

1 **WILCOXEN, CALLAHAN, MONTGOMERY & DEACON**
2 **WILLIAM M. LYONS SBN 042558**

3 2114 K Street
4 Sacramento, CA 95816
5 Telephone: 916 442-2777
6 Facsimile: 916 442-4118

7 Attorneys for Plaintiff ADAM VUE

NOTED - 7 P 12:40

D. W.
Clerk of Court

8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF CONTRA COSTA**

10
11 ADAM VUE,

12 Plaintiff,

Case Number: **C07 - 01238**

COMPLAINT FOR PERSONAL INJURIES

13 -vs-

14 GABRIEL LOBOS, EAST BAY
15 MITSUBISHI and DOES I through XX,
16 inclusive.

17 Defendant.

PER LOCAL RULE 5 THIS
CASE IS ASSIGNED TO
DEPT 30

SUMMONS ISSUED

18
19 Plaintiff ADAM VUE, alleges:

20 1.

21 Defendants, GABRIEL LOBOS and EAST BAY MITSUBISHI are and at all times
22 herein mentioned have been residents of the County Of Contra Costa, State of California.

23 2.

24 The true names and capacities, whether individual, corporate, or associate, or otherwise,
25 of defendants DOES I through XX, inclusive, are unknown to Plaintiff, who therefore sues said
26 defendants by such fictitious names. Plaintiff is informed and believes and thereon alleges that
27 each of the defendants designated herein as a DOE is legally responsible in some manner for
28 the events and happenings herein referred to and legally caused injury and damages

WILCOXEN CALLAHAN MONTGOMERY & DEACON
2114 K Street, Sacramento, California 95816

\$1 320.00 - 0171

1 proximately thereby to Plaintiff as herein alleged.

2 3.

3 At all times herein mentioned, defendants DOES I through V, and each of them, were
4 employees and agents of Defendants, GABRIEL LOBOS and EAST BAY MITSUBISHI and
5 were acting within the course and scope of their employment.

6 4.

7 Defendants, GABRIEL LOBOS at all times herein mentioned was an employee and agent of
8 defendant EAST BAY MITSUBISHI and DOES VI through XX, and each of them. Said
9 EAST BAY MITSUBISHI, and DOES VI through XX, and each of them, owned, controlled,
10 operated and maintained the car dealership located in the City of El Cerrito, State of California.

11 At all times herein, defendant LOBOS was acting within the course and scope of his
12 employment.

13 5.

14 At all times herein mentioned, Plaintiff was a resident of the City of Sacramento, State of
15 California.

16 6.

17 On or about January 11, 2007, Plaintiff was test-driving a vehicle owned by defendant EAST
18 BAY MITSUBISHI, and was operating the vehicle, a Nissan SUV, with the permission and
19 consent of defendant EAST BAY MITSUBISHI, westbound on Interstate 80 near the off-ramp
20 of Interstate 80 and McBryde Avenue. Defendants, GABRIEL LOBOS, the agent and
21 employee of EAST BAY MITSUBISHI, was a passenger and was accompanying Plaintiff on
22 the test-drive at approximately 1444 hours on January 11, 2007.

23 7.

24 Plaintiff, while operating the vehicle in a westbound direction on Interstate 80, nearly collided
25 with an unknown driver, who was operating a Nissan vehicle. Plaintiff sounded the horn on his
26 vehicle to avoid the collision. The unknown driver accelerated and cut off the vehicle being
27 driven by Plaintiff. At that point in time, defendant GABRIEL LOBOS, for an unknown
28 reason, threw his hands in the air as a sign to the unknown driver indicating "What are you

1 doing?" This hostile reaction on the part of GABRIEL LOBOS caused the unknown driver of
2 the Nissan to respond by firing a weapon, an unknown caliber firearm, into the interior of the
3 vehicle being driven by Plaintiff, striking him in the head, causing severe and permanent
4 injuries. Plaintiff's vehicle then struck what was believed to be a tree and rolled over, coming
5 to rest on its top.

6 8.

7 Defendants, and each of them, knew or in the exercise of reasonable care should have know,
8 that the hostile response on behalf of defendant GABRIEL LOBOS invited the response which
9 occurred from the unknown driver of the other Nissan. The conduct of defendant LOBOS
10 constituted extreme lack of due care and gross negligence which directly and proximately
11 caused Plaintiff to receive life-threatening injuries resulting in his permanent disability.

12 9.

13 As a proximate result of the aforesaid conduct of the defendants, and each of them, Plaintiff
14 was hurt and injured in his health, strength and activity, sustaining injury to his body and shock
15 and injury to his nervous system and person, which said injuries have caused and continue to
16 cause plaintiff great mental, physical and nervous pain and suffering. Plaintiff is informed and
17 believes and thereon alleges that his injuries have resulted in a permanent injury consisting of
18 brain damage and extreme physical impairment, all to his general damage in an amount to be
19 shown according to proof at time of trial.

20 10.

21 As a further proximate result of the aforesaid conduct of the defendants, and each of them,
22 Plaintiff employed and continues to employ physicians and surgeons to examine, treat and care
23 for her, and did and continues to incur medical and incidental expenses which will be shown
24 according to proof at time of trial.

25 11.

26 As a further proximate result of the aforesaid conduct of the defendants, and each of them,
27 Plaintiff was prevented from attending to his usual occupation for a period of time, sustaining a
28

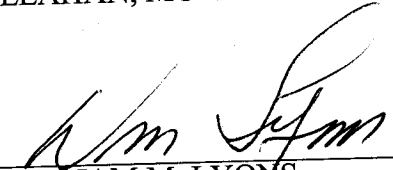
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

loss of earnings in an amount unknown to Plaintiff at this time but which will be shown according to proof at time of trial.

WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as follows:

1. For general damages in a sum within the jurisdictional requirements of this court;
2. For loss of medical and incidental expenses, according to proof;
3. For loss of earnings, according to proof;
4. For costs of suit incurred herein; and
5. For such other and further relief as the court deems just and proper.
- 6.

DATED: June 6, 2007 WILCOXEN, CALLAHAN, MONTGOMERY & DEACON

By: 
WILLIAM M. LYOMS
Attorney for Plaintiff