

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <b>James B. Abeltin, Esq.</b> Bar No. 88791  <b>ABELTIN &amp; MIGOYA, LLP</b>  <b>837 N. Ross Street</b>  <b>Santa Ana, CA 92701</b>          TELEPHONE NO: (714) 480-1080 FAX NO. (Optional): (714) 480-1079          E-MAIL ADDRESS (Optional):          ATTORNEY FOR (Name): <b>Plaintiffs</b></p>	<p style="text-align: center;"><b>FOR COURT USE ONLY</b></p> <p style="text-align: center; font-size: 24pt; font-weight: bold;">FILED</p> <p style="text-align: center;">SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE CENTRAL JUSTICE CENTER</p> <p style="text-align: center; font-size: 24pt; font-weight: bold;">FEB 19 2010</p> <p style="text-align: center;">ALAN CARLSON, Clerk of the Court            BY J L JOHNSON</p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE</b>          STREET ADDRESS: <b>700 Civic Center Drive West</b>          MAILING ADDRESS: <b>Same</b>          CITY AND ZIP CODE: <b>Santa Ana, CA 92701</b>          BRANCH NAME: <b>Central Justice Center</b></p>	
<p>PLAINTIFF: <b>Gilberto Guillen, Jose Rolando Rosales, Emerito Rosales, and Ismael Rosales</b>          DEFENDANT: <b>Marc R. Puckett</b></p> <p><input checked="" type="checkbox"/> DOES 1 TO <u>10</u></p>	
<p><b>COMPLAINT—Personal Injury, Property Damage, Wrongful Death</b>  <input type="checkbox"/> AMENDED (Number):          Type (check all that apply):  <input checked="" type="checkbox"/> MOTOR VEHICLE    <input type="checkbox"/> OTHER (specify):              <input type="checkbox"/> Property Damage    <input type="checkbox"/> Wrongful Death              <input checked="" type="checkbox"/> Personal Injury    <input type="checkbox"/> Other Damages (specify):</p>	
<p>Jurisdiction (check all that apply):  <input checked="" type="checkbox"/> ACTION IS A LIMITED CIVIL CASE              Amount demanded    <input type="checkbox"/> does not exceed \$10,000                                            <input checked="" type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000  <input type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)  <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint              <input type="checkbox"/> from limited to unlimited              <input type="checkbox"/> from unlimited to limited</p>	<p>CASE NUMBER: <b>30-2010</b>  <b>00346042</b></p>

1. Plaintiff (name or names): **Gilberto Guillen, Jose Rolando Rosales, Emerito Rosales, and Ismael Rosales** alleges causes of action against defendant (name or names): **Marc R. Puckett**

2. This pleading, including attachments and exhibits, consists of the following number of pages:

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.

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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. <input type="checkbox"/> <b>except</b> defendant (name):<br>(1) <input type="checkbox"/> a business organization, form unknown<br>(2) <input type="checkbox"/> a corporation<br>(3) <input type="checkbox"/> an unincorporated entity (describe):<br><br>(4) <input type="checkbox"/> a public entity (describe):<br>(5) <input type="checkbox"/> other (specify): | c. <input type="checkbox"/> <b>except</b> defendant (name):<br>(1) <input type="checkbox"/> a business organization, form unknown<br>(2) <input type="checkbox"/> a corporation<br>(3) <input type="checkbox"/> an unincorporated entity (describe):<br><br>(4) <input type="checkbox"/> a public entity (describe):<br>(5) <input type="checkbox"/> other (specify): |
| b. <input type="checkbox"/> <b>except</b> defendant (name):<br>(1) <input type="checkbox"/> a business organization, form unknown<br>(2) <input type="checkbox"/> a corporation<br>(3) <input type="checkbox"/> an unincorporated entity (describe):<br><br>(4) <input type="checkbox"/> a public entity (describe):<br>(5) <input type="checkbox"/> other (specify): | d. <input type="checkbox"/> <b>except</b> defendant (name):<br>(1) <input type="checkbox"/> a business organization, form unknown<br>(2) <input type="checkbox"/> a corporation<br>(3) <input type="checkbox"/> an unincorporated entity (describe):<br><br>(4) <input type="checkbox"/> a public entity (describe):<br>(5) <input type="checkbox"/> other (specify): |
- Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a.  Doe defendants (specify Doe numbers): 1-5 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): 6-10 are persons whose capacities are unknown to plaintiff.
7.  Defendants who are joined under Code of Civil Procedure section 382 are (names):
8. 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):
9.  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):

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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*): 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: \$ 24,999.00

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

Date: 2/18/10

James B. Abeltin \_\_\_\_\_  
 (TYPE OR PRINT NAME)

 \_\_\_\_\_  
 (SIGNATURE OF PLAINTIFF OR ATTORNEY)

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FIRST \_\_\_\_\_ CAUSE OF ACTION—Motor Vehicle  
 (number)

ATTACHMENT TO  Complaint  Cross - Complaint

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

Plaintiff (name): Gilberto Guillen, Jose Rolando Rosales, Emerito Rosales, and Ismael Rosales.

MV- 1. Plaintiff alleges the acts of defendants were negligent; the acts were the legal (proximate) cause of injuries and damages to plaintiff; the acts occurred

on (date): February 20, 2009

at (place): Fortune Drive and Pacifica in Irvine, California.

MV- 2. DEFENDANTS

- a.  The defendants who operated a motor vehicle are (names): Marc R. Puckett
  - Does 1 \_\_\_\_\_ to 10 \_\_\_\_\_
- b.  The defendants who employed the persons who operated a motor vehicle in the course of their employment are (names): Marc R. Puckett
  - Does 1 \_\_\_\_\_ to 10 \_\_\_\_\_
- c.  The defendants who owned the motor vehicle which was operated with their permission are (names): Marc R. Puckett
  - Does 1 \_\_\_\_\_ to 10 \_\_\_\_\_
- d.  The defendants who entrusted the motor vehicle are (names): Marc R. Puckett
  - Does 1 \_\_\_\_\_ to 10 \_\_\_\_\_
- e.  The defendants who were the agents and employees of the other defendants and acted within the scope Of the agency were (names): Marc R. Puckett
  - Does 1 \_\_\_\_\_ to 10 \_\_\_\_\_
- f.  The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are
  - listed in Attachment MV-2f  as follows:

Does \_\_\_\_\_ to \_\_\_\_\_

Page \_\_\_\_\_

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SECOND **CAUSE OF ACTION—General Negligence** Page \_\_\_\_\_  
 (number)

ATTACHMENT TO  Complaint  Cross - Complaint

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

GN-1. Plaintiff (name): Gilberto Guillen, Jose Rolando Rosales, Emerito Rosales, and Ismael Rosales.

alleges that defendant (name): Marc R. Puckett

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): February 20, 2009

at (place): Fortune Drive and Pacifica in Irvine, California

(description of reasons for liability):

Defendants and each of them, so negligently, unlawfully and wilfully drive, entrusted and operated a motor vehicle as to cause it to collide with a motor vehicle occupied by the plaintiffs and cause them injuries and damages.