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(SPACE BELOW FOR FILING STAMP ONLY)

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20 JAN 30 AM 9:00

G. REYES  
DEPUTY

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11 Attorneys for Plaintiff

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 FOR THE COUNTY OF SANTA CLARA

14 DYLAN HOLLER,  
15 Plaintiff,  
16 vs.  
17 USEGI FARMS, GILBERTO FREGOZO,  
18 DOES 1-50, inclusive,  
19 Defendants.

CASE NO. 18CV322569

COMPLAINT FOR PERSONAL INJURY

1. NEGLIGENCE

DEMAND FOR JURY TRIAL

(Amount Demanded Exceeds \$50,000.00)

20 COMES NOW the plaintiff, and for causes of action against defendants, and each of them,  
21 alleges:

FIRST CAUSE OF ACTION

(Negligence: As against Defendants Usegi Farms, Gilberto Fregozo, and DOES 1-50)

22 1. The true names and/or capacities, whether individual, corporate, associate or otherwise,  
23 of defendants DOES 1 through 50, inclusive, and each of them, are unknown to plaintiff, who  
24 therefore sues said defendants by such fictitious names. Plaintiff is informed and believes and  
25 thereupon alleges that each of the defendants fictitiously named herein as a DOE is legally  
26 responsible, negligently or in some other actionable manner, for the events and happenings  
27 hereinafter referred to, and thereby proximately caused the injuries and damages to plaintiff as  
28 hereinafter alleged. Plaintiff will seek leave of court to amend this Complaint and state the true

1 names and/or capacities of said fictitiously named defendants when the same have been  
2 ascertained.

3 2. Plaintiff is informed and believes and thereupon alleges that at all times mentioned  
4 herein, defendants, and each of them, including DOES 1 through 50, inclusive, and each of them,  
5 were the agents, servants, employees and/or joint venturers of their codefendants, and each was, as  
6 such, acting within the course, scope and authority of said agency, employment and/or venture,  
7 and that each and every defendant, as aforesaid, when acting as a principal, was negligent in the  
8 selection and hiring of each and every other defendant as an agent, employee and/or joint venturer.

9 3. That at all times mentioned herein, defendants, and DOES 1 through 50, inclusive, and  
10 each of them, were the owners of or had an ownership interest in that certain Tractor Trailer Truck  
11 automobile hereinafter referred to as "Defendant's vehicle"; plaintiff is informed and believes and  
12 thereupon alleges that at all times mentioned herein, said "Defendant's vehicle" was being  
13 operated by defendants, and DOES 1 through 50, inclusive, and each of them, with the consent,  
14 knowledge and permission of each of said defendants, and DOES 1 through 50, inclusive, and  
15 each of them.

16 4. Plaintiff is informed and believes and thereupon alleges that at all times mentioned  
17 herein, defendants, and DOES 1 through 50, inclusive, and each of them, permitted "Defendant's  
18 vehicle" to be used and driven by defendants, and DOES 1 through 50, inclusive, and each of  
19 them, who defendants, and DOES 1 through 50, inclusive, and each of them, knew, or from facts  
20 known to them should have known, or from facts ascertainable through the exercise of reasonable  
21 care should have known, were reckless, negligent and incompetent drivers.

22 5. Plaintiff is informed and believes and thereupon alleges that at all times mentioned  
23 herein, Defendant Usegi Farms was a resident of the County of Santa Clara, State of California.  
24 Plaintiff is also informed and believes that Defendant Usegi Farms was the owner of the  
25 "Defendant's vehicle" and that on the date of the injury that "Defendant's vehicle" was being  
26 driven for the benefit of and at the request of Defendant Usegi Farms.

27 6. Plaintiff is informed and believes and thereupon alleges that at all times mentioned  
28 herein, Defendant Gilberto Fregozo was an employee/agent/servant of Usegi Farms and was a

1 resident of the County of Santa Clara, State of California. Plaintiff is also informed and believes  
2 that Defendant Gilberto Fregozo was the driver of "Defendant's vehicle" at the time of Plaintiff's  
3 injury and was acting within the scope of his employment/agency of Usegi Farms at the time of  
4 Plaintiff's injury.

5 7. At all times mentioned herein, Plaintiff was a citizen of the State of California.

6 8. That on or about November 2, 2016, Plaintiff was lawfully driving his vehicle on a  
7 public road.

8 9. That at said time and place, Defendants, and DOES 1 through 50, inclusive, and each  
9 of them, negligently and carelessly drove, operated, controlled, entrusted, managed and  
10 maintained "Defendant's vehicle" so that same was caused to and did collide with Plaintiff's  
11 vehicle, proximately causing the injuries and damages to plaintiff as hereinafter alleged. Plaintiff  
12 was required to be medically evacuated to and extensively treated at Stanford Medical Center in  
13 the County of Santa Clara.

14 10. As a direct and proximate result of the conduct of the defendants, and each of them, as  
15 aforesaid, Plaintiff was injured and hurt in his health, strength and activity, sustaining injuries to  
16 his body, and shock and injury to his nervous system and person, all of which said injuries have  
17 caused and continue to cause the plaintiff great physical, mental and nervous pain and suffering.  
18 Plaintiff is informed and believes and thereupon alleges that said injuries will result in some  
19 permanent disability to plaintiff, all to his general damage in an amount which will be stated  
20 according to proof, pursuant to California *Code of Civil Procedure*, Section 425.10, which amount  
21 is in excess of Fifty Thousand Dollars (\$50,000.00).

22 11. As a direct and proximate result of the conduct of the defendants, and each of them, as  
23 aforesaid, the plaintiff was compelled to and did employ the services of hospitals, physicians,  
24 surgeons, nurses and the like, to care for and treat him, and did incur hospital, medical,  
25 professional and incidental expenses, and plaintiff is informed and believes and thereupon alleges  
26 that by reason of his injuries, plaintiff will necessarily incur additional like expenses for an  
27 indefinite period of time in the future, the exact amount of which expenses will be stated  
28 according to proof, pursuant to California *Code of Civil Procedure*, Section 425.10.

1           12. As a direct and proximate result of the conduct of the defendants, and each of them, as  
2 aforesaid, plaintiff is informed and believes and thereupon alleges that he will also sustain a loss  
3 of earning capacity, the exact amount of such losses is unknown to plaintiff at this time, and when  
4 said amounts are ascertained, the plaintiff will ask leave of court to amend this Complaint and  
5 allege said amounts according to proof, pursuant to California *Code of Civil Procedure*,  
6 Section 425.10.

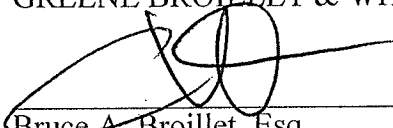
7           13. As a direct and proximate result of the conduct of the defendants, and each of them, as  
8 aforesaid, plaintiff's vehicle was damaged, and plaintiff has thereby sustained property damage in  
9 an amount as yet unascertained, and other economic damage as a result of the property damage,  
10 and when said amounts are ascertained, plaintiff will ask leave of court to amend this Complaint  
11 and allege said amounts, according to proof, pursuant to California *Code of Civil Procedure*,  
12 Section 425.10.

13           WHEREFORE, plaintiff prays judgment against defendants, and each of them, as follows:

- 14           1. For general damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00),  
15 and according to proof;
- 16           2. For hospital, medical, professional and incidental expenses, according to proof;
- 17           3. For loss of earning capacity, according to proof;
- 18           4. For prejudgment interest, according to proof;
- 19           5. For damages for plaintiff's property and economic damage related thereto, according to  
20 proof;
- 21           6. For costs of suit incurred herein; and
- 22           7. For such other and further relief as the Court may deem just and proper.

23 DATED: January 30, 2018

GREENE BROILLET & WHEELER, LLP

  
\_\_\_\_\_  
Bruce A. Broillet, Esq.  
Alan Van Gelder, Esq.  
Taylor Rayfield, Esq.  
Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all causes of action.

DATED: January 30, 2018

GREENE BROILLET & WHEELER, LLP



Bruce A. Broillet, Esq.  
Alan Van Gelder, Esq.  
Taylor Rayfield, Esq.  
Attorneys for Plaintiff

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