



San Francisco Superior Courts
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Case Number: CGC-06-458146

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COMPLAINT

DEBRA DENISE REED VS. CITY AND COUNTY OF SAN FRANCISCO et al

001C01605997

Instructions:

Please place this sheet on top of the document to be scanned.

SUMMONS (CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

City and County of San Francisco; San Francisco Recreation and Parks Department; San Francisco Parks and Trust; Joseph Lee Recreational Center; Daisy Austin; Daisy Doe, and DOES 1 to 20 YOU ARE BEING SUED BY PLAINTIFF: (LO ESTA DEMANDANDO EL DEMANDANTE): Debra Denise Reed

FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DIAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted puede usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is: (El nombre y dirección de la corte es): Superior Court of California 400 McAllister Street San Francisco, CA 94102

CASE NUMBER (Número del Caso) CGC06-458146

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

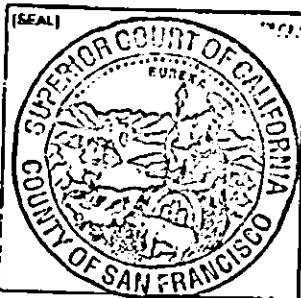
Vincent J. Scotto, III 700 S. Claremont St., Ste. 101 San Mateo, CA 94402

Ph.: (650) 401-6161 Fax: (650) 401-6129

Gordon Park-Lit Clerk, by (Secretario)

Signature of Cristina E. Baltista Deputy (Adjunto)

DATE: NOV 22 2006 (Fecha) (For proof of service of this summons, use Proof of Service of Summons (form POS-010).) (Para prueba de entrega de esta citación use el formulario Proof of Service of Summons. (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- 1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify) under: CCP 416.10 (corporation), CCP 416.20 (defunct corporation), CCP 416.40 (association or partnership), other (specify):
4. by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Vincent J. Scotto, III 87703 Law Offices of Vincent J. Scotto, III 700 S. Claremont St., Ste. 101 San Mateo, CA 94402 TELEPHONE NO.: 650-401-6161 FAX NO.: 650-401-6129 ATTORNEY FOR (Name): Plaintiff, Debra Denise Reed		FOR COURT USE ONLY FILED San Francisco County Superior Court NOV 22 2006 GORDON PARK LI, Clerk BY: <i>[Signature]</i> Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA BRANCH NAME: Unlimited Civil		CASE NO: CG06-458146 JUDGE: DEPT.:
CASE NAME: Reed v. CCSF, et al.		
<input checked="" type="checkbox"/> CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	<input type="checkbox"/> Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 1811)

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PIP/DWD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input checked="" type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PIP/DWD (23) Non-PIP/DWD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PIP/DWD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (28) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800-1812) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 1800 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Type of remedies sought (check all that apply):
 a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): 3
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: November 8, 2006

VINCENT J. SCOTTO, III

(TYPE OR PRINT NAME)

Vincent J. Scotto

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

BY FAX

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed in sanctions).
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this a complex case, this cover sheet will be used for statistical purposes only.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Vincent J. Scotto, III 87703 Law Offices of Vincent J. Scotto, III 700 S. Claremont St., Ste. 101 San Mateo, CA 94402 TELEPHONE NO.: 650-401-6161 FAX NO (Optional): 650-401-6129 E-MAIL ADDRESS (Optional):		FOR COURT USE ONLY FILED San Francisco County Superior Court NOV 22 2006 GORDON PARK II, Clerk CASE MANAGEMENT CONFERENCE SET APR 27 2007 - 9 AM SUMMONS ISSUED DEPARTMENT 212
ATTORNEY FOR (Name): Plaintiff, Debra Denise Reed SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA BRANCH NAME: Unlimited Civil		
PLAINTIFF: Debra Denise Reed DEFENDANT: City and County of San Francisco; (SEE ATTACHMENT FOR ADDITIONAL DEFENDANTS)		
<input checked="" type="checkbox"/> DOES 1 TO 20 COMPLAINT - Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Product Liability <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input checked="" type="checkbox"/> Other Damages (specify): Premises Liability		
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		
		CASE NUMBER CGC06-458146

1. Plaintiff (name or names): **Debra Denise Reed**

alleges causes of action against defendant (name or names): **City and County of San Francisco;**
(See Attachment for additional defendants)

2. This pleading, including attachments and exhibits, consists of the following number of pages: **8**

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.

BY FAX

SHORT TITLE:

Reed v. CCSF, et al.

CASE NUMBER

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ATTACHMENT (Number): 1
(This Attachment may be used with any Judicial Council form.)

Page 1 of 1
(Add pages as required)

ATTACHMENT TO COMPLAINT

ADDITIONAL DEFENDANTS: San Francisco Recreation and Parks
Department; San Francisco Parks and Trust; Joseph Lee Recreational
Center; Daisy Austin; Daisy Doe, and Does 1 to 20

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

SHORT TITLE: Reed v. CCSP, et al.	CASE NUMBER
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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):

City and County of San Francisco

- (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):

San Francisco Recreation and Parks Dept.

- (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):

San Francisco Parks Trust

- (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):

Joseph Lee Recreational Center

- (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 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 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):

SHORT TITLE:

Reed v. CCSP, et al.

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):

According to proof.

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):

According to proof.

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):

1, 5, Prod.L-1 through L-7, Prem. L-1 through L-5, GN-1

Date: November 8, 2006

VINCENT J. SCOTTO, III

(TYPE OR PRINT NAME)

Vincent J. Scotto

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE: Reed v. CCSF, et al.	CASE NUMBER:
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FIRST

(Number)

CAUSE OF ACTION- Products Liability

Page 4

ATTACHMENT TO Complaint Cross-Complaint

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

Plaintiff (name): DEBRA DENISE REED

Prod.L-1. On or about (date): May 16, 2005 plaintiff was injured by the following product:
 The exercise "stepper" being used at the time of plaintiff's injury was a portable rectangular device, with a top surface elevated approximately six inches above floor level. A series of rubber pads affixed to the bottom of each leg provides an adhesive surface to prevent sliding or skidding.

Prod.L-2. Each of the defendants knew the product would be purchased and used without inspection for defects. The product was defective when it left the control of each defendant. The product at the time of injury was being
 used in the manner intended by the defendants.
 used in a manner that was reasonably foreseeable by defendants as involving a substantial danger not readily apparent. Adequate warnings of the danger were not given.

Prod.L-3. Plaintiff was a
 purchaser of the product. user of the product.
 bystander to the use of the product. other (specify):

PLAINTIFF'S INJURY WAS THE LEGAL (PROXIMATE) RESULT OF THE FOLLOWING ^{all ownership, control &/or maintenance of exercise equipment.}

Prod.L-4. Count One-Strict liability of the following defendants who
 a. manufactured or assembled the product (names):
 City and County of San Francisco; San Francisco Recreation and Parks Department; San Francisco Parks Trust; Joseph Lee Recreational Center;
 Does 2 to 4
 b. designed and manufactured component parts supplied to the manufacturer (names):
 City and County of San Francisco; San Francisco Recreation and Parks Department; San Francisco Parks Trust; Joseph Lee Recreational Center;
 Does 5 to 9
 c. sold the product to the public (names):
 City and County of San Francisco; San Francisco Recreation and Parks Department; San Francisco Parks Trust; Joseph Lee Recreational Center;
 Does 10 to 13

Prod.L-5. Count Two-Negligence of the following defendants who owed a duty to plaintiff (names):
 City and County of San Francisco; San Francisco Recreation and Parks Department; San Francisco Parks Trust; Joseph Lee Recreational Center, Daisy Austin, Daisy Doe, and
 Does 14 to 16

Prod.L-6. Count Three-Breach of warranty by the following defendants (names):
 City and County of San Francisco; San Francisco Recreation and Parks Department; San Francisco Parks Trust; Joseph Lee Recreational Center, Daisy Austin, Daisy Doe, and
 Does 17 to 20
 a. who breached an implied warranty
 b. who breached an express warranty which was
 written oral

Prod.L-7. The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are
 listed in Attachment-Prod.L-7 as follows:
 All above named defendants, and each of them, provided to plaintiff, all maintained exercise equipment to be used during classes taught by defendant, Daisy Austin; Daisy Doe.

SHORT TITLE: Reed v. CCSF, et al.	CASE NUMBER:
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SECOND
(number)

CAUSE OF ACTION- Premises Liability

Page 5

ATTACHMENT TO Complaint Cross-Complaint

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

Prem.L-1. Plaintiff (name): **DEBRA DENISE REED**
 alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.
 On (date) or about **May 16, 2005** plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury)

Plaintiff sustained injuries while she was participating in an exercise "step" class held at defendant's premises. The area where the class was held had hardwood flooring. The defendants did not provide to its attendees any type of mats to sit the step, nor was there any type of slip resistant material on the floor. Plaintiff's step slipped away from her as she was stepping onto it. It was missing the rubber caps on the feet.

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

City and County of San Francisco, et al., and

Does 1 to 3

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): City and County of San Francisco, et al., and

Does 4 to 8

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):

City and County of San Francisco, et al., and

Does 9 to 13

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):

City and County of San Francisco, et al., and

Does 14 to 17

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):

Defendants, Daisy Austin and Daisy Doe, taught the step class, provided and/or owned the equipment, on which plaintiff was injured.

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THIRD
(Number)

CAUSE OF ACTION- General Negligence

Page 6

ATTACHMENT TO Complaint Cross-Complaint

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

GN-1. Plaintiff (name): DEBRA DENISE REED

alleges that defendant (name): City and County of San Francisco; San Francisco Recreation and Parks; San Francisco Parks and Trust; Joseph Lee Recreational

Does 1 to 20

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): or about May 16, 2005

at (place): or about Joseph Lee Recreational Center, on Mendell Street in San Francisco, CA.

(description of reasons for liability)

Plaintiff, Debra Denise Reed, incorporates by reference and adopts as part of this cause of action all of the facts of the Premises Liability and Products Liability causes of action.