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CLERK OF SUPERIOR COURT  
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Attorney for Plaintiffs

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

MAXINE HAMMONTREE and DALE HAMMONTREE,  
Plaintiffs,

**NO C 5772-B**  
No. \_\_\_\_\_

-vs-

THOMAS H. JENNER and DOES ONE to TEN,  
inclusive,  
Defendants.

COMPLAINT FOR  
PERSONAL INJURIES  
AND PROPERTY DAMAGE

COME NOW the plaintiffs herein and for cause of action  
against the defendants, and each of them, complain and allege as  
follows:

FIRST CAUSE OF ACTION

1.

The true names or capacities, whether individual,  
corporate, associate or otherwise, of defendants named herein  
as DOES ONE to TEN, inclusive, are unknown to plaintiff, who  
therefore sues said defendants by such fictitious names, and  
plaintiff will amend this complaint to show their true names  
and capacities when the same have been ascertained.

2.

That at all times herein mentioned defendants THOMAS H.  
JENNER and DOES ONE to FIVE, inclusive, were the registered owners

1527 U

1 of a certain 1969 Chevrolet automobile bearing 1967 California  
2 license number IAZ 417.

3 3.

4 That at all times herein mentioned defendants THOMAS H.  
5 JENNER and DOES SIX to NINE, inclusive, were driving said auto-  
6 mobile at the time and place hereinafter specified, with the  
7 knowledge, permission and consent of said defendants DOES ONE  
8 to FIVE, inclusive;

9 4.

10 That at all times herein mentioned defendants THOMAS H.  
11 JENNER and DOES SIX to NINE, inclusive, were the agents, servants  
12 or employees of defendants DOES ONE to FIVE, inclusive, and were  
13 acting within the scope and course of their authority as such  
14 agents, servants or employees.

15 5.

16 That at all times herein mentioned the plaintiffs  
17 MAXINE HAMMONTREE and DALE HAMMONTREE owned and operated and did  
18 business as Sun Valley Bike and Hobby Shop, located at 7063  
19 Tujunga Avenue, Sun Valley, County of Los Angeles, State of  
20 California.

21 6.

22 That at all times herein mentioned TUJUNGA AVENUE near  
23 its intersection with SATICOY STREET were and are public thorough-  
24 fares within the County of Los Angeles, State of California.

25 7.

26 That on or about April 25, 1967, while the plaintiffs  
27 were within their shop premises and at that said time and place  
28 the said defendants, and each of them, so carelessly, negligently  
29 and unlawfully maintained, controlled, drove and operated their  
30 said automobile so as to cause it to crash into the shop building,  
31 and shop premises, thereby proximately causing the injuries and  
32 damages hereinafter enumerated.

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8.

That as a proximate result of the negligence of the defendants, and each of them, plaintiffs were caused to and did suffer the loss of merchandise and goods destroyed and damaged by the aforesaid negligent acts and omissions of the defendants. In addition thereto, plaintiffs were caused to and did suffer the loss of fixtures in said premises, as well as attached thereto. Further, the said damage proximately caused by the acts and omissions of the defendants necessitated the closing of the said shop for a period of time for repair and replacement. That during the said period of time during which the said shop was so closed, the plaintiffs were caused to and did suffer loss to the good will of the said business, as well as the loss of income reasonably to be anticipated from the said business.

9.

That as a proximate result of the negligence of the defendants, and each of them, plaintiffs MAXINE HAMMONTREE and DALE HAMMONTREE have been generally damaged in the amount of \$15,000.00.

SECOND CAUSE OF ACTION

10.

Plaintiff MAXINE HAMMONTREE repeats, repleads and realleges paragraph 1. through 6., inclusive, of the First Cause of Action herein at this place with the same force and effect as if set forth at length.

11.

That on or about April 26, 1967, while the plaintiff MAXINE HAMMONTREE was within the above described shop premises and at that said time and place the said defendants, and each of them, so carelessly, negligently and unlawfully maintained,

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controlled, drove and operated their said automobile so as to cause it to crash into the shop building and shop premises thereby proximately causing the plaintiff MAXINE HAMMONDRE the personal injuries and damages hereinafter enumerated.

12.

That as a proximate result of the negligence of the defendants, and each of them, said plaintiff MAXINE HAMMONDRE was rendered sick, sore, lame, disabled and disordered, both internally and externally, and suffered among other things numerous internal injuries, severe fright, shock, pain, discomfort and anxiety. That the exact nature and extent of said injuries is not now known to plaintiff, who will pray leave of court to insert the same when they have been ascertained. That plaintiff does not at this time know the exact duration or permanence of said injuries, but is informed and believes, and thereon alleges, that some of said injuries are reasonably certain to be permanent in character.

13.

As a further proximate result of the negligence of the defendants, and each of them, plaintiff has been forced to incur expenses for hospital and medical care, X-rays and laboratory tests during the period of her disability, and she is informed and believes, and thereon alleges, that she will in the future be forced to incur additional expenses of the same nature, all in an amount which is at present unascertained; that plaintiff will pray leave of court to show what the reasonable value and the total amount of said services is and will be at the time of trial.

14.

Prior to the occurrence of this accident, plaintiff was an able-bodied woman, but since said accident she has been unable to engage fully in her usual occupation, and is informed and

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1 believes, and thereon alleges, that she will be incapacitated  
2 and not able to perform her usual work for an indefinite period  
3 of time in the future, all to her damage in an amount which is  
4 at present unascertained. Said plaintiff will pray leave of  
5 court to show the total amount of said loss of earnings and profits  
6 at the time of trial.

7 10.

8 That plaintiff MAXINE HAMMONTREE has been generally  
9 damaged in the amount of \$ 20,000.00.

10  
11 THIRD CAUSE OF ACTION  
12 (Strict Liability)  
13 10.

14 Plaintiff MAXINE HAMMONTREE repeats, replays and  
15 realleges paragraphs 1. through 6., inclusive of the First Cause  
16 of Action herein at this place with the same force and effect as  
17 if set forth at length.

18 17.

19 That plaintiff is informed and believes, and thereon  
20 alleges, that the operation of the automobile owned and operated  
21 by the defendants herein, if not operated with due care and if  
22 not kept under control while being so operated and if caused or  
23 permitted to leave the roadway and to strike and demolish  
24 structures and the occupants therein, was capable of causing  
25 the gravest kind of personal injury or property damage.

26 18.

27 That the defendants and each of them were subject to  
28 certain conditions, which may have been epileptic in nature,  
29 which conditions, if occurring while the vehicle is being operated  
30 on the public highway, would have great probability of producing  
31 serious bodily injury and property damage to innocent third  
32 parties.

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19.

That on or about April 30, 1957 the defendants, and each of them, did maintain, operate and control their aforesaid automobile on the public highway of the State of California with full knowledge of the aforesaid condition of the drive of said vehicle.

20.

Plaintiff is informed and believes, and thereon alleges, that while the defendants so conducted themselves, the aforesaid condition asserted itself and that the vehicle was thereby caused to leave the roadway, strike a certain building, partially demolishing it, and strike and severely injure the plaintiff who was an occupant therein.

21.

Plaintiff is informed and believes, and thereon alleges, that the defendants, and each of them, knew that the defendant driver was subject to the aforesaid condition and further knew that if such recurrence took place while he was operating a motor vehicle on the public highway, that serious personal injury and property damage was a likely result.

22.

That as a proximate result of the aforesaid conduct of the defendants, and each of them, in the premises, plaintiff MAXINE HAMMONTREE was caused to and did suffer the injuries and damages more particularly set forth in paragraphs 12, through 14., inclusive of the Second Cause of Action herein.

23.

That the plaintiff MAXINE HAMMONTREE has been generally damaged in the amount of \$ 20,000.00.

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

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FIRST CAUSE OF ACTION:

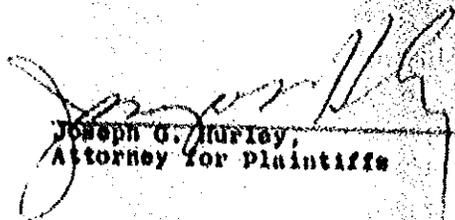
- 1. General damages in the amount of \$15,000.00;
- 2. Special damages according to proof;

SECOND CAUSE OF ACTION:

- 3. General damages in the amount of \$20,000.00;
- 4. Such medical expenses and other special damages as may be proved at the time of trial;
- 5. For loss of earnings, according to proof;

THIRD CAUSE OF ACTION:

- 6. General damages in the amount of \$20,000.00;
- 7. Special damages according to proof;
- 8. For costs of suit incurred herein; and
- 9. For such other and further relief as to the Court may seem just and proper.

  
 Joseph G. Hurley,  
 Attorney for Plaintiffs

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