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14 **FILED** 10 / 14 / 2015 TRIAL: 11 / 01 / 2015 OSC: 05 / 01 / 2016

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

16 **COUNTY OF LOS ANGELES- CENTRAL DISTRICT**

17 DANA REDMOND, an individual;
WILLIAM HOWE, an individual,

18 Plaintiffs,

19 vs.

20 BRUCE JENNER, an individual, AND DOES
21 1- 50 INCLUSIVE;

22 Defendants.

Case No.

BC 5 8 0 5 7 1

**COMPLAINT FOR WRONGFUL
DEATH DAMAGES**

NEGLIGENCE - WRONGFUL DEATH

DEMAND FOR TRIAL BY JURY

[UNLIMITED CIVIL CASE]

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CIT/CASE: BC580571
LEA/DEF#:

COMPLAINT FOR WRONGFUL DEATH DAMAGES
DEMAND FOR JURY TRIAL

COMES NOW, Plaintiffs, DANA REDMOND and WILLIAM HOWE, (collectively herein referred to as "plaintiffs," unless otherwise noted), who complain of defendants, BRUCE JENNER, and DOES 1-50 (collectively herein referred to as "defendants"), and allege, upon information and belief, by their counsel, as follows:

THE PARTIES

1. At all times herein mentioned prior to her death, decedent, KIMBERLY HOWE ("decedent") was an individual residing in the County of Los Angeles, State of California.

2. Plaintiff DANA REDMOND sues the defendants as the step-daughter of the decedent Kimberly Howe, with standing under Code of Civil Procedure ("C.C.P.") Section 377.60, to bring this action for her loss from the wrongful death of the decedent.

3. Plaintiff WILLIAM HOWE sues the defendants as the step-son of the decedent Kimberly Howe, with standing under C.C.P Section 377.60, to bring this action for his loss from the wrongful death of the decedent.

4. Plaintiffs are informed and believe and thereon allege that the defendant BRUCE JENNER was, and still is, an individual and resident of the County of Los Angeles, State of California.

5. The true names and/or capacities whether individual, corporate, associate or otherwise, of defendants DOES 1-50 INCLUSIVE, are unknown to plaintiffs who therefore sue said defendants by such fictitious names. Said DOE defendants may include, but do not necessarily include, individuals, businesses, corporations, partnerships, associations, joint ventures, defendants that are governmental in nature, as well as product manufacturers, medical providers, professionals, contractors, estates, administrators of estates, trusts and/or all other types of entities and/or individuals, as discovery in this matter may reveal. Regardless, plaintiffs allege that each of the defendants designated herein as a DOE is legally responsible in some manner for the events and happenings herein referred to, and legally caused injury and damages proximately thereby to plaintiffs and each of them as herein alleged.

6. At all times herein mentioned, each of the defendants was the agent, servant,

1 employee, partner, alter ego, and/or joint venturer of each of the remaining defendants and at all
2 times alleged hereinafter mentioned, defendants were acting within the purpose and scope of said
3 agency, employment, partnership, alter ego, and/or joint venture, and each defendant has ratified
4 and approved the acts of the remaining defendants. To the extent a corporate defendant, it is
5 believed that any such defendant's corporate officers and directors ratified and approved any
6 wrongful conduct alleged in this complaint, or were directly responsible for perpetrating such
7 conduct.

8 JURISDICTION AND VENUE

9 8. This Court has jurisdiction over this entire action as this is a civil action wherein
10 the matter in controversy, exclusive of interest and costs, exceeds the jurisdictional minimum of
11 the Court. The acts and omissions complained of in this action took place in whole or in part, in
12 the State of California; the injuries suffered by plaintiffs were suffered in California; and, the
13 defendants have addresses in, do business in, and are domiciled or otherwise reside in the State
14 of California.

15 9. Venue is proper in this judicial district pursuant to California Code of Civil
16 Procedure § 395 because the subject incident and the related events giving rise to the cause(s) of
17 action alleged herein, occurred in the State of California, County of Los Angeles, where
18 defendants are domiciled, reside and/or otherwise conduct business.

19 GENERAL ALLEGATIONS

20 10. This case arises out of a motor vehicle incident that occurred on or about February
21 7, 2015 on Pacific Coast Highway, in the City of Malibu, County of Los Angeles, in the State of
22 California. Plaintiffs are informed and believe the following: Defendant BRUCE JENNER was
23 driving a Cadillac Escalade ("CADILLAC"), towing a trailer with an off-road vehicle. The
24 CADILLAC, driven by defendant BRUCE JENNER struck the rear of the decedent's vehicle, a
25 Lexus ("LEXUS"). The impact propelled Decedent Kimberly Howe's vehicle into the opposite
26 lanes of traffic. Decedent Howe's LEXUS was then struck head on by another vehicle, killing
27 her. The defendants and each of them were also otherwise careless, negligent and/or otherwise
28 responsible in causing the death of decedent and damage to her effects. The death of Kimberly

1 Howe caused plaintiffs to suffer enormous damages and losses.

2
3 **FIRST CAUSE OF ACTION:**

4 **FOR NEGLIGENCE- WRONGFUL DEATH**

5 (By All Plaintiffs as Against Defendants BRUCE JENNER, and DOES 1-50 Inclusive)

6 11. Plaintiffs replead and reallege all of the allegations and statements contained in all
7 preceding paragraphs of this complaint, and incorporate them by reference in their entirety, as
8 though fully set forth herein.

9 12. At all times hereinafter mentioned, the defendants and each of them owed a duty
10 of care to decedent and/or plaintiffs which each defendant breached, proximately causing the
11 death of decedent and damages to the plaintiffs. Without limiting the generality of the foregoing
12 is alleged:

13 13. At all times hereinafter mentioned, the defendants were the owners and/or
14 operators of the aforementioned CADILLAC.

15 14. At all times hereinafter mentioned, Pacific Coast highway, in the City of Malibu,
16 County of Los Angeles, State of California was, and still is, a public roadway in the State of
17 California.

18 15. On or about November February 7, 2015, the CADILLAC operated by Defendant
19 BRUCE JENNER struck the rear of the decedent Howe's LEXUS, which propelled her vehicle
20 into the opposite lanes of traffic. Ms. Howe's vehicle was then struck head on by another
21 vehicle, killing her. The defendants sued in this cause were otherwise careless, negligent and/or
22 otherwise responsible in causing the death of decedent and damage to her effects.

23 16. Among other things, upon information and belief, the death of Kimberly Howe
24 caused plaintiffs to suffer enormous damages. Based upon investigation, defendant BRUCE
25 JENNER, as well as Does and each of them, violated the rules of the road and were negligent,
26 careless, and reckless in the instance, violating, inter alia, the following: California Vehicle Code
27 Section 22350. As such, defendants and each of them violated applicable statutory laws and
28

1 codes, which were designed to protect the class of persons which contain the plaintiff as a
2 member. Moreover, it was for plaintiff's protection that the said statutes were adopted, and the
3 statutes were designed to protect against the very conduct perpetrated by defendants and each of
4 them as against the plaintiff. Furthermore, the resulting harm suffered by the decedent herein
5 was caused by violation of the aforementioned statutes.

6 17. As such, upon information and belief, at the time of the accident, the
7 aforementioned CADILLAC was owned, leased, operated, driven, registered, controlled,
8 maintained, and/or managed by defendants and each of them in a negligent, careless and reckless
9 manner so as to proximately cause the aforementioned collision and the death of decedent.

10 18. Based upon the foregoing, in acting and in failing to act as aforementioned, the
11 defendants acted in a negligent, reckless, careless and improper manner and that defendants were
12 otherwise careless, reckless and negligent in the instance. In contrast to the defendants, at the
13 aforementioned time and place, decedent was acting with due caution, attention and care and did
14 not in any way contribute to, or cause the collision and/or injuries as described hereinafter.

15 19. Decedent's death was a proximate result of the wrongful acts and omissions of the
16 defendants and each of them. Tragically, decedent, by her death, left various relatives,
17 including, the plaintiffs herein, all of whom have been caused great losses. As a result of
18 decedent's death, plaintiffs have been caused to lose, among other things, the love, affection,
19 support, comfort, society, financial support and more from the decedent upon whom they were
20 dependent and incurred bills and out of pocket damages and losses, to their great detriment.

21 20. By reason of the foregoing, plaintiffs have been damaged in sums which exceed the
22 jurisdictional limits of all lower courts which would otherwise have jurisdiction, which amounts
23 will be shown according to proof at time of trial.

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1 PRAYER

2 Wherefore, plaintiffs pray for judgment against defendants and DOES 1 through 50,
3 inclusive, and each of them, as follows:

- 4 1. For general damages in an amount which will conform to proof;
5 2. For special damages in an amount which will conform to proof;
6 3. Costs of suit incurred herein;
7 4. Prejudgment interest; and
8 5. Such other and further relief as this Court may deem just and proper.

9
10 Dated: April 30, 2015

HEIMANSON & WOLF, LLP

11
12 By: 

13 JEFFREY D. WOLF
14 Attorneys for Plaintiff,
15 DANA REDMOND

16 Dated: April , 2015

CELLINO & BARNES, L.C.

17
18 By: _____

19 JOHN A. SHEEHAN
20 Attorneys for Plaintiff
21 WILLIAM HOWE
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DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury as to all issues and causes of action.

HEIMANSON & WOLF, LLP

Dated: April 30, 2015

By

~~JEFFREY D. WOLF~~
~~Attorneys for Plaintiff,~~
~~DANA REDMOND~~

Dated: April 30, 2015

CELLINO & BARNES, L.C.

By

JOHN A. SHEEHAN
Attorneys for Plaintiff,
WILLIAM HOWE

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