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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

10

11 PETER GODEFROY, an individual,
PATRICIA GODEFROY, an individual,

12 Plaintiffs,

13 v.

14 CITY OF LOS ANGELES, a public entity,
15 TNS PARTNERS, LLC, a business entity. and
DOES 2 through 50, Inclusive,

16 Defendants.

Case No. BC593101

FIRST AMENDED COMPLAINT FOR DAMAGES

1. **DANGEROUS CONDITION OF PUBLIC PROPERTY**
2. **NEGLIGENCE / PREMISES LIABILITY**
3. **LOSS OF CONSORTIUM**

DEMAND FOR JURY TRIAL

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19 COME NOW, Plaintiffs, PETER GODEFROY, an individual, and PATRICIA
20 GODEFROY, an individual, for Causes of Action against Defendants, CITY OF LOS ANGELES,
21 a public entity, TNS PARTNERS, LLC, a business entity, and DOES 2 through 50, inclusive, and
22 each of them, complain and allege as follows:

23 **GENERAL ALLEGATIONS**

24 1. The claims set forth herein arise from Plaintiff PETER GODEFROY's severe and
25 debilitating injuries that he incurred as the result of a tragic bicycle accident on Valley Vista
26 Boulevard in City of Los Angeles, County of Los Angeles, State of California.

27 2. At all times relevant and mentioned herein, Plaintiff PATRICIA GODEFROY was
28 and is the wife of Plaintiff PETER GODEFROY. Moreover, at all times relevant and mentioned

1 herein, Plaintiffs PETER GODEFROY and PATRICIA GODEFROY were, and are, residents of
2 the County of Los Angeles, State of California.

3 3. Plaintiffs are informed, believe and thereon allege that, at all times relevant and
4 mentioned herein, Defendant CITY OF LOS ANGELES ("CITY") is and was a public entity duly
5 organized and existing under and by virtue of the laws of the State of California and authorized to
6 do, and is doing, business in the State of California.

7 4. Plaintiffs are informed, believe and thereon allege that, at all times relevant and
8 mentioned herein, Defendant TNS PARTNERS, LLC is and was a California company
9 headquartered and doing business in the County of Los Angeles, State of California.

10 5. The true names and capacities, whether individual, plural, corporate, partnership,
11 associate, or otherwise, of DOES 2 through 50, inclusive, are unknown to Plaintiffs who therefore
12 sue said Defendants by such fictitious names. The full extent of the facts linking such fictitiously
13 sued Defendants is unknown to Plaintiffs. Plaintiffs are informed and believe, and thereupon
14 allege, that each of the Defendants designated herein as a DOE was, and is, negligent, or in some
15 other actionable manner, responsible for the events and happenings hereinafter referred to, and
16 thereby negligently, or in some other actionable manner, legally and proximately caused the
17 hereinafter described injuries and damages to Plaintiffs. Plaintiffs will hereafter seek leave of the
18 Court to amend this Complaint to show the Defendants' true names and capacities after the same
19 have been ascertained.

20 6. Plaintiffs are informed, believe and thereon allege that at all times relevant and
21 mentioned herein, Defendants, including DOES 2 through 50, inclusive, and each of them, were
22 the agents, servants, employees and/or joint venturers of their co-Defendants, and each of them,
23 was acting within the course, scope and authority of said agency, employment and/or venture, and
24 that each and every Defendant, as aforesaid, when acting as a principal, was negligent in the
25 selection and hiring, retention, training and supervision of each and every other Defendant as an
26 agent, employee and/or joint venturer.

27 7. Plaintiffs have, pursuant to California *Government Code* Section 945.4, timely
28 served a written government claim upon Defendants City of Los Angeles, which claim was

1 rejected either directly or by operation of law. Consequently, Plaintiffs have standing to bring suit
2 for monetary damages against Defendant City of Los Angeles.

3 **FACTUAL ALLEGATIONS**

4 8. On May 2, 2015 at approximately 1:35 p.m., Plaintiff PETER GODEFROY was
5 riding his bicycle on Valley Vista Boulevard approximately 88 feet west of Woodman Avenue in
6 City of Los Angeles, County of Los Angeles, State of California (hereinafter "SUBJECT
7 STREET"). As Plaintiff PETER GODEFROY was legally and lawfully riding his bicycle on
8 Valley Vista Boulevard, his bicycle unavoidable rode over a large and irregular pothole in the road
9 (hereinafter "SUBJECT POTHOLE"). As a result of riding over the pothole, Plaintiff PETER
10 GODEFROY lost control of his bicycle and fell to the ground, suffering severe personal injuries
11 including but not limited to a severe traumatic brain injury and numerous broken or fractured
12 bones throughout his body (hereinafter "SUBJECT INCIDENT").



22 **FIRST CAUSE OF ACTION**

23 **DANGEROUS CONDITION OF PUBLIC PROPERTY**

24 **(By All Plaintiffs Against Defendant CITY OF LOS ANGELES**

25 **and DOE DEFENDANTS 2 – 50)**

26 9. Plaintiffs hereby re-allege and incorporate herein by reference each and every
27 allegation contained in the previous paragraphs as though fully set forth herein.

28

1 10. Plaintiffs are informed and believe, and thereon allege, that at all times herein
2 relevant including the time of the SUBJECT INCIDENT, Defendant CITY and DOES 2 through
3 50, inclusive, and each of them, owned and/or controlled the SUBJECT STREET, including the
4 SUBJECT POTHOLE.

5 11. Plaintiffs are informed and believe, and thereon allege, that at all times herein
6 relevant including the time of the SUBJECT INCIDENT, on the SUBJECT STREET, including
7 the SUBJECT POTHOLE, pursuant to Government Code sections 835 et. seq., there existed
8 dangerous condition(s) on said property that created a substantial risk of injury when such
9 property or adjacent property was used with due care in a manner in which it is and was
10 reasonably foreseeable that it would be and was used, including but not limited to, the following
11 respects:

12 a. The SUBJECT POTHOLE constituted a dangerous condition of public
13 property in that it was a condition of property that created a substantial risk of injury when such
14 property was used with due care in a manner in which it is reasonably foreseeable that it will be
15 used.

16 b. The SUBJECT STREET was improperly, dangerously and defectively,
17 placed, angled, designed, built, drafted, engineered, controlled, inspected, modified, planned,
18 contracted, regulated, and maintained, allowing the creation of a dangerous condition of public
19 property, namely the SUBJECT POTHOLE;

20 c. The SUBJECT STREET lacks any or has insufficient and/or defective
21 warning signs, signals, or other forms of warning to alert drivers, bicyclists, or pedestrians of the
22 SUBJECT POTHOLE;

23 d. Due to various peculiar conditions relating to the SUBJECT POTHOLE,
24 including but not limited to the various defective conditions as stated herein, the dimensions and
25 size of the pothole, the prior failed attempts to repair the pothole, the high presence of pedestrian
26 and bicyclist traffic, the concealed nature of the pothole due to the shading and lighting of the
27 subject street, and the lighting and/or peculiar darkness at the location. Despite the fact that
28 various peculiar conditions relating to the SUBJECT POTHOLE rendered warning signs or traffic

1 signals necessary for safe travel by pedestrians and bicyclists, there was a lack of such necessary
2 warning signs or traffic controls on the SUBJECT STREET to warn of the defective and
3 dangerous SUBJECT POTHOLE;

4 e. The SUBJECT STREET and adjacent property was defectively and
5 negligently inspected, maintained and controlled so as to create a concealed trap for bicyclists,
6 including the SUBJECT POTHOLE; and

7 f. The combination of the above-referenced dangerous conditions created a
8 concealed trap to foreseeable users of the SUBJECT STREET.

9 12. Plaintiffs are informed and believe, and thereon allege, that Defendant CITY and
10 DOES 2 through 50, inclusive, and each of them, within the meaning of Government Code
11 Section 835.2, had actual and constructive knowledge of the said dangerous and defective
12 conditions of the SUBJECT POTHOLE for a sufficient period of time prior to the SUBJECT
13 INCIDENT to have taken measures to prevent such.

14 13. Plaintiffs are informed and believe, and thereon allege, that said dangerous
15 condition(s) were not nor would not have been reasonably apparent to, and were not nor would not
16 have been anticipated by, persons exercising due care, such as Plaintiff PETER GODEFROY.
17 Plaintiffs are further informed and believe, and thereon allege, that said dangerous conditions were
18 the legal, direct and proximate cause of the injury and damages suffered by Plaintiff PETER
19 GODEFROY.

20 14. Plaintiffs further allege, that Defendant CITY and DOES 2 through 50, inclusive,
21 and each of them, and their employees, agents, servants and independent contractors, also face
22 liability for Plaintiffs' damages pursuant to Government Code Sections 815.2, 815.4 and 820(a) et
23 seq., for negligently, carelessly, and/or recklessly owning, designing, maintaining, allowing,
24 permitting, regulating, controlling, servicing, inspecting, repairing, modifying, altering,
25 monitoring, improving, constructing, warning or failing to warn, and/or supervising in regards to
26 the SUBJECT STREET and the SUBJECT POTHOLE, and said negligent, careless and reckless
27 acts or failures to act created said dangerous and defective conditions of said property which
28 legally caused the SUBJECT INCIDENT and the injuries and damages of Plaintiffs as herein

1 alleged.

2 15. Plaintiffs are further informed and believe, and thereon allege, that at all times
3 mentioned herein, these Defendants' acts directly, legally, and proximately caused the SUBJECT
4 INCIDENT and the injuries and damages complained of herein.

5 16. As a direct and proximate result of the dangerous condition of public property, and
6 the negligent and unlawful conduct of Defendant CITY and DOES 2 through 50, inclusive, and
7 each of them, Plaintiff PETER GODEFROY was
8 injured and hurt in his health, strength and activity,
9 sustaining serious injuries to his body, and shock and
10 injury to his nervous system and person, all of which
11 said injuries have caused and continue to cause
12 Plaintiff great physical and mental pain and suffering.
13 Plaintiff is further informed and believes, and thereon
14 alleges, that said injuries will result in some
15 permanent disability to him, all to his general damage
16 in an amount which will be stated according to proof,
17 pursuant to California Code of Civil Procedure Section 425.10.



18 17. As a direct and proximate result of the dangerous condition of public property, and
19 the negligent and unlawful conduct of Defendant CITY and DOES 2 through 50, inclusive, and
20 each of them, Plaintiff PETER GODEFROY was prevented from attending his usual occupation
21 and/or Plaintiff is informed and believes, and thereon alleges, that he will be prevented from ever
22 attending to his occupation in the future, and thereby will also sustain a loss of earning capacity
23 and loss of opportunity, in addition to lost earnings, past, present and future according to proof,
24 pursuant to California Code of Civil Procedure Section 425.10.

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1 18. As a direct and proximate result of
2 the dangerous condition of public property, and
3 the negligent and unlawful conduct of Defendant
4 CITY and DOES 2 through 50, inclusive, and
5 each of them, Plaintiff PETER GODEFROY was
6 compelled to and did employ the services of
7 hospitals, physicians, surgeons, nurses and the
8 like, to care for and treat him, and did incur
9 hospital, medical, professional and incidental
10 expenses, and Plaintiff is informed and believe



11 and thereupon alleges that by reason of his injuries, will necessarily incur additional like expenses
12 for an indefinite period of time in the future, the exact amount of which expenses will be stated
13 according to proof, pursuant to California Code of Civil Procedure Section 425.10.

14 **SECOND CAUSE OF ACTION**

15 **NEGLIGENCE**

16 **(By All Plaintiffs Against Defendant TNS PARTNERS, LLC**

17 **And DOES DEFENDANTS 2 THROUGH 50)**

18 19. Plaintiffs re-allege and incorporate herein by reference each and every allegation
19 and statement contained in the prior paragraphs.

20 20. Each defendant owed a duty of care to all reasonably foreseeable people, including
21 the plaintiffs, to own, lease, license, maintain, manage, plan, design, control, operate, install, staff,
22 build, supervise, and service the property it owned, leased, maintained, managed, benefited from,
23 or otherwise controlled and to discover, identify, warn, remedy, repair, replace, and protect against
24 any unsafe condition or anything that could be reasonably expected to harm others.

25 21. This duty of care included warning of, repairing, and fully remedying any danger to
26 the public from the branches and roots of any trees, shrubs, bushes, vines, plants, or other wildlife
27 owned, leased, licensed, managed, maintained, serviced, trimmed, or otherwise controlled by any
28 defendant or located on, abutting, or adjacent to property owned, leased, licensed, managed,

1 sustain damages, in an amount to be stated according to proof, pursuant to California Code of
2 Civil Procedure Section 425.10.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiffs PETER GODEFROY and PATRICIA GODEFROY pray
5 judgment against Defendants CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE
6 OF CALIFORNIA, and DOES 1 through 50, inclusive, and each of them, as follows:

- 7 1. For general damages in an amount in excess of the jurisdictional minimum,
8 according to proof;
- 9 2. For economic damages related to loss of earnings, lost earning capacity, and loss of
10 financial support;
- 11 3. For hospital, medical, professional, and incidental expenses, according to proof;
- 12 4. For damages for Plaintiff Peter Godefroy's other economic losses, according to
13 proof;
- 14 5. For loss of consortium by Plaintiff Patricia Godefroy, according to proof
- 15 6. For pre-trial interest, according to proof;
- 16 7. For prejudgment interest, according to proof; and
- 17 8. For such other and further relief as this Court may deem just and proper.

18 DATED: March 10, 2017

PANISH SHEA & BOYLE LLP

19
20 By: 

21 Brian J. Panish
22 Spencer R. Lucas
23 Jake Douglass
24 Attorneys for Plaintiffs
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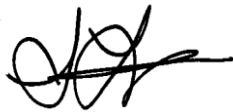
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DEMAND FOR JURY TRIAL

Plaintiffs PETER GODEFROY and PATRICIA GODEFROY hereby demand a trial by jury as to all causes of action.

DATED: March 10, 2017

PANISH SHEA & BOYLE LLP

By: 

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 11111 Santa Monica Boulevard, Suite 700, Los Angeles, CA 90025.

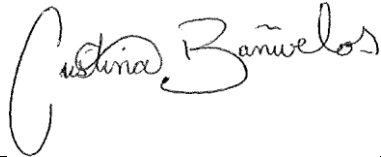
On March 10, 2017 I served true copies of the following document(s) described as **[PROPOSED] FIRST AMENDED COMPLAINT FOR DAMAGES** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY PERSONAL SERVICE: I personally delivered the document(s) to the person at the addresses listed in the Service List. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an individual in charge of the office. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not less than 18 years of age between the hours of eight in the morning and six in the evening.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 10, 2017, at Los Angeles, California.



Cristina Banuelos

SERVICE LIST

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