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ATTORNEY FOR (Name): **Plaintiff KAREN DUNN SNIDER**

FOR COURT USE ONLY

FILED
ALAMEDA COUNTY

MAR 18 2015

CLERK OF THE SUPERIOR COURT
 By: HOA Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

STREET ADDRESS: 1225 Fallon Street
 MAILING ADDRESS:
 CITY AND ZIP CODE: **Oakland, CA 94612**
 BRANCH NAME:

PLAINTIFF: **KAREN DUNN SNIDER**

DEFENDANT: **SAFEWAY INC., KAISER PERMANENTE INSURANCE COMPANY,**

DOES 1 TO 50

COMPLAINT—Personal Injury, Property Damage, Wrongful Death

AMENDED (Number):

Type (check all that apply):

MOTOR VEHICLE **OTHER (specify):** Prem.Liab. & Dec.Relief
 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:
RG 15762790

1. **Plaintiff (name or names):** **KAREN DUNN SNIDER**
 alleges causes of action against **defendant (name or names):**
SAFEWAY INC., KAISER PERMANENTE INSURANCE COMPANY, and DOES 1 - 20 and 31 - 40
2. This pleading, including attachments and exhibits, consists of the following number of pages: **7**
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): **SAFEWAY INC.**
 (1) a business organization, form unknown
 (2) a corporation
 (3) an unincorporated entity (describe):

 (4) a public entity (describe):
 (5) other (specify):

KAISER PERMANENTE

c. **except** defendant (name): **INSURANCE COMPANY**
 (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): **DOES 1 to 10**
 (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): **DOES 31 to 37**
 (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 - 20 and 31 - 40 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): 21 - 30 and 41 - 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):

Declaratory Relief.

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):

Interest as damages.

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: \$

b. See attached.

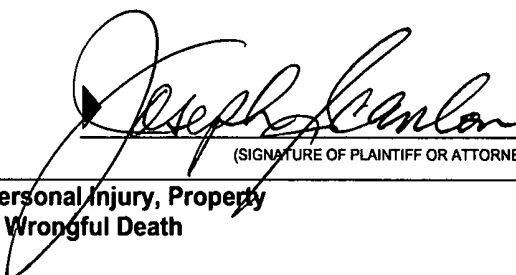
15. The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

5, 10 and 11

Date: March 17, 2015.

JOSEPH SCANLON

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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ATTACHMENT TO 14 b.

Interest pursuant to Civil Code §§3287(a), 3288 and 3291; and
pursuant to Code of Civil Procedure §998.

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FIRST _____ CAUSE OF ACTION—Premises Liability Page 5
 (number)

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

Prem.L-1. Plaintiff (name): KAREN DUNN SNIDER
 alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.
 On (date): March 19, 2013 plaintiff was injured on the following premises in the following
 fashion (description of premises and circumstances of injury):

Plaintiff slipped and fell at a grocery operated by defendants SAFEWAY INC, and DOES 1 to 20, and each of them, in Half Moon Bay, California. A customer had spilled some juice from a container, after which the container came into the possession of an employee of said defendants. That employee walked through the store with the container while juice was still spilling from it onto the floor. Plaintiff slipped in some of the juice that the employee spilled on the floor, which caused her to fall and suffer bodily injuries.

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

Does 1 to 20

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):

Does _____ to _____

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):

Does _____ to _____

- 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):
 SAFEWAY INC., and

Does 1 to 30

- 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):
 See attached.

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ATTACHMENT TO Prem.L-5.b.

Plaintiff does not presently know the names or reasons for liability of those defendants sued as DOES 21 to 30, and therefore seeks leave to amend this complaint when the same have been ascertained.

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DECLARATORY RELIEF

SECOND
(number)

CAUSE OF ACTION—General Negligence

Page 7

ATTACHMENT TO Complaint Cross - Complaint

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

GN-1. Plaintiff (name): KAREN DUNN SNIDER

alleges that defendant (name): KAISER PERMANENTE INSURANCE COMPANY

Does 31 to 40

~~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):

at (place):

~~(description of reasons for liability)~~ **Declaratory Relief**

At all times herein relevant, plaintiff KAREN DUNN SNIDER was in a contractual relationship with defendants KAISER PERMANENTE INSURANCE COMPANY and DOES 31 to 40, inclusive, whereby said defendants had contractually agreed to provide necessary medical care to plaintiff. On March 19, 2013, plaintiff was injured in a slip-and-fall accident at a grocery store, as a result of which she sought and did obtain medical treatment at Kaiser Redwood City and Kaiser Pleasanton. Defendants KAISER PERMANENTE INSURANCE COMPANY and DOES 31 - 40, and each of them, have asserted a lien against plaintiff's recovery under her First Cause of Action herein. In doing so, however, defendants KAISER PERMANENTE INSURANCE COMPANY and DOES 31 - 40 have stated that they do not know whether the lien claim they have asserted thus far is complete, as indeed they seek to impose upon plaintiff the responsibility for making that determination, even though plaintiff is not medically trained and thus does possess sufficient expertise to do so. Further, said defendants have not shown that the (possibly partial) lien that they have asserted was reasonable in amount, nor have they shown that the amounts were reasonably necessary because of the injuries plaintiff suffered in said accident. Further, said defendants have not stated whether theirs is a capitated lien, and/or whether it is a lien for debts incurred and/or paid.

Therefore an actual controversy has arisen and now exists between plaintiff and said defendants concerning their respective rights and duties. Plaintiff seeks a judicial determination of her rights and duties, and a declaration as to whether defendants KAISER PERMANENTE INSURANCE COMPANY and DOES 31 - 40, and each of them, are entitled to any share of plaintiff's prospective recovery under her First Cause of Action herein, and if so, in what amount. A judicial determination is necessary and appropriate at this time under the circumstances in order that plaintiff may ascertain her rights and duties under her health insurance policy and/or with respect to defendants KAISER PERMANENTE INSURANCE COMPANY and DOES 31 - 40.

Plaintiff does not know the names or reasons for liability of those defendants sued as DOES 31 - 50, and therefore seeks leave to amend this complaint when the same have been ascertained.