

# SUMMONS (CITACION JUDICIAL)

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

### NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

Choice Hotels International, Inc., John Noble Sued Individually and as Trustee of the Noble Family Trust, Armando Blancarte and Does 1 to 40

**FILED**  
Clerk of the Superior Court  
June  
~~##~~ 24 2008  
By: B. Orihuela Deputy

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

Zachery Ty Bryan

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](http://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](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

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.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), 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](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:  
(El nombre y dirección de la corte es):  
Superior Court of California, County of San Diego  
Hall of Justice-330 Broadway  
San Diego, CA Central District

CASE NUMBER:  
(Número de Caso):  
37-2008-00086367-CU-PO-CTI

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):  
R. Spencer Quinn, Esq. (Law Offices of R. Spencer Quinn)  
1661 Hillsdale Ave. San Jose, CA 95124 (408) 448-4444

DATE: JUN 24 2008 Clerk, by B. Orihuela Deputy  
(Fecha) (Secretario) (Adjunto)

(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):
  - on behalf of (specify):  
under:  CCP 416.10 (corporation)  CCP 416.60 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  
 other (specify):
  - by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

R. SPENCER QUINN (State Bar # 090381)  
LAW OFFICES OF R. SPENCER QUINN  
1661 Hillsdale Ave  
San Jose, CA 95124

TELEPHONE NO: (408) 448-4444

FAX NO. (Optional): (408) 448-4948

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): Plaintiff Zachery Ty Bryan

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

STREET ADDRESS: Hall of Justice-330 Broadway

MAILING ADDRESS: Same as above

CITY AND ZIP CODE: San Diego 92101

BRANCH NAME: Central District

PLAINTIFF: Zachery Ty Bryan

DEFENDANT: Choice Hotels International, Inc., John Noble Individually  
and as Trustee of Nobel Family Trust, Armando Blancarte

DOES 1 TO 40

COMPLAINT—Personal Injury, Property Damage, Wrongful Death

AMENDED (Number):

Type (check all that apply):

MOTOR VEHICLE  OTHER (specify):

Property Damage  Wrongful Death

Personal Injury  Other Damages (specify): Punitive Damages

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

37-2008-00086367-CU-PO-CTL

CIVIL BUSINESS OFFICE  
CENTRAL DIVISION

2008 JUN 23 P 11:34

CLERK SUPERIOR COURT  
SAN DIEGO COUNTY, CA

1. Plaintiff (name or names): Zackery Ty Bryan

alleges causes of action against defendant (name or names): Choice Hotel International, Inc., John Noble Individually  
and as Trustee of Nobel Family Trust, Armando Blancarte

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.

COMPLAINT—Personal Injury, Property  
Damage, Wrongful Death

SHORT TITLE:

Bryan v. Choice Hotel, Inc., et. al.

CASE NUMBER:

- 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): Choice Hotels International, Inc. c.  except defendant (name):
  - (1)  a business organization, form unknown
  - (2)  a corporation
  - (3)  an unincorporated entity (describe):
  - (4)  a public entity (describe):
  - (5)  other (specify):
- (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): Nobel Family Trust d.  except defendant (name):
  - (1)  a business organization, form unknown
  - (2)  a corporation
  - (3)  an unincorporated entity (describe):
  - (4)  a public entity (describe):
  - (5)  other (specify):
- (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.

- 3. The true names of defendants sued as Does are unknown to plaintiff.
  - a.  Doe defendants (specify Doe numbers): 1 through 20 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): 21 through 40 are persons whose capacities are unknown to plaintiff.
- 7.  Defendants who are joined under Code of Civil Procedure section 382 are (names):

- 3. 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):

- 3.  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:

Bryan v. Choice Hotel International, Inc., et. al.

CASE NUMBER:

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):  
Loss of Prejudgment Interest

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)):

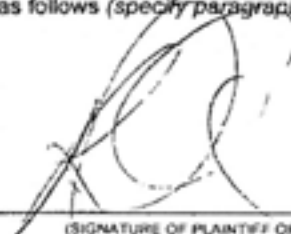
- (1)  according to proof
- (2)  in the amount of: \$

15.  The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: 6/20/08

R. SPENCER QUINN

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

Bryan v.Choice Hotel International, Inc., et. al.

FIRST  
(number)

## CAUSE OF ACTION—General Negligence

Page 4

ATTACHMENT TO  Complaint  Cross - Complaint

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

GN-1. Plaintiff (name): Zachery Ty Bryan

alleges that defendant (name): Choice Hotels International, Inc., John Noble sued Individually as Trustee for the Nobel Family Trust

 Does 1 to 10

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): April 6, 2007

at (place): 2901 Nimitz Blvd San Diego, CA in the County of San Diego, in the State of California

(description of reasons for liability):

At all relevant times, Defendants Choice Hotels International, Inc., and John Noble sued individually and as Trustee of The Noble Family Trust either owned and/or franchised the Quality Inn Hotel located at 2901 Nimitz Blvd. San Diego, CA .

At all relevant times, Defendant Armando Blancarte was a manager at the Quality Inn, located 2901 Nimitz Blvd., San Diego, CA. and was employed by either Defendants John Noble sued Individually and as the Trustee of The Noble Family Trust and/or Choice Hotels International, Inc..

At all relevant times, Defendant Armando Blancarte owed Plaintiff Zachery Ty Bryan a duty of care to protect his safety and welfare as a guest of the Quality Inn located at 2901 Nimitz Blvd. San Diego, CA and Defendant breached his legal duties as a manager by negligently, carelessly, and repeatedly assaulting and battering Plaintiff Zachery Ty Bryan with a taser gun.

Defendants John Noble sued individually and as Trustee of The Noble Family Trust and/or Choice Hotels International, Inc. are vicariously liable for the actions of their employees under the doctrine of respondeat superior.

Defendant Choice Hotels International, Inc. is viciously liable for the actions of its franchisee Defendant John Noble sued individually and as Trustee of The Noble Family Trust based on its agency relationship.

Defendants John Noble sued Individually and as Trustee of The Noble Family Trust Choice Hotel International Inc. and/or owed a duty of care to Plaintiff Zachery Ty Bryan. Defendants breached their legal duty to Plaintiff Zachery Ty Bryan by failing to properly train, monitor, and supervise its employee Armando Blancarte on how to resolve customer issues without using a dangerous and deadly weapon such as the taser gun that was use on Plaintiff Zachery Ty Bryan.

As a direct, legal and proximate cause of the negligence and carelessness of the Defendants and each of them, Plaintiff suffered undue harm, pain, and infliction of emotional distress on his person.

SHORT TITLE: Bryan v. Choice Hotels International, Inc., et. al.	CASE NUMBER
---	-------------

SECOND CAUSE OF ACTION—Intentional Tort Page 5  
(number)

ATTACHMENT TO  Complaint  Cross - Complaint

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

IT-1. Plaintiff (name): Zachery Ty Bryan

alleges that defendant (name):  
Choice Hotels International, Inc., Nobel Family Trust, and Armando Blancarte

Does 11 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff  
on (date) April 6, 2007  
at (place) 2901 Nimitz Blvd San Diego, CA in the County of San Diego, in the State of California

(description of reasons for liability):

On April 6, 2008 Defendant Armando Blancarte was employed as a manger by Defendants Choice Hotel International and/or John Noble sued Individually and as Trustee of The Noble Family Trust to manage and operate the Quality Inn located at 2901 Nimitz Blvd San Diego, CA.

On April 6, 2008, Defendant Armando Blancarte recklessly, wantonly, intentionally, maliciously and willfully violated his legal duty of care in regards to the safety and welfare of Plaintiff Zachery Ty Bryan by repeatedly firing a taser gun to his neck.

At all relevant times, Defendants, and each of them, knew or should have known that the usage of a taser gun on its lawful guest would create an immediate and unnecessary danger.

At all relevant times, Defendants Armando Blancarte totally abdicated his duty to use his knowledge, skill, and experience with regard to the safeguarding the safety and welfare of Plaintiff Zachery Ty Bryan.

At no time did Defendants, and each of them, take any action to prevent the assault and battery being viciously administrated upon the person of Plaintiff Zachery Ty Bryan by refusing to enact reasonable professional measures and procedures to investigate to see if Plaintiff Zachery Ty Bryan was a lawful guest at the Quality Inn located at 2901 Nimitz Blvd San Diego, CA.

Defendants, and each of them, acted with such indifference to the consequences of their actions and misconduct and with such recklessness as to be willful, malicious, and oppressive in total disregard of the safety and welfare of Plaintiff Zachery Ty Bryan, so as to merit punitive damages.

Plaintiff Zachery Ty Bryan is not presently aware of the true net worth of the Defendants and each of them and therefore cannot ascertain an amount, which will properly punish then by way of punitive damages. Plaintiff prays leave amend this complaint to insert the same herein when Defendants' true net worth is finally ascertained.

Defendants, and each of them, acted with such indifference to the consequences of their actions and misconduct and with such recklessness as to be willful, malicious, and oppressive in total disregard of the safety rights of Plaintiff Zachery Ty Bryan, so as to merit punitive damages.

Plaintiff Zachery Ty Bryan is not presently aware of the true net worth of the Defendants and each of them and therefore cannot ascertain an amount, which will properly punish then by way of punitive damages. Plaintiff prayers leave amend this complaint to insert the same herein when Defendants' true net worth is finally ascertained

SHORT TITLE:

Bryan v. Choice Hotel International, Inc., et. al.

CASE NUMBER:

**Exemplary Damages Attachment**Page 6ATTACHMENT TO  Complaint  Cross - Complaint

EX-1. As additional damages against defendant (name): Choice Hotels International, Inc., Nobel Family Trust, and Armando Blancarte

Plaintiff alleges defendant was guilty of

- malice  
 fraud  
 oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

At all relevant times, Defendants Choice Hotels International, Inc., and John Noble sued individually and as Trustee of The Noble Family Trust either owned and/or franchised the Quality Inn Hotel located at 2901 Nimitz Blvd. San Diego, CA.

At all relevant times, Defendant Armando Blancarte was a manager at the Quality Inn, located 2901 Nimitz Blvd., San Diego, CA. and was employed by either Defendants John Noble sued individually and as Trustee of The Noble Family Trust and/or Choice Hotels International, Inc..

At all relevant times, Defendant Armando Blancarte recklessly, wantonly, intentionally, maliciously and willfully assaulted and battered Plaintiff Zachery Ty Bryan by repeatedly using a taser gun on his person.

Defendant John Noble sued individually and as Trustee of The Noble Family Trust and Defendant Choice Hotels International, Inc.. are vicariously liable for the intentional actions of their employees under the doctrine of respondeat superior.

Defendant Choice Hotels International, Inc. is viciously liable for the actions of its franchisee Defendant John Noble sued individually and as Trustee of The Noble Family Trust based on its agency relationship.

Defendant Armando Blancarte acted with such indifference to the consequences of his actions and with such misconduct as well as gross recklessness that his conduct was willful, malicious, and oppressive in total disregard of the rights of Plaintiff Zachery Ty Bryan. Therefore, an award of punitive damages is warrant against Defendant Armando Blancarte .

EX-3. The amount of exemplary damages sought is

- a.  not shown, pursuant to Code of Civil Procedure section 425.10.  
b.  \$

SHORT TITLE:

Bryan v. Choice International Hotels, Inc., et al

CASE NUMBER:

Third  
(number)

CAUSE OF ACTION—Premises Liability

Page 7

ATTACHMENT TO  Complaint  Cross - Complaint

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

Prem.L-1. Plaintiff (name): Zachery Ty Bryan

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): April 6, 2007 plaintiff was injured on the following premises in the following fashion (description of premises and circumstances of injury):

At all relevant times, Defendants Choice Hotel International, Inc. and John Noble sued individually and as Trustee for the Nobel Family Trust either owned and/or franchised the Quality Inn located at 2901 Nimitz Blvd. San Diego, California 92106. At all relevant times, Defendants did not provide any warning to Plaintiff Zachery Ty Bryan that a taser gun was available for use by employees and/or franchisee. Defendants failed to properly supervise, train, and monitor its employees and/or franchisee regarding the dangerous usage of a taser gun on its premises.

Prem.L-2.  Count One—Negligence The defendants who negligently owned, maintained, managed and operated the described premises were ~~Choice~~ Hotel International, Inc., John Noble sued Individually and as Trustee of Noble Family Trust, Armando Blancarte

Does 21 to 30

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):

Choice Hotel International, Inc., John Noble sued Individually and as Trustee of the Noble Family Trust, Armando Blancarte

Does 31 to 35

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):

Does 36 to 40

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):