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Drew Dakota Bianchi

ENDORSED

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KIM TOFFRE, CLERK OF THE SUPERIOR COURT  
COUNTY OF SANTA CLARA, CALIFORNIA  
BY: A. Ilias  
DEPUTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA – UNLIMITED JURISDICTION

DREW DAKOTA BIANCHI,

Plaintiffs,

vs.

SALAZAR EQUIPMENT CO. INC;  
SALAZAR CONSTRUCTION CO.  
INC.; TECHNICON CONSTRUCTION  
CO. INC.; GORDON TRUCKING INC.;  
SAMUEL ORTEGO BIMBELA;  
MICHAEL ANTHONY DEMMA;  
STATE OF CALIFORNIA,  
CALIFORNIA DEPARTMENT OF  
TRANSPORTATION (CALTRANS);  
COUNTY OF SANTA CLARA; DOES  
1 to 400, Inclusive,

Defendants.

Case No. **108CV104548**

**COMPLAINT FOR DAMAGES FOR  
NEGLIGENCE (MOTOR VEHICLE  
PERSONAL INJURY); FOR DANGEROUS  
CONDITION OF PUBLIC PROPERTY**

Amount Demanded Exceeds \$25,000

**BY FAX**

DREW DAKOTA BIANCHI hereby alleges as follows:

GENERAL ALLEGATIONS

1. Plaintiff DREW DAKOTA BIANCHI, is an individual over the age of majority.
2. Plaintiff is informed and believes and based thereon alleges that Defendant

1 RANDALL H. SCARLETT, ESQ. (SBN #135554)  
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8 Attorneys for Plaintiff,  
9 Drew Dakota Bianchi

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TRANSPORTATION (CALTRANS);  
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DREW DAKOTA BIANCHI hereby alleges as follows:

GENERAL ALLEGATIONS

1. Plaintiff DREW DAKOTA BIANCHI, is an individual over the age of majority.

2. Plaintiff is informed and believes and based thereon alleges that Defendant

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SALAZAR EQUIPMENT CO. INC is a business organization, form unknown.

3. Plaintiff is informed and believes and based thereon alleges that Defendant SALAZAR CONSTRUCTION CO. INC. is a business organization, form unknown.

4. Plaintiff is informed and believes and based thereon alleges that Defendant TECHNICON CONSTRUCTION CO. INC. is a business organization, form unknown.

5. Plaintiff is informed and believes and based thereon alleges that Defendant GORDON TRUCKING INC. is a business organization, form unknown.

6. Defendant SAMUEL ORTEGO BIMBELA is an individual over the age of majority.

7. Defendant MICHAEL ANTHONY DEMMA is an individual over the age of majority.

8. Defendant STATE OF CALIFORNIA, CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) is a public entity.

9. Defendant COUNTY OF SANTA CLARA is a public entity.

10. The true names and capacities of defendants sued as Defendants DOES 1-400, Inclusive, are unknown to plaintiff, who therefore sues these defendants by such fictitious names. Plaintiff will amend this complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes, and upon such information and belief alleges that each of the fictitiously named defendants is negligently responsible in some manner for plaintiffs' injuries and damages as alleged herein.

11. Plaintiff is informed and believes and based thereon alleges that at all times relevant herein, defendant SALAZAR EQUIPMENT CO. INC and/or defendant SALAZAR CONSTRUCTION CO. INC. and/or defendant TECHNICON CONSTRUCTION CO. INC. and/or defendants DOES, 1-50, Inclusive, were the owner, operator, lessee, and/or entity for

1 whose benefit the vehicle was being operated, being a 2001 Peterbilt flat bed white truck,  
2 bearing California license plate No. 6N45354 (hereinafter "FLATBED TRUCK") which was  
3 involved in the subject accident.

4           12. Plaintiff is informed and believes and based thereon alleges that at all times  
5 relevant herein, defendant GORDON TRUCKING INC. and/or defendants DOES, 51-100,  
6 Inclusive, were the owner, operator, lessee, and/or entity for whose benefit the vehicle was  
7 being operated, being a 2003 blue freight truck, bearing Washington license plate No.  
8 84989PR, which was towing a 2006 white Abash trailer bearing Washington license plate No.  
9 9901RY (hereinafter "SEMI-TRUCK") which was involved in the subject accident.

10           13. Plaintiff is informed and believes and based thereon alleges that defendant  
11 SAMUEL ORTEGO BIMBELA was at all time relevant herein an employee or agent of  
12 defendant SALAZAR EQUIPMENT CO. INC and/or defendant SALAZAR  
13 CONSTRUCTION CO. INC. and/or defendant TECHNICON CONSTRUCTION CO. INC.  
14 and/or defendants DOES, 1-50 and was acting within the course and scope of such  
15 employment or agency.

16           14. Plaintiff is informed and believes and based thereon alleges that defendant  
17 MICHAEL ANTHONY DEMMA was at all time relevant herein an employee or agent of  
18 defendant GORDON TRUCKING INC. and/or defendants DOES, 51-100, Inclusive, and was  
19 acting within the course and scope of such employment or agency.

20           15. Plaintiff is informed and believes and based thereon alleges that defendants  
21 DOES 101-150, Inclusive, are owners, partners, officers or managers of defendant SALAZAR  
22 EQUIPMENT CO. INC and/or defendant SALAZAR CONSTRUCTION CO. INC. and/or  
23 defendant TECHNICON CONSTRUCTION CO. INC. and/or defendants DOES, 1-50.

24           16. Plaintiff is informed and believes and based thereon alleges that defendants  
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1 DOES 151-200, Inclusive, are owners, partners, officers or managers of defendant GORDON  
2 TRUCKING INC. and/or defendants DOES, 51-100, Inclusive.

3 17. Plaintiff is informed and believes and based thereon alleges that defendants  
4 DOES 201-250, Inclusive, were at all time relevant herein agents and/or employees of  
5 defendant SALAZAR EQUIPMENT CO. INC and/or defendant SALAZAR  
6 CONSTRUCTION CO. INC. and/or defendant TECHNICON CONSTRUCTION CO. INC.  
7 and/or defendant GORDON TRUCKING INC. and/or defendants DOES, 1-100, Inclusive,  
8 and acting within the course and scope of such agency or employment.  
9

10 18. Plaintiff is informed and believes and based thereon alleges that at all times  
11 relevant herein, defendant SAMUEL ORTEGO BIMBELA was the driver of the FLATBED  
12 TRUCK in the course and scope of his employment by defendant SALAZAR EQUIPMENT  
13 CO. INC and/or defendant SALAZAR CONSTRUCTION CO. INC. and/or defendant  
14 TECHNICON CONSTRUCTION CO. INC. and/or defendants DOES, 1-50.  
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16 19. Plaintiff is informed and believes and based thereon alleges that at all times  
17 relevant herein, defendant MICHAEL ANTHONY DEMMA was the driver of the SEMI-  
18 TRUCK in the course and scope of his employment by defendant GORDON TRUCKING  
19 INC. and/or defendants DOES, 51-100, Inclusive, and was acting within the course and scope  
20 of such employment or agency.  
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22 20. Defendants, in performing the actions alleged herein, acted through their  
23 agents and employees who undertook the actions alleged herein and at the time of the  
24 undertaking such actions, were acting within the course and scope of their employment,  
25 agency, and/or authority from defendants.

26 21. The true names and capacities of the Defendants, DOES 1 through 400,  
27 inclusive, whether individual, corporate, associate or otherwise, are unknown to Plaintiffs at  
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1 the time of the filing of Complaint and Plaintiff, therefore sues said Defendants by such  
2 fictitious names and will amend the Complaint to show their true names or capacities when  
3 the same have been ascertained. Plaintiff is informed and believes, and thereon alleges, that  
4 each of the DOE defendants is in some manner responsible for the events and happening  
5 herein set forth and proximately caused injury and damages to Plaintiffs as alleged. Plaintiff  
6 is informed and believes and based thereon alleges that each of the defendants herein, whether  
7 named or named fictitiously, was the agent, servant, employee, co-venturer, partner, or in  
8 some manner the agent and/or principal of each of the other defendants, and was acting within  
9 the course and scope of said agency, representation or employment in doing or failing to do  
10 the acts alleged herein. The acts and conduct alleged herein of each such defendant were  
11 known to, and authorized and ratified by, each and every remaining defendant. At all times  
12 relevant hereto, defendants, and each of them, held a special relationship with plaintiff and  
13 with each other, non-delegable in nature, and subjected plaintiff to a peculiar and high risk of  
14 harm for a breach thereof.  
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17 22. This action is filed in this County because the subject accident occurred  
18 herein.  
19

20 FIRST CAUSE OF ACTION  
21 NEGLIGENCE  
(MOTOR VEHICLE PERSONAL INJURY)

22 As a First, Separate Distinct Cause of Action, for plaintiff DREW DAKOTA BIANCHI,  
23 and against defendants SALAZAR EQUIPMENT CO. INC; SALAZAR CONSTRUCTION  
24 CO. INC.; TECHNICON CONSTRUCTION CO. INC.; GORDON TRUCKING INC.;  
25 SAMUEL ORTEGO BIMBELA; MICHAEL ANTHONY DEMMA; and DOES 1 to 300,  
26 Inclusive, plaintiff alleges as follows:  
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1           23.     Plaintiff realleges and incorporates herein by this reference, each and every  
2 allegation contained in Paragraphs 1 through 22, inclusive, of the foregoing General  
3 Allegations, and makes them a part of the instant Cause of Action as though fully set forth.

4           24.     On May 3, 2007, Plaintiff DREW DAKOTA BIANCHI was a passenger in a  
5 1997 green Toyota Avalon, California license plate No. 3UCR041 (hereinafter "TOYOTA"),  
6 which was headed westbound on State Route 152, approximately 0.7 miles west of State Route  
7 156 at approximately 10:54 a.m. At such time the FLATBED TRUCK was driving eastbound  
8 on State Route 152 by defendant SAMUEL ORTEGO BIMBELA and the SEMI-TRUCK  
9 pulling a trailer was driving westbound on State Route 152 by defendant MICHAEL  
10 ANTHONY DEMMA. At such time the FLATBED TRUCK crossed the parallel double  
11 yellow lines separating the eastbound and westbound traffic lanes and collided with the SEMI-  
12 TRUCK. THE SEMI-TRUCK then crossed the double yellow lines and collided with one or  
13 more other vehicles. The FLATBED TRUCK then collided with several other vehicles  
14 including the vehicle in which plaintiff DREW DAKOTA BIANCHI was a passenger. The  
15 TOYOTA in which plaintiff DREW DAKOTA BIANCHI was a passenger attempted to avoid  
16 a collision and was almost entirely on the right hand shoulder when it was struck on the left  
17 side by the left and/or front of the FLATBED TRUCK after the FLATBED TRUCK and  
18 SEMI-TRUCK collided.  
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22           25.     At the time of the subject accident, defendants owed plaintiff a duty of care  
23 including that the vehicles, including the FLATBED TRUCK and SEMI-TRUCK, would be  
24 safely operated upon the highway, that defendants' operations would be conducted with proper  
25 and reasonably safe equipment, training, supervision, operations, and safety procedures, and  
26 that said vehicles would be operated in accordance with the provisions of the California Vehicle  
27 Code and all other applicable laws and regulations.  
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1           26. Plaintiff is informed and believes and based thereon alleges that defendant  
2 SAMUEL ORTEGO BIMBELA had insufficient licensing, qualifications, training,  
3 supervision, experience, and/or current performance ability to be operating the FLATBED  
4 TRUCK at the time of the subject accident.

5           27. Plaintiff is informed and believes and based thereon alleges that defendant  
6 MICHAEL ANTHONY DEMMA had insufficient licensing, qualifications, training,  
7 supervision, experience, and/or current performance ability to be operating the SEMI-TRUCK  
8 at the time of the subject accident.

9           28. On May 3, 2007, at the time of the subject accident and at the place aforesaid,  
10 defendants, and each of them, so negligently and carelessly, drove, operated, maintained,  
11 conducted, trained, supervised, hired, controlled, and/or entrusted the vehicles, including  
12 FLATBED TRUCK and/or SEMI-TRUCK, so as to directly and proximately cause the subject  
13 accident.

14           29. Defendants' negligent acts and/or omissions, and their breach of their duty of care  
15 to plaintiff, directly and proximately caused the accident with the FLATBED TRUCK  
16 colliding with the TOYOTA causing the physical and emotional injuries to plaintiff DREW  
17 DAKOTA BIANCHI.

18           30. Defendant SAMUEL ORTEGO BIMBELA was a substantial factor in causing the  
19 subject accident by operating the FLATBED TRUCK in violation of California Vehicle Code  
20 Section 21460(a) which states that no driver of a vehicle shall drive to the left of double  
21 parallel solid lines.

22           31. Plaintiff is informed and believes that Defendant MICHAEL ANTHONY  
23 DEMMA was a substantial factor in causing the subject accident by operating the SEMI-  
24 TRUCK in a negligent manner and also in violation of California Vehicle Code Section  
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1 21460(a) which states that no driver of a vehicle shall drive to the left of double parallel solid  
2 lines.

3 32. Defendants, and each of them, so negligently and carelessly acted in violation of  
4 statutes, regulations, laws and ordinances, thereby directly and proximately causing the subject  
5 accident.

6 33. Plaintiff DREW DAKOTA BIANCHI'S injuries, and damages, directly and  
7 proximately resulted from an occurrence, the nature which the aforesaid provisions of the  
8 California Vehicle Code were designed to prevent. Plaintiff DREW DAKOTA BIANCHI, a  
9 passenger, was one of a class of persons for whose protection said California Vehicle Codes  
10 were adopted.

11 34. Defendants' violations of said statute amounts to negligence per se.

12 35. The impact from the collision with the FLATBED TRUCK rear-ending and  
13 running over the TOYOTA caused major damage to the TOYOTA.

14 36. As a direct and proximate result of the negligence and carelessness of the  
15 defendants, and each of them, and the collision, and violation of statute as aforesaid, Plaintiff  
16 DREW DAKOTA BIANCHI sustained severe and serious injury to his person, to his damage  
17 in a sum in excess of the jurisdictional minimum of this court, to be established according to  
18 proof at trial.

19 37. As a further direct and proximate result of defendants' negligence, Plaintiff  
20 DREW DAKOTA BIANCHI has been required, and will in the future be required, to employ  
21 the services of hospitals, rehabilitation facilities, physicians, surgeons, nurses, therapists,  
22 attendant caregivers, and other professional services. Plaintiff DREW DAKOTA BIANCHI is  
23 in need of future and lifetime medical treatment, services, attendant care, and other services  
24 and expenses in amounts to be shown according to proof at the time of trial of this matter.  
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1           38.    As a further direct and proximate result of the negligence and carelessness of  
2 defendants, and each of them, Plaintiff DREW DAKOTA BIANCHI has suffered past, present  
3 and future loss of earnings and earnings capacity to his damage in amounts according to proof.

4           39.    As a further direct and proximate result of the negligence and carelessness of  
5 defendants, and each of them, including as a result of the accident causing Plaintiff DREW  
6 DAKOTA BIANCHI’S injuries, Plaintiff DREW DAKOTA BIANCHI has suffered and will  
7 suffer in the future, extreme shock, emotional distress, pain and suffering, mental anguish,  
8 anxiety, humiliation, inconvenience, loss of quality and enjoyment of life, to his damage in  
9 amounts according to proof.  
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11           Wherefore, plaintiff DREW DAKOTA BIANCHI prays for judgment against defendants  
12 SALAZAR EQUIPMENT CO. INC; SALAZAR CONSTRUCTION CO. INC.; TECHNICON  
13 CONSTRUCTION CO. INC.; GORDON TRUCKING INC.; SAMUEL ORTEGO BIMBELA;  
14 MICHAEL ANTHONY DEMMA; and DOES 1 to 300, Inclusive, as hereinafter set forth.  
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17                                   SECOND CAUSE OF ACTION  
18                                   (DANGEROUS CONDITION ON PUBLIC PROPERTY)

19           As a Second, Separate Distinct Cause of Action, for plaintiff DREW DAKOTA  
20 BIANCHI and against defendants, STATE OF CALIFORNIA, CALIFORNIA  
21 DEPARTMENT OF TRANSPORTATION (CALTRANS); COUNTY OF SANTA CLARA;  
22 and DOES 301 to 400, Inclusive, plaintiff alleges as follows:

23           40.    Plaintiff realleges and incorporates herein by this reference, each and every  
24 allegation contained in Paragraphs 1 and 8-10, and 20-22 inclusive, of the foregoing General  
25 Allegations, and makes them a part of the instant Cause of Action as though fully set forth.  
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1           41. Plaintiff duly presented claims for the damages sought herein to defendant  
2 STATE OF CALIFORNIA, CALIFORNIA DEPARTMENT OF TRANSPORTATION  
3 (CALTRANS) and defendant COUNTY OF SANTA CLARA. Said claims were denied.

4           42. On May 3, 2007, Plaintiff DREW DAKOTA BIANCHI was a passenger in a  
5 1997 green Toyota Avalon, California license plate No. 3UCR041 (hereinafter "TOYOTA"),  
6 which was headed westbound on State Route 152, approximately 0.7 miles west of State Route  
7 156 at approximately 10:54 a.m. At such time the FLATBED TRUCK was driving eastbound  
8 on State Route 152 by defendant SAMUEL ORTEGO BIMBELA and the SEMI-TRUCK  
9 pulling a trailer was driving westbound on State Route 152 by defendant MICHAEL  
10 ANTHONY DEMMA. At such time the FLATBED TRUCK crossed the parallel double  
11 yellow lines separating the eastbound and westbound traffic lanes and collided with the SEMI-  
12 TRUCK. THE SEMI-TRUCK then crossed the double yellow lines and collides with one or  
13 more other vehicles. The FLATBED TRUCK then collided with several other vehicles  
14 including the vehicle in which plaintiff DREW DAKOTA BIANCHI was a passenger.  
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16           43. Just prior to being struck by the flatbed truck, the driver of the TOYOTA (the  
17 vehicle in which plaintiff Drew Bianchi was a passenger) attempted to turn and/or veer right  
18 onto the shoulder to avoid being struck by the oncoming FLATBED TRUCK, but the driver  
19 was unable to completely avoid being struck by the flatbed truck before the collision.  
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21           44. At all times relevant herein, the defendants who owned, controlled, and/or  
22 maintained the property on which a dangerous condition existed were defendant STATE OF  
23 CALIFORNIA, CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)  
24 and/or defendant COUNTY OF SANTA CLARA, and/or DOES 301-325, Inclusive.  
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26           45. The condition was created by employees of said public entities.  
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1           46.     The defendants sued herein as DOES 326-400, Inclusive, were the agents and/or  
2 employees of defendant STATE OF CALIFORNIA, CALIFORNIA DEPARTMENT OF  
3 TRANSPORTATION (CALTRANS) and/or defendant COUNTY OF SANTA CLARA. At  
4 all times relevant herein, Defendants DOES 326-400 acted within the scope of such agency or  
5 employment.

6           47.     On May 3, 2007, and prior thereto, the area owned, controlled and/or maintained  
7 (including as defined by Government Code Section 830(c)) by said defendants was in a  
8 dangerous condition (as defined by Government Code Section 830(a)) that created a substantial  
9 risk of type of injury hereinafter alleged when the property was used in a manner that was  
10 reasonably foreseeable in that, among other things:

11                   a) There was nothing in or near the center or dividing area of State Route 152 in  
12 the areas where this incident occurred to alert motorists that they were crossing or about to  
13 cross the parallel double yellow striping lines such as warning bumps, dots, grooved pavement,  
14 etc.;

15                   b) There was nothing in or near the center or dividing area of State Route 152 in  
16 the areas where this incident occurred to prevent motorists from crossing from eastbound lanes  
17 into westbound lanes or vice versa such as Jersey barriers, K-rails, or center dividers;

18                   c) This stretch of State Route 152 where the incident occurred was unsafe for the  
19 traffic allowed and was too narrow for truck and automobile traffic to safely operate because of  
20 the closeness or proximity of the opposing traffic and that there were no adequate safeguards to  
21 protect motorists from head-on collisions;

22                   d) The shoulder of the roadway was dangerous, was too narrow to allow vehicles  
23 to safely use it, was only dirt and it was too difficult to navigate it, and the shoulder provided  
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1 no reasonable opportunity for motorists to use it to avoid a potential collision with opposing  
2 traffic;

3 e) There was an absence of signs so warning; and/or

4 f) There was a failure to provide safeguards (including as set forth in  
5 Government Code Section 830(b)) for such dangers which would not be reasonably apparent  
6 to, and would not be anticipated by, a person using due care.

7  
8 48. These significant and dangerous conditions foreseeably cause motor vehicle  
9 operators, such as the vehicles in this incident, to be enticed, forced, lured, diverted, funneled  
10 and encouraged to travel too close to one another as occurred here. When taken in the totality  
11 of the circumstances, the condition of State Route 152 in the area of this incident was a  
12 dangerous condition of public property.

13 49. Plaintiff is informed and believes and alleges that the subject property was in a  
14 dangerous condition at the time of the incident in that the property created a substantial and not  
15 trivial or insignificant risk of injury when plaintiff DREW DAKOTA BIANCHI, as a  
16 passenger in a legally operated automobile, used this property with due care in a manner in  
17 which it is reasonably foreseeable that it will be used. This dangerous condition created a  
18 reasonably foreseeable risk of the kind of incident that occurred.

19  
20 50. Defendants STATE OF CALIFORNIA, CALIFORNIA DEPARTMENT OF  
21 TRANSPORTATION (CALTRANS); COUNTY OF SANTA CLARA; and DOES 301 to 400,  
22 Inclusive, had actual and/or constructive notice of the dangerous condition in sufficient time  
23 prior to the subject accident to have taken measures to have corrected and/or prevented against  
24 such dangerous conditions. Plaintiff is informed and believes that these dangerous conditions  
25 were known to or should have been known to said defendants, as they were directly  
26 responsible for the dangerous and defective design, construction, striping, signage, and other  
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1 conditions of the subject roadway. Defendants, and each of them, had the authority and it was  
2 defendants' responsibility to take adequate measures to protect the public against the  
3 dangerous condition they created.

4 51. Defendant STATE OF CALIFORNIA, CALIFORNIA DEPARTMENT OF  
5 TRANSPORTATION (CALTRANS) and/or defendant COUNTY OF SANTA CLARA failed  
6 to take reasonable steps to protect the public against this known danger.  
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8 52. Defendant STATE OF CALIFORNIA, CALIFORNIA DEPARTMENT OF  
9 TRANSPORTATION (CALTRANS) and/or defendant COUNTY OF SANTA CLARA failed  
10 to warn of these dangerous conditions.

11 53. Further, the non-trivial and substantially dangerous condition was a result of  
12 improper design which continued after changed conditions that Defendant STATE OF  
13 CALIFORNIA, CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)  
14 and/or defendant COUNTY OF SANTA CLARA had notice thereof and reasonable time to  
15 correct said dangerous condition.  
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17 54. Said dangerous condition created a substantial risk of injury to the members of the  
18 general public who were using the property with reasonable care and in a reasonably  
19 foreseeable manner.

20 55. As a direct and proximate result of defendants' conduct as set forth above,  
21 Plaintiff DREW DAKOTA BIANCHI sustained severe and serious injury to his person, and  
22 suffered past, present and future general and special damages in a sum in excess of the  
23 jurisdictional minimum of this court, to be established according to proof at trial.  
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25 56. As a direct and proximate result of defendants' conduct as set forth above,  
26 Plaintiff DREW DAKOTA BIANCHI has been required, and will in the future be required, to  
27 employ the services of hospitals, rehabilitation facilities, physicians, surgeons, nurses,  
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1 therapists, attendant caregivers, and other professional services. Plaintiff DREW DAKOTA  
2 BIANCHI is in need of future and lifetime medical treatment, services, therapy, attendant care,  
3 and other services and expenses in amounts to be shown according to proof at the time of trial  
4 of this matter.

5 57. As a direct and proximate result of defendants' conduct as set forth above,  
6 Plaintiff DREW DAKOTA BIANCHI has suffered past, present, and future loss of income and  
7 earning capacity, in amounts according to proof.

8 58. As a direct and proximate result of defendants' conduct as set forth above  
9 Plaintiff DREW DAKOTA BIANCHI has suffered and will suffer in the future extreme shock,  
10 emotional distress, pain and suffering, mental anguish, anxiety, humiliation, inconvenience,  
11 loss of quality and enjoyment of life, to his damage in amounts according to proof.

12 Wherefore, plaintiff DREW DAKOTA BIANCHI prays for judgment against  
13 defendant STATE OF CALIFORNIA, CALIFORNIA DEPARTMENT OF  
14 TRANSPORTATION (CALTRANS), defendant COUNTY OF SANTA CLARA, and  
15 defendants DOES 301 to 400, Inclusive, as set forth below.

16 PRAYER

17 WHEREFORE, plaintiff DREW DAKOTA BIANCHI prays for judgment and damages  
18 against the defendants, and each of them, as follows:

19 AS TO THE FIRST CAUSE OF ACTION:

20 For damages against defendants SALAZAR EQUIPMENT CO. INC; SALAZAR  
21 CONSTRUCTION CO. INC.; TECHNICON CONSTRUCTION CO. INC.; GORDON  
22 TRUCKING INC.; SAMUEL ORTEGO BIMBELA; MICHAEL ANTHONY DEMMA; and  
23 DOES 1 to 300, Inclusive, as follows:

- 24 1. For Plaintiff's past, present, and future, general damages, including but not  
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limited to, for extreme shock, emotional distress, pain and suffering, and loss of quality of life, to his damage in amounts according to proof;

2. For Plaintiff's special and economic damages, including, but not limited to, past, present, and future sums incurred and to be incurred for services of medical care and treatment, hospitals, physicians, surgeons, nurses, attendant care, therapy and other medical supplies and services;
3. For Plaintiff's past, present, and future special and economic damages, including, but not limited to, for loss of income and loss of earnings capacity, in an amounts according to proof;
4. For prejudgment interest provided by law, including, but not limited to, California Civil Code Section 3291;
5. For costs of suit; and
6. For such other and further relief as the Court may deem proper.

AS TO THE SECOND CAUSE OF ACTION:

For damages against defendants STATE OF CALIFORNIA, CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS); COUNTY OF SANTA CLARA; and DOES 301 to 400, Inclusive, plaintiff alleges as follows:

7. For Plaintiff's past, present, and future, general damages, including but not limited to, for extreme shock, emotional distress, pain and suffering, and loss of quality of life, to his damage in amounts according to proof;
8. For Plaintiff's special and economic damages, including, but not limited to, past, present, and future sums incurred and to be incurred for services of medical care and treatment, hospitals, physicians, surgeons, nurses, attendant care, therapy and other medical supplies and services;






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DATED: January 29, 2008

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By:   
Robert E. Ormiston, Esq.  
Attorneys for Plaintiff(s)