attachments and exhibits, consists of the following number of pages:
  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*): City of Beverly Hills
- (1)  a business organization, form unknown
- (2)  a corporation
- (3)  an unincorporated entity (*describe*):
- (4)  a public entity (*describe*):  
municipality/political subdivision under laws of CA
- (5)  other (*specify*):
- c.  **except** defendant (*name*): t
- (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*): City of Beverly Hills Fire Dept
- (1)  a business organization, form unknown
- (2)  a corporation
- (3)  an unincorporated entity (*describe*):
- (4)  a public entity (*describe*):  
municipality/political subdivision under laws of CA
- (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 through 25 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 through 25 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*):

SHORT TITLE:

CASE NUMBER:

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*):  
 Future Medical Expenses; Future Pain and Suffering

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)*):

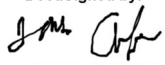
- (1)  according to proof  
 (2)  in the amount of: \$

15.  The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):  
 MV-1, MV-2 and GN-1

Date: 6-14-2023

Jonathan Ambaye

(TYPE OR PRINT NAME)

DocuSigned by:  
  
 8EC9AC43FB5944D...

(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): Jesus Jimenez

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 13, 2022

at (place):

Beverly Hills, Los Angeles on South Elm Street, approximately 300 feet south of Charleville Street directly in front of Beverly Hills Middle school located at 200 S. Elm Drive Beverly Hills, CA.

MV- 2. DEFENDANTS

a.  The defendants who operated a motor vehicle are (names):  
Brenton Weist

Does 1 \_\_\_\_\_ to 25 \_\_\_\_\_

b.  The defendants who employed the persons who operated a motor vehicle in the course of their employment are (names):  
City of Beverly Hills, City of Beverly Hills Fire Department

Does \_\_\_\_\_ to \_\_\_\_\_

c.  The defendants who owned the motor vehicle which was operated with their permission are (names):

Does \_\_\_\_\_ to \_\_\_\_\_

d.  The defendants who entrusted the motor vehicle are (names):

Does \_\_\_\_\_ to \_\_\_\_\_

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

Does \_\_\_\_\_ to \_\_\_\_\_

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:

The Defendants and each of them who owned and operated Defendants vehicles causing the injuries herein described are City of Beverly Hills, City of Beverly Hills Fire Department and Brenton Weist.

Does 1 \_\_\_\_\_ to 25 \_\_\_\_\_

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Second

(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*): Jesus Jimenezalleges that defendant (*name*): The City of Beverly Hills, City of Beverly Hills Fire Department, Brenton Weist Does 1 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 13, 2022at (*place*): Beverly Hills, Los Angeles on South Elm Street, approximately 300 feet south of Charleville Street*(description of reasons for liability):*

On or about June 13, 2022, Jesus Jimenez ("Plaintiff" or "Mr. Jimenez" ) was injured by Brenton Weist, a Fireman and the passenger of a City of Beverly Hills Fire Department Truck, resulting in substantial injuries to Claimant including but not limited to substantial property damage as well as both physical and emotional injuries. Plaintiff was driving within the speed limit down a detoured road when Plaintiff was instructed by a City Traffic Controller to continue southbound, on Elm Drive, in the specified lane; as Plaintiff was driving down the detoured street, he noticed a fire truck facing northbound blocking traffic at which point a firefighter suddenly and negligently opened the approximately 200-pound firetruck door just as Plaintiff was driving by. The approximately 200-pound firetruck door violently struck and caused impact onto the front side of Plaintiff's vehicle including but not limited to his driver-side door creating a 13-inch-deep groove and scraping all the way down to the tip of the driver-side door causing Plaintiff to injure his head, neck, and back. The aforementioned collision occurred in Beverly Hills, Los Angeles on South Elm Street, approximately 300 feet south of Charleville Street directly in front of Beverly Hills Middle school located at 200 S. Elm Drive Beverly Hills, CA.

As previously mentioned, on the date of the Incident, City of Beverly Hills Fire Department employee, Brenton Weist, failed to safely open his firetruck door on the side available to moving traffic which constituted a violation of City of Beverly Hills' policies and procedures as well as the California Vehicle Code and resulted in serious physical and emotional harm to Plaintiff. Mr. Weist was acting in the scope of his employment and acted negligently.

At said time and place, Defendant(s) and each of them negligently owned, maintained, and entrusted, and/or drove the motor vehicle so as to cause injuries and damages to Plaintiff. Plaintiff was injured and sustained damages as a direct legal cause of Defendant(s)' negligence and but for the negligence of Defendant(s), and each of them, Plaintiff would not have been injured and/or sustained damages