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CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court
MAY 01 2008
John A. Clark, Executive Officer/Clerk
By J. Denham, Deputy

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF LOS ANGELES, WEST DISTRICT

12 KAZUO KIMURA, an individual,
13 Plaintiff,

14 vs.

15 CRISTIAN DE LA FUENTE, an individual; and
16 DOES 1 through 10,
17 Defendants.

18 CASE NO. **SC098048**

19 **COMPLAINT FOR PERSONAL INJURY
AND DAMAGES;**

20 **REQUEST FOR JURY TRIAL**

21 **INITIAL CASE MANAGEMENT REVIEW
AND CONFERENCE** AUG 19 2008

22 830 am Dept. H

23 COMES NOW, plaintiff KAZUO KIMURA ("Plaintiff"), individually, and alleges as follows:

- 24 1. At all times mentioned herein, plaintiff KAZUO KIMURA was and now is a resident of
25 the County of Los Angeles, State of California.
- 26 2. Plaintiff is informed and believes and thereupon alleges that at all times mentioned
27 herein defendant CRISTIAN DE LA FUENTE was and now is an individual residing in the County of
28 Los Angeles, State of California.
- 29 3. Plaintiff is ignorant of the true names and capacities, whether corporate, associate,
individual, or otherwise, of defendants sued herein as DOES 1 through 10, inclusive, and on that basis
sues them by fictitious names. Plaintiff is informed and believes, and thereon alleges, that defendant

1 DOES 1 through 10, inclusive, and each of them, were/are responsible in some manner, whether
2 intentionally, negligently or otherwise, for the damages and injuries proximately caused to, and
3 suffered by, Plaintiff herein, as more fully set for below. Plaintiff will seek leave of Court to amend
4 this Complaint to insert the true names and/or capacities of such fictitiously named defendants when
5 the same have been ascertained.

6 4. Plaintiff is informed and believes and thereon alleges that at all times mentioned herein,
7 defendants, and each of them, were the agents, representatives, and/or employees of each and every
8 other defendant herein and at all times mentioned herein were acting within the scope and course of
9 such agency and/or employment.

10 5. Wherever appearing in this complaint, each and every reference to defendants, or any of
11 them, is intended to include, and shall be deemed to include, all fictitiously named defendants.

12 6. On or about June 29, 2007, the Plaintiff was at the service department of Beverly Hills
13 Porsche, which is located at 10959 Santa Monica Boulevard in Los Angeles, California. While
14 inspecting his vehicle with a service technician, Plaintiff was struck by a 2004 Audi A8 being driven by
15 defendant CRISTIAN DE LA FUENTE.

16 7. Plaintiff is informed and believes and thereon alleges that defendant CRISTIAN DE LA
17 FUENTE had parked his vehicle at the service department and was blocking other customers. When he
18 was asked to move his vehicle, defendant CRISTIAN DE LA FUENTE, in a huff, jumped in his Audi
19 and without looking, hastily put his vehicle into reverse and accelerated into the Plaintiff. Plaintiff was
20 knocked to the ground and sustained serious injuries for which surgical intervention has been
21 recommended. To make matters worse, after the impact, defendant CRISTIAN DE LA FUENTE
22 showed no remorse for his negligence or concern for the Plaintiff. Instead, he blamed the Plaintiff for
23 standing behind his vehicle and then refused to provide his license and insurance information.
24 However, before defendant CRISTIAN DE LA FUENTE could flee the scene, a police officer was
25 flagged down to take the parties' information. Since the accident occurred on private property, no
26 citations were issued.

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1 **FIRST CAUSE OF ACTION**

2 **NEGLIGENCE**

3 **(Plaintiff Against All Defendants)**

4 8. Plaintiff incorporates herein by reference each and every allegation contained in
5 paragraphs 1 through 7, above, as though fully set forth herein.

6 9. Plaintiff is informed and believes that defendant CRISTIAN DE LA FUENTE was a
7 licensed driver in the State of California. Regardless, he was operating an automobile within the State.
8 As a result, he had a general duty of care to operate the vehicle in a safe, lawful and responsible
9 manner.

10 10. Defendant CRISTIAN DE LA FUENTE breached his duty as described above.

11 11. As a direct and legal result of the defendant's actions, Plaintiff was hurt and suffered
12 serious injuries to his body and nervous system, all of which have caused and continue to cause him
13 great mental and physical pain and suffering. Plaintiff's treating doctor has, in fact, recommended back
14 surgery for his injuries. Plaintiff is informed and believes and thereon alleges that these injuries have
15 resulted in some permanent disability to Plaintiff, all to Plaintiff's general damage in an amount to be
16 proven at trial.

17 12. As a further direct and legal result of said acts, Plaintiff was required to employ and
18 continues to employ physicians and healthcare providers to exam, treat and care for him. He also has
19 and continues to incur medical and incidental expenses in a sum to be proven at trial.

20 13. As an additional direct and legal result of said acts, Plaintiff was prevented from attending
21 to his usual occupation for a period of time and will be prevented from attending to such occupation.
22 Thus, Plaintiff has sustained and will continue to sustain lost earnings and earning capacity in a sum to
23 be proven at trial.

24 14. The injuries and damages that Plaintiff has suffered as a result of the defendant's conduct
25 exceeds the jurisdictional minimum of the Superior Court and is subject to proof at trial.

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1 WHEREFORE, Plaintiff prays for judgment against defendants CRISTIAN DE LA FUENTE
2 and/or DOES 1 through 10 as follows:

- 3 1. For an award of general and special damages according to proof;
- 4 2. For prejudgment interest, according to proof;
- 5 3. For costs of suit incurred herein; and
- 6 4. For such other and further relief as the Court deems just and proper.

7
8 Dated: April 30, 2008

TAYLOR & RING, LLP

9
10 By: 
11 David M. Ring
12 Robert R. Clayton
13 Attorneys for Plaintiff

14 **DEMAND FOR JURY TRIAL**

15 Plaintiffs request a jury trial.

16
17 Dated: April 30, 2008

TAYLOR & RING, LLP

18
19 By: 
20 David M. Ring
21 Robert R. Clayton
22 Attorneys for Plaintiff