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Allan J. Owen, State Bar #89043  
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FILED  
ENDORSED  
94 MAR -4 PM 4:17  
LEGAL PROCESS #5

Attorneys for: Plaintiff

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO

MARK J. BIXBY,

Plaintiffs,

vs.

MELANIE JOY MAGES, and  
DOE I through DOE X, inclusive,

Defendants /

NO: 539240

COMPLAINT

(PERSONAL INJURY -  
MOTOR VEHICLE)

TR# 32599 01 K E. REBUQUES  
3/ 7/94 08:34:45 C01 182.00

Plaintiff MARK J. BIXBY complains of defendants, and each of them, and alleges as follows:

I

The true names and capacities, whether individual, corporate, associate, or otherwise, of defendants DOE I through DOE X, inclusive, are unknown to plaintiff who therefore sues such individuals by such fictitious names, and plaintiff will amend this complaint to show their true names and capacities when the same have been ascertained. Plaintiff is informed and believes and thereon alleges that each of the defendants, DOE I through DOE X, inclusive, are responsible in some manner,

SUMMONS ISSUED

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IV

1 negligently, in warranty, strictly, or otherwise, for the events and happenings herein  
2 referred to and proximately thereby caused injuries and damages to plaintiff as herein  
3 alleged.  
4

5 II

6 That plaintiff is now, and at all times herein mentioned was, a citizen of and  
7 resident within the State of California, and defendants are now, and at all times herein  
8 mentioned were, citizens of and residents within the State of California, and the amount  
9 in controversy exceeds the jurisdictional minimum of this Court.

10 III

11 That at all times herein mentioned, each of the defendants was the agent,  
12 employee, principal or employer of each of the remaining defendants and was at all  
13 times relevant acting within the course and scope of said relationships and each  
14 defendant has authorized, ratified and approved the acts of each of the remaining  
15 defendants.

16 IV

17 That plaintiff is informed and believes, and thereon alleges that at all times  
18 herein mentioned defendants MELANIE JOY MAGES, DOE III, DOE IV, and DOE V,  
19 and each of them, were the owners of the motor vehicle referred to in this complaint.

20 V

21 That plaintiff is informed and believes, and thereon alleges that at all times  
22 herein mentioned, defendants MELANIE JOY MAGES, DOE I and DOE II, were  
23 driving the aforesaid motor vehicle with the knowledge, consent and permission of  
24 Defendants MELANIE JOY MAGES, DOE III, DOE IV, and DOE V, and each of  
25 them.

26 VI

27 That on or about the 12th day of October, 1993, at approximately  
28 12:20 P.M., of said day, plaintiff was operating and driving an automobile in a

1 generally southerly direction along and upon Fulton Avenue at or near Sierra Boulevard,  
2 in the County of Sacramento, State of California.

3  
4 VII

5 That at the time and place aforementioned, defendants MELANIE JOY  
6 MAGES, DOE I and DOE II, were operating and driving said motor vehicle in a  
7 generally southerly direction along and upon Fulton Avenue at or near Sierra Boulevard,  
8 in the County of Sacramento, State of California.

9 VIII

10 That at said time and place, the defendants, and each of them, negligently  
11 entrusted, managed, maintained, drove, operated, repaired, manufactured, and designed  
12 said motor vehicle along and upon said highway so as to proximately cause said motor  
13 vehicle to collide with the automobile that plaintiff was driving, thereby directly and  
14 proximately causing the hereinafter described injuries and damages to plaintiff.

15 IX

16 As a proximate result of the said negligence of the defendants, and each of  
17 them, plaintiff was hurt and injured in his health, strength and activity, sustaining injury  
18 to his body and shock and injury to his nervous system and person, all of which said  
19 injuries have caused and continue to cause plaintiff great mental, physical and nervous  
20 pain and suffering. Plaintiff is informed and believes and thereon alleges that said  
21 injuries will result in some permanent disability to plaintiff, all to plaintiff's general  
22 damage in excess of the jurisdictional minimum of this Court.

23 X

24 As a further proximate result of the said negligence of the defendants, and  
25 each of them, plaintiff was required to and did employ physicians and surgeons to  
26 examine, treat and care for plaintiff, and did incur medical and incidental expenses. The  
27 exact amount of such expense is unknown to plaintiff at this time and plaintiff will ask  
28 leave to amend this pleading to set forth the exact amount thereof when the same is  
ascertained by plaintiff, or in accordance with proof at time of trial.

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XI

As a further proximate result of the said negligence of the defendants, and each of them, plaintiff was prevented from attending to plaintiff's usual occupation, and plaintiff is informed and believes and thereon alleges that plaintiff will thereby be prevented from attending to said usual occupation for a period of time in the future, all to plaintiff's damage in an amount which is not now known. Plaintiff will ask leave to amend plaintiff's pleading to set forth the exact amount thereof when the same is ascertained by plaintiff, or in accordance with proof at time of trial.

XII

As a further proximate result of the negligence of Defendants, and each of them, plaintiff is entitled to prejudgment interest from the date he first files his offer to compromise pursuant to CCP 998.

WHEREFORE, plaintiff prays for judgment against the defendants, and each of them, for:

1. General damages in excess of the jurisdictional minimum of this Court;
2. All medical and incidental expenses according to proof;
3. All loss of earnings according to proof;
4. Any and all prejudgment interest on the general and special damages;
5. All costs of suit; and
6. Such other and further relief as the Court deems just and proper.

DATED: March 1, 1994

FRIEDMAN & COLLARD

By 

ALLAN J. OWEN