COMPLAINT FOR DAMAGES AND DEMAND FOR TRIAL BY JURY

DAILY ALJIAN LLP Newport Beach, California COMES NOW the Plaintiff, TORI SHELDON DREW (hereinafter referred to as "Plaintiff" or "DREW"), who alleges and complains against Defendants, and each and all of them, as follows:

PRELIMINARY ALLEGATIONS

- 1. Plaintiff, TORI SHELDON DREW is, and at all times relevant herein was, an individual residing in British Colombia, Canada.
- 2. Plaintiff is informed and believes and based thereon alleges that Defendant, WESLEY MICHAEL VELKOV ("VELKOV") is, and at all times relevant herein was, an individual residing in the State of California, County of Los Angeles.
- 3. Defendant VELKOV is an adult male. VELKOV was the driver of one of the two vehicles involved in a collision on or about August 6, 2016, which injured Plaintiff DREW.
- 4. The true names and capacities, whether individual, corporate, associate, or otherwise, of the defendants named herein as DOES 1 through 50 (hereinafter "DOE Defendants"), inclusive, are unknown to Plaintiff, who therefore sues said DOE Defendants under such fictitious names under Section 474 of the Code of Civil Procedure. Plaintiff will amend this complaint to allege their true names and capacities when the same has been ascertained. Plaintiff is informed and believes, and therefore alleges, that each of the fictitiously named DOE Defendants is responsible in some manner for the occurrences hereinafter alleged, and that Plaintiff's damages as hereinafter set forth were legally caused by said DOE Defendants. Defendants and DOE Defendants are hereinafter collectively referred to as the "Defendants."

JURISDICTION AND VENUE

- 5. The Court has jurisdiction over this action because Defendant VELKOV resides in the State of California, County of Los Angeles.
- 6. Venue is proper in this Court because Defendant VELKOV is subject to this Court's personal jurisdiction as a resident of the County of Los Angeles and because the subject collision occurred in the County of Los Angeles.

FACTUAL ALLEGATIONS

- 7. This personal injury action arises from a collision between an automobile and a motorcycle that occurred on or about August 6, 2016 (the "COLLISION").
 - 8. VELKOV was the driver of the automobile involved in the COLLISION.
 - 9. Plaintiff was a passenger on the motorcycle involved in the COLLISION.
- 10. The COLLISION occurred through no fault of Plaintiff, but rather, was caused entirely by Defendant VELKOV and DOES 1-50.
- 11. Plaintiff is informed and believes and based thereon alleges that, at all relevant times, VELKOV was distracted, disabled and/or impaired in such a manner and to such an extent that VELKOV could not safely operate an automobile.
- 12. Plaintiff is informed and believes and based thereon alleges that, at all relevant times, VELKOV knew of such distraction, disability and/or impairment and was aware of the probable dangerous consequences of driving an automobile, but disregarded those dangers and chose to drive nonetheless, in conscious disregard of the safety of Plaintiff and others.
- 13. As a result of VELKOV'S actions, Plaintiff suffered serious and permanent injuries and damages that exceed the jurisdictional limits of this Court.

FIRST CAUSE OF ACTION

(Motor Vehicle Negligence)

Against VELKOV and DOES 1-25

- 14. Plaintiff hereby re-alleges and incorporates herein by reference each and every allegation contained in the previous paragraphs as though fully set forth herein.
- 15. Defendants owed Plaintiff a duty of reasonable/due care as well as statutory duties established by the California Vehicle Code.
- 16. Defendants breached their duty of reasonable due care as well as one or more of the duties established by the California Vehicle Code, including but not limited to, Vehicle Code section 21801(a). Such conduct constitutes *negligence per se*.

- 17. Defendants' negligence proximately and actually caused Plaintiff to suffer serious and ongoing personal injuries and great physical, mental, and emotional pain and suffering, all to her general damage in an amount that exceeds the jurisdictional limits of the Superior Court.
- 18. Further, as a direct and legal result of the hereinabove alleged negligence of the Defendants, and the injuries caused thereby, Plaintiff was forced to incur, and will continue to be forced to incur, various medical costs and expenses as special damages in an amount to be determined at the time of trial herein.
- 19. Further, as a direct and legal result of the hereinabove alleged negligence of Defendants, Plaintiff has lost, and will continue to lose wages, earning capacity and income, all to her special damage in an amount to be determined at the time of trial herein.
- 20. Plaintiff is informed and believes and based thereon alleges that, in performing the acts alleged herein, Defendant acted with oppression, fraud and malice, or, alternatively, Defendant acted in such conscious disregard of Plaintiff's rights and safety, Plaintiff is entitled to punitive damages to punish Defendant and to deter such conduct in the future, in an amount to be determined at trial.

SECOND CAUSE OF ACTION

(General Negligence)

Against VELKOV and DOES 26-50

- 21. Plaintiff hereby re-alleges and incorporates herein by reference each and every allegation contained in the previous paragraphs as though fully set forth herein.
 - 22. Defendants owed Plaintiff a duty to act with reasonable and due care.
- 23. Defendants breached their duty to Plaintiff by driving negligently and/or recklessly.
- 24. Defendants' negligent and/or reckless conduct caused Plaintiff to suffer serious harm and damages.
 - 25. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

1	26.	As a proximate result of Defendants' negligence, Plaintiff has suffered special and
2	general damages in amounts to be determined at trial, but in excess of the jurisdictional limits of	
3	this Court.	
4	27.	Plaintiff is informed and believes and based thereon alleges that, in performing the
5	acts alleged herein, Defendant acted with oppression, fraud and malice, or, alternatively,	
6	Defendant acted in such conscious disregard of Plaintiff's rights and safety, Plaintiff is entitled to	
7	punitive damages to punish Defendant and to deter such conduct in the future, in an amount to be	
8	determined at trial.	
9	PRAYER FOR RELIEF	
10	WHE	REFORE, Plaintiff prays for judgment against Defendant as follows:
11	A.	For general damages in an amount to be proven at trial but substantially in excess
12	of the jurisdictional limits of this Court;	
13	В.	For special damages in an amount to be proven at trial, including but not limited to
14	medical care, treatment, rehabilitation, attendant care costs, and loss of income, wages and	
15	earning potential;	
16	C.	For exemplary and punitive damages in an amount to be proven at trial;
17	D.	For costs of suit herein incurred; and
18	E.	For such other and further relief as the Court may deem just and proper.
19	Dated: July 7	7, 2017 DAILY ALJIAN LLP
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21		By:
22		Justin E. D. Daily Attorneys for Plaintiff TORI SHELDON DREW
23		TORISHELDON DREW
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DAILY ALJIAN LLP Newport Beach, California

JURY TRIAL DEMANDED

Plaintiff demands a trial by jury.

Dated: July 7, 2017

DAILY ALJIAN LLP

By: Justin E.

Justin E. D. Daily Attorneys for Plaintiff TORI SHELDON DREW

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