



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

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Sep-22-2011 9:19 am

Case Number: CGC-11-514493

Filing Date: Jul-21-2011 9:08

Juke Box: 001 Image: 03333860

COMPLAINT

MARTIN VARGAS VS. VALENCIA SF PROPERTIES, LLC et al

001C03333860

Instructions:

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

**SUMMONS
(CITACION JUDICIAL)**

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

NOTICE TO DEFENDANT: Valencia SF. Properties, LLC,
(AVISO AL DEMANDADO): Park Street Properties, San Francisco Properties, Park Street Properties Management, John Knowles, Does 1-20

YOU ARE BEING SUED BY PLAINTIFF: Martin Vargas
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

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. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS 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 pueda 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.sucorte.ca.gov), 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.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

San Francisco Superior Court
Attn: Clerk of Court
400 McAllister Street, Room 103
San Francisco, CA 94102-4512

CASE NUMBER:
(Número del Caso):

CGC-11-514493

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):

John E. Lacklen SBN 124618 (510) 839-7837
Law Office of John Lacklen
585 Mandana Boulevard
Oakland, CA 94610

CLERK OF THE COURT

Clerk, by _____

(Secretario)

ELIAS BUTI Deputy
(Adjunto)

DATE: JUL 21 2011

(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

- as an individual defendant.
- as the person sued under the fictitious name of (specify):

3. on behalf of (specify):

- under:
- | | |
|--|---|
| <input type="checkbox"/> CCP 416.10 (corporation) | <input type="checkbox"/> CCP 416.60 (minor) |
| <input type="checkbox"/> CCP 416.20 (defunct corporation) | <input type="checkbox"/> CCP 416.70 (conservatee) |
| <input type="checkbox"/> CCP 416.40 (association or partnership) | <input type="checkbox"/> CCP 416.90 (authorized person) |
| <input type="checkbox"/> other (specify): | |

4. by personal delivery on (date):



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): John E. Lacklen SBN 124618 Law Office of John Lacklen 585 Mandana Boulevard Suite 8 Oakland, CA 94610 TELEPHONE NO.: (510)839-7837 FAX NO.: (510)839-0671 ATTORNEY FOR (Name): Plaintiff Martin Vargas	FOR COURT USE ONLY <h1 style="margin: 0;">FILED</h1> Superior Court of California County of San Francisco JUL 21 2011 CLERK OF THE COURT BY: <u>Chia Butt</u> Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: Attn: Clerk of Court MAILING ADDRESS: 400 McAllister Street, Room 103 CITY AND ZIP CODE: San Francisco, CA 94102-4512 BRANCH NAME:	CASE NUMBER: <h2 style="margin: 0;">CGC-11-514493</h2> JUDGE: .. DEPT:
CASE NAME: Vargas vs. Valencia SF. Properties, LLC	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) Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 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 PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input checked="" type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (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-PI/PD/WD 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"/> Rule 3.740 collections (09) <input type="checkbox"/> Other 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 (26) 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 3.400-3.403) <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 3.400 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. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): one

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: 9-15-11

John E. Lacklen SBN 124618 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

(TYPE OR PRINT NAME)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 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 is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
 John E. Lacklen SBN 124618
 Law Office of John Lacklen
 585 Mandana Boulevard
 Suite 8
 Oakland, CA 94610
 TELEPHONE NO: (510) 839-7837 FAX NO. (Optional): (510) 839-0671
 E-MAIL ADDRESS (Optional):
 ATTORNEY FOR (Name): Plaintiff Martin Vargas

FOR COURT USE ONLY

SUMMONS ISSUED

FILED

Superior Court of California
County of San Francisco

JUL 21 2011

CLERK OF THE COURT

BY: [Signature]
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco
 STREET ADDRESS: Attn: Clerk of Court
 MAILING ADDRESS: 400 McAllister Street, Room 103
 CITY AND ZIP CODE: San Francisco, CA 94102-4512
 BRANCH NAME:

PLAINTIFF: Martin Vargas

 DEFENDANT: Valencia SF. Properties, LLC, Park Street
 Properties, San Francisco Properties, Park Street
 Properties Management, John Knowles
 DOES 1 TO 20

COMPLAINT—Personal Injury, Property Damage, Wrongful Death
 AMENDED (Number):
 Type (check all that apply):
 MOTOR VEHICLE OTHER (specify): Slip and Fall
 Property Damage Wrongful Death
 Personal Injury Other Damages (specify):

Jurisdiction (check all that apply):
 ACTION IS A LIMITED CIVIL CASE
 Amount demanded does not exceed \$10,000
 exceeds \$10,000, but does not exceed \$25,000
 ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)
 ACTION IS RECLASSIFIED by this amended complaint
 from limited to unlimited
 from unlimited to limited

CASE NUMBER:
CGC-11-514493

1. Plaintiff (name or names): Martin Vargas
 alleges causes of action against defendant (name or names): Valencia SF. Properties, LLC, Park Street Properties, San Francisco Properties, Park Street Properties Management, John Knowles
2. This pleading, including attachments and exhibits, consists of the following number of pages: **7**
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.

SHORT TITLE: Vargas vs. Valencia SF. Properties, LLC	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):** Valencia SF. Properties, LLC

(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 Properties

(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):** Park Street Properties

(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):** Park Street Properties Management

(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): 1-10 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): 11-20 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: Vargas vs. Valencia SF. Properties, LLC	CASE NUMBER:
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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):

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):

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: \$ 0.00

15. The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):
2-14, GN-1, Prem L-1 to Prem L-5 and attachments

Date: 9-15-11

John E. Lacklen
(TYPE OR PRINT NAME)

▶ 
(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE: Vargas vs. Valencia SF. Properties, LLC	CASE NUMBER:
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First _____ CAUSE OF ACTION—General Negligence
 (number)

Page 4 _____

ATTACHMENT TO Complaint Cross - Complaint

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

GN-1. Plaintiff *(name)*: Martin Vargas

alleges that defendant *(name)*: Valencia SF. Properties, LLC

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 September 29, 2009
 at *(place)*: 739-741 Valencia Street, aka 144 Lexington Street, San Francisco

(description of reasons for liability):

(See Attachment GN-1)

Attachment GN-1

On or about September 29, 2009 Plaintiff MARTIN VARGAS was ascending the fire escape ladder attached to the second floor balcony outside his apartment at 739 Valencia Street, Apt. 3, San Francisco, CA 94110. This fire escape's metal ladder was comprised of four sections. Plaintiff VARGAS was ascending the lowermost section. The section became detached from the other sections of ladder causing Plaintiff VARGAS and the ladder section to fall a considerable distance to the ground. Plaintiff VARGAS suffered serious injuries.

Defendants failed to have regular inspections of the fire escape ladders in the building to insure that they were safe to use and in good working order, failed to have the fire escape ladders in the building serviced and maintained in good working order, failed to warn of the hazards present in the fire escape ladders in the building and failed to install safe and functional fire escape ladders in the building. This negligent conduct and these omissions caused Plaintiff VARGAS to fall from a considerable height and to suffer serious injuries.

SHORT TITLE: Vargas vs. Valencia SF. Properties, LLC	CASE NUMBER:
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Second _____ CAUSE OF ACTION—Premises Liability Page 6 _____
 (number)

ATTACHMENT TO Complaint Cross-Complaint
 (Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): Martin Vargas
 alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.
 On (date): or about 9-29-09 plaintiff was injured on the following premises in the following
 fashion (description of premises and circumstances of injury):
 (See Attachment Prem L-1

Prem.L-2. **Count One--Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names): Valencia SF. Properties, LLC, Park Street Properties, San Francisco Properties, Park Street Properties Management, John Knowles
 Does 1 to 20

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): Valencia SF. Properties, LLC, Park Street Properties, San Francisco Properties, Park Street Properties Management, John Knowles
 Does 1 to 20
 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):
 Does _____ to _____
 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): Park Street Properties Management, John Knowles
 Does 1 to 20
 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):

Attachment Prem. L-1

On or about September 29, 2009 Plaintiff MARTIN VARGAS was ascending the fire escape ladder attached to the second floor balcony outside his apartment at 739 Valencia Street, Apt. 3, San Francisco, CA 94110. This fire escape's metal ladder was comprised of four sections. Plaintiff VARGAS was ascending the lowermost section. The section became detached from the other sections of ladder causing Plaintiff VARGAS and the ladder section to fall a considerable distance to the ground. Plaintiff VARGAS suffered serious injuries.

Defendants failed to have regular inspections of the fire escape ladders in the building to insure that they were safe to use and in good working order, failed to have the fire escape ladders in the building serviced and maintained in good working order, failed to warn of the hazards present in the fire escape ladders in the building and failed to install safe and functional fire escape ladders in the building. This negligent conduct and these omissions caused Plaintiff VARGAS to fall from a considerable height and to suffer serious injuries.