

FOR COURT USE ONLY

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ATTORNEY FOR (Name): ESMERALDA SILVA; FELIPE SILVA; MARIA VASQUEZ

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO

STREET ADDRESS: 720 9TH ST.

MAILING ADDRESS:

CITY AND ZIP CODE: SACRAMENTO, CA 95814

BRANCH NAME:

PLAINTIFF: ESMERALDA SILVA; FELIPE SILVA; MARIA VASQUEZ

DEFENDANT: ZINOVIIY KHOMITS; KAISER FOUNDATION HEALTH PLAN

☒ DOES 1 TO 100**COMPLAINT—Personal Injury, Property Damage, Wrongful Death**☐ AMENDED (Number):

Type (check all that apply):

☒ MOTOR VEHICLE☐ OTHER (specify):☐ Property Damage☐ Wrongful Death☒ Personal Injury☐ Other Damages (specify):

Jurisdiction (check all that apply):

☐ ACTION IS A LIMITED CIVIL CASE

Amount demanded

☐ does not exceed \$10,000☐ exceeds \$10,000, but does not exceed \$25,000☒ ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)☐ ACTION IS RECLASSIFIED by this amended complaint☐ from limited to unlimited☐ from unlimited to limited

CASE NUMBER:

1. Plaintiff (name or names): ESMERALDA SILVA; FELIPE SILVA; MARIA VASQUEZ

alleges causes of action against defendant (name or names): ZINOVIIY KHOMITS; KAISER FOUNDATION HEALTH PLAN

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.

SHORT TITLE: SILVA V. KHOMITS

CASE NUMBER:

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): KAISER

FOUNDATION HEALTH PLAN

(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): 1-100 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): 1-100 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, anda. ☐ has complied with applicable claims statutes, orb. ☐ is excused from complying because (specify):

SHORT TITLE: SILVA V. KHOMITS

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):

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: 6/15/~3

JANUSZ SEREMAK

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE: SILVA V. KHOMITS

CASE NUMBER:

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): ESMERALDA SILVA; FELIPE SILVA; MARIA VASQUEZ

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): 7/25/11
 at (place): ROSEVILLE, CA

MV-2. DEFENDANTS

- a. ☒ The defendants who operated a motor vehicle are (names): ZINOVIY KHOMITS
- ☒ Does 1 to 100
- b. ☒ The defendants who employed the persons who operated a motor vehicle in the course of their employment are (names): KAISER FOUNDATION HEALTH PLAN
- ☒ Does 1 to 100
- c. ☒ The defendants who owned the motor vehicle which was operated with their permission are (names): KAISER FOUNDATION HEALTH PLANX
- ☐ Does 1 to 100
- d. ☒ The defendants who entrusted the motor vehicle are (names):
- ☒ Does 1 to 100
- e. ☒ The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names): ZINOVIY KHOMITS
- ☒ Does 1 to 100
- 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:

☒ Does 1 to 100

SHORT TITLE: SILVA V. KHOMITS

CASE NUMBER:

2 CAUSE OF ACTION—General Negligence

(number)

Page 5ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

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

GN-1. Plaintiff (name): ESMERALDA SILVA; FELIPE SILVA; MARIA VASQUEZ

alleges that defendant (name): ZINOVIIY KHOMITS; KAISER FOUNDATION HEALTH PLAN

☒ Does 1 to 100

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): 7/25/11

at (place): ROSEVILLE, CA

(description of reasons for liability):

DEFENDANT KHOMITS WAS OPERATING A VEHICLE OWNED BY DEFENDANT KAISER FOUNDATION. KHOMITS OPERATED THE VEHICLE IN AN UNSAFE MANNER AND WITH EXCESSIVE SPEED. HE FAILED TO STOP HIS VEHICLE IN TIME FOR SLOWED TRAFFIC AND COLLIDED WITH THE VEHICLE DRIVEN BY PLAINTIFF SILVA. DEFENDANT KAISER WAS NEGLIGENT IN HIRING AND TRAINING ITS EMPLOYEE IN PROPER OPERATING A MOTOR VEHICLE. ALL PLAINTIFFS WERE INJURED AND REQUIRED MEDICAL TREATMENT.