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Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SACRAMENTO

07AS02328

LUCY DAVIDSON, VICTORIA MYERS  
and GINA SHERROD,

Plaintiffs,

v.

ENTERCOM SACRAMENTO, LLC;  
ENTERCOM COMMUNICATIONS,  
CORP.; JOHN GEARY; STEVE WEED;  
ROBIN PECHOTA; LIZ DIAZ; ADAM  
COX; STEVE MANEY; PATRICIA  
SWEET; MATT CARTER and DOES 1  
through 50 inclusive,

Defendants.

CASE NO.

**COMPLAINT FOR DAMAGES**  
**(Personal Injury - Negligence;**  
**Intentional Infliction of Emotional**  
**Distress)**

KEYD  
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SUMMONS NO. 07AS02328  
SUMMONS ISSUED

Plaintiffs, LUCY DAVIDSON, VICTORIA MYERS and GINA SHERROD,  
complain of defendants, and each of them, for an amount in excess of \$25,000.00 and  
in excess of the minimum jurisdictional limits of this Court, and alleges as follows:

**ALLEGATIONS COMMON TO ALL COUNTS**

1. The true names and capacities, whether individual, corporate, associate  
or otherwise, of the defendants, DOES 1 through 50, inclusive, are unknown to  
plaintiffs, who therefore sues such defendants by such fictitious names, and plaintiffs  
will amend this complaint to show their true names and capacities when the same have

1 been ascertained. Plaintiffs are informed and believe and thereon allege that each of  
2 the defendants, DOES 1 through 50, inclusive, is responsible under law in some  
3 manner, negligently, in warranty, strictly, or otherwise, for the events and happenings  
4 herein referred to and proximately thereby caused injuries and damages to plaintiffs as  
5 herein alleged.

6 2. Plaintiffs are now, and at all times herein mentioned were, citizens of and  
7 resident within the State of California, and the defendants, and each of them, are now,  
8 and at all times herein mentioned were, citizens of and residents within the State of  
9 California, and the amount in controversy exceeds the minimum jurisdictional limits of  
10 the Court.

11 3. Plaintiffs are informed and believe and thereon allege that, at all times  
12 herein mentioned, each of the defendants were the agents, employees, principals or  
13 employers of each of the remaining defendants and were at all times relevant, acting  
14 within the course and scope of said relationships and each defendants have authorized,  
15 ratified and approved the acts of each of the remaining defendants.

16 4. That defendants, ENTERCOM SACRAMENTO, LLC; ENTERCOM  
17 COMMUNICATIONS, CORP.; and DOES 1 through 25, are now, and at all times herein  
18 mentioned were, California business entities, as a corporation, association, partnership  
19 or other type of business entity, doing business as a radio station identified as KDND  
20 107.9 The End, broadcasting in the greater Sacramento area, and plaintiffs will ask  
21 leave to insert the correct designation when the same has been ascertained.

22 5. That the defendants, JOHN GEARY; STEVE WEED; ROBIN PECHOTA;  
23 LIZ DIAZ; ADAM COX; STEVE MANEY; PATRICIA SWEET; MATT CARTER and  
24 DOES 26 through 50, at all times herein mentioned, were officers, managers, agents  
25 and/or employees of defendants, ENTERCOM SACRAMENTO, LLC; ENTERCOM  
26 COMMUNICATIONS, CORP.; and DOES 1 through 25, and each of them.

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**FIRST CAUSE OF ACTION**  
(Negligence)

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3           6.       Plaintiff LUCY DAVIDSON repleads and realleges paragraphs 1 through 5  
4 as though fully set forth herein.

5           7.       On or about January 12, 2007, plaintiff LUCY DAVIDSON participated in  
6 an on-air radio contest known as "Hold your Wee for a Wii" which was promoted,  
7 advertised, created, devised, orchestrated, organized, arranged and publicized by the  
8 Defendants, and each of them, wherein Plaintiff competed for the right to receive a  
9 Nintendo Wii video gaming system by trying to consume the most water in a three-hour  
10 period without urinating.

11           8.       At no time before the contest did Plaintiff sign a release of liability  
12 contractually relieving any Defendants of their duty of care in organizing and running  
13 the contest.

14           9.       At all times, it was foreseeable to Defendants, and each of them, that  
15 Plaintiff was at risk for serious illness and/or death as the result of consuming extensive  
16 amounts of water in a relatively short period of time. At all relevant times preceding the  
17 contest, Defendants were aware that consumption of water to such an extent could  
18 result in physical injury or death. Defendants had specific knowledge of a relatively  
19 recent fraternity hazing incident in Northern California as a result of which a young man  
20 died from over-consumption of water. Defendants had specific knowledge of similar  
21 contests at other radio stations in California during which contestants required medical  
22 attention as a result of their participation. Defendants were specifically informed before  
23 and/or during the contest that the contestants, including Plaintiff, were subject to the  
24 risk of serious illness and/or death as a result of their participation.

25           10.      Prior to commencement of the contest, Defendants and each of them  
26 failed to conduct a reasonable investigation to determine the relative health risks to  
27 contest participants, including Plaintiff. Defendant negligently failed to consult with  
28 appropriate health authorities regarding the relative health risks posed by such an

1 enterprise. Defendants negligently failed to identify specific health risks or inform  
2 Plaintiff of any such risks. Defendants negligently failed to post any health advisories  
3 and failed to take any steps to identify prospective participants who might be at risk of  
4 injury. Defendants negligently failed to secure any medical professional or para-  
5 professional services during the contest, ever after the contestants, including Plaintiff,  
6 began feeling ill, and similarly failed to require an examination by a competent physician  
7 of each contest participant prior to the commencement of the contest. Defendants  
8 individually and collectively knew or should have known of the health risks of such a  
9 contest, but took no reasonable steps to advise, warn, supervise or otherwise protect  
10 contest participants including Plaintiff.

11         11. Plaintiff LUCY DAVIDSON complained of feeling ill while in-studio.  
12 Defendants negligently failed to provide any assistance, medical or otherwise, to  
13 Plaintiff.

14         12. As a proximate result of the said negligence and carelessness of the  
15 Defendants, and each of them, plaintiff LUCY DAVIDSON was hurt and injured in her  
16 health, strength and activity, sustaining injury to her body and shock and injury to her  
17 nervous system and person, all of which said injuries have caused and continue to  
18 cause Plaintiff great mental, physical and nervous pain and suffering. Plaintiff is  
19 informed and believes and therefore alleges that said injuries will result in some  
20 permanent disability to her all to her general damage in an amount in excess of the  
21 minimum jurisdictional limits of this Court.

22         13. As a further proximate result of the negligence of Defendants, and each of  
23 them, Plaintiff was required to and did employ, physicians and surgeons to examine,  
24 treat and care for her and did incur, and will in the future incur, medical and incidental  
25 expenses. The exact amount of such expense is unknown to Plaintiff at this time, and  
26 Plaintiff shall seek leave to amend this pleading when the same has been ascertained  
27 by her.

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1 emotional injury, pain and suffering, and continues and will in the future suffer similar  
2 injury by reason of the improper intentional infliction of emotional distress upon Plaintiff.

3 19. The conduct of Defendants herein was intentional, malicious, oppressive,  
4 reprehensible, and despicable, and warrants the imposition of exemplary and punitive  
5 damages.

6 WHEREFORE, Plaintiff LUCY DAVIDSON prays judgment against defendants,  
7 and each of them, as follows:

- 8 1. For compensatory damages in excess of the jurisdictional minimum  
9 of this Court;
- 10 2. For special damages according to proof;
- 11 3. For punitive damages;
- 12 4. For costs of suit; and
- 13 5. For such other and further relief as the Court deems just and  
14 proper.

15 **THIRD CAUSE OF ACTION**  
16 (Negligence)

17 20. Plaintiff VICTORIA MYERS repleads and realleges paragraphs 1 through  
18 5 as though fully set forth herein.

19 21. On or about January 12, 2007, plaintiff VICTORIA MYERS participated in  
20 an on-air radio contest known as "Hold your Wee for a Wii" which was promoted,  
21 advertised, created, devised, orchestrated, organized, arranged and publicized by the  
22 Defendants, and each of them, wherein Plaintiff competed for the right to receive a  
23 Nintendo Wii video gaming system by trying to consume the most water in a three-hour  
24 period without urinating.

25 22. At no time before the contest did Plaintiff sign a release of liability  
26 contractually relieving any Defendants of their duty of care in organizing and running  
27 the contest.

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1           23. At all times, it was foreseeable to Defendants, and each of them, that  
2 Plaintiff was at risk for serious illness and/or death as the result of consuming extensive  
3 amounts of water in a relatively short period of time. At all relevant times preceding the  
4 contest, Defendants were aware that consumption of water to such an extent could  
5 result in physical injury or death. Defendants had specific knowledge of a relatively  
6 recent fraternity hazing incident in Northern California as a result of which a young man  
7 died from over-consumption of water. Defendants had specific knowledge of similar  
8 contests at other radio stations in California during which contestants required medical  
9 attention as a result of their participation. Defendants were specifically informed before  
10 and/or during the contest that the contestants, including Plaintiff, were subject to the  
11 risk of serious illness and/or death as a result of their participation.

12           24. Prior to commencement of the contest, Defendants and each of them  
13 failed to conduct a reasonable investigation to determine the relative health risks to  
14 contest participants, including Plaintiff. Defendant negligently failed to consult with  
15 appropriate health authorities regarding the relative health risks posed by such an  
16 enterprise. Defendants negligently failed to identify specific health risks or inform  
17 Plaintiff of any such risks. Defendants negligently failed to post any health advisories  
18 and failed to take any steps to identify prospective participants who might be at risk of  
19 injury. Defendants negligently failed to secure any medical professional or para-  
20 professional services during the contest, ever after the contestants, including Plaintiff,  
21 began feeling ill, and similarly failed to require an examination by a competent physician  
22 of each contest participant prior to the commencement of the contest. Defendants  
23 individually and collectively knew or should have known of the health risks of such a  
24 contest, but took no reasonable steps to advise, warn, supervise or otherwise protect  
25 contest participants including Plaintiff.

26           25. Plaintiff VICTORIA MYERS complained of feeling ill while in-studio.  
27 Defendants negligently failed to provide any assistance, medical or otherwise, to  
28 Plaintiff.

1           26. As a proximate result of the said negligence and carelessness of the  
2 Defendants, and each of them, plaintiff VICTORIA MYERS was hurt and injured in her  
3 health, strength and activity, sustaining injury to her body and shock and injury to her  
4 nervous system and person, all of which said injuries have caused and continue to  
5 cause Plaintiff great mental, physical and nervous pain and suffering. Plaintiff is  
6 informed and believes and therefore alleges that said injuries will result in some  
7 permanent disability to her all to her general damage in an amount in excess of the  
8 minimum jurisdictional limits of this Court.

9           27. As a further proximate result of the negligence of Defendants, and each of  
10 them, Plaintiff was required to and did employ, physicians and surgeons to examine,  
11 treat and care for her and did incur, and will in the future incur, medical and incidental  
12 expenses. The exact amount of such expense is unknown to Plaintiff at this time, and  
13 Plaintiff shall seek leave to amend this pleading when the same has been ascertained  
14 by her.

15           28. As a further proximate result of the said negligence of the Defendants,  
16 and each of them, Plaintiff VICTORIA MYERS was prevented from attending to her  
17 usual occupation, all to Plaintiff's further damage in an amount unknown at this time,  
18 and Plaintiff will ask leave to amend her complaint to show the exact amount when  
19 determined.

20           WHEREFORE, Plaintiff VICTORIA MYERS prays for judgment against the  
21 defendants, and each of them, as follows:

- 22           1. For general damages in a sum in excess of the minimum  
23 jurisdictional limits of this Court;
- 24           2. For medical and incidental expenses according to proof;
- 25           3. For loss of earnings according to proof;
- 26           4. For all costs of suit incurred herein; and
- 27           5. For such other and further relief as this Court may deem just and  
28 proper.

**FOURTH CAUSE OF ACTION**  
(Intentional Inflection of Emotional Distress)

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3           29. Plaintiff VICTORIA MYERS repleads and realleges paragraphs 1 through  
4 5 and the Third Cause of Action as though fully set forth herein.

5           30. Defendants' conduct was intentional and malicious and done for the  
6 purpose of causing Plaintiff VICTORIA MYERS to suffer humiliation, mental anguish,  
7 and emotional and physical distress. It was done with a wanton and reckless disregard  
8 of the consequences to Plaintiff.

9           31. The conduct of Defendants was intended to injure and was done with a  
10 reckless disregard to injury to Plaintiff VICTORIA MYERS and with full knowledge of the  
11 probable consequences. Said conduct was extreme, outrageous, despicable, and  
12 beyond all bounds of propriety.

13           32. As a proximate result of the intentional conduct of Defendants herein,  
14 Plaintiff VICTORIA MYERS suffered severe emotional distress, psychological and  
15 emotional injury, pain and suffering, and continues and will in the future suffer similar  
16 injury by reason of the improper intentional infliction of emotional distress upon Plaintiff.

17           33. The conduct of Defendants herein was intentional, malicious, oppressive,  
18 reprehensible, and despicable, and warrants the imposition of exemplary and punitive  
19 damages.

20           WHEREFORE, Plaintiff VICTORIA MYERS prays judgment against defendants,  
21 and each of them, as follows:

- 22           1. For compensatory damages in excess of the jurisdictional minimum  
23 of this Court;
- 24           2. For special damages according to proof;
- 25           3. For punitive damages;
- 26           4. For costs of suit; and
- 27           5. For such other and further relief as the Court deems just and  
28 proper.

**FIFTH CAUSE OF ACTION**  
(Negligence)

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3           34. Plaintiff GINA SHERROD repleads and realleges paragraphs 1 through 5  
4 as though fully set forth herein.

5           35. On or about January 12, 2007, plaintiff GINA SHERROD participated in  
6 an on-air radio contest known as "Hold your Wee for a Wii" which was promoted,  
7 advertised, created, devised, orchestrated, organized, arranged and publicized by the  
8 Defendants, and each of them, wherein Plaintiff competed for the right to receive a  
9 Nintendo Wii video gaming system by trying to consume the most water in a three-hour  
10 period without urinating.

11           36. At no time before the contest did Plaintiff sign a release of liability  
12 contractually relieving any Defendants of their duty of care in organizing and running  
13 the contest.

14           37. At all times, it was foreseeable to Defendants, and each of them, that  
15 Plaintiff was at risk for serious illness and/or death as the result of consuming extensive  
16 amounts of water in a relatively short period of time. At all relevant times preceding the  
17 contest, Defendants were aware that consumption of water to such an extent could  
18 result in physical injury or death. Defendants had specific knowledge of a relatively  
19 recent fraternity hazing incident in Northern California as a result of which a young man  
20 died from over-consumption of water. Defendants had specific knowledge of similar  
21 contests at other radio stations in California during which contestants required medical  
22 attention as a result of their participation. Defendants were specifically informed before  
23 and/or during the contest that the contestants, including Plaintiff, were subject to the  
24 risk of serious illness and/or death as a result of their participation.

25           38. Prior to commencement of the contest, Defendants and each of them  
26 failed to conduct a reasonable investigation to determine the relative health risks to  
27 contest participants, including Plaintiff. Defendant negligently failed to consult with  
28 appropriate health authorities regarding the relative health risks posed by such an

1 enterprise. Defendants negligently failed to identify specific health risks or inform  
2 Plaintiff of any such risks. Defendants negligently failed to post any health advisories  
3 and failed to take any steps to identify prospective participants who might be at risk of  
4 injury. Defendants negligently failed to secure any medical professional or para-  
5 professional services during the contest, ever after the contestants, including Plaintiff,  
6 began feeling ill, and similarly failed to require an examination by a competent physician  
7 of each contest participant prior to the commencement of the contest. Defendants  
8 individually and collectively knew or should have known of the health risks of such a  
9 contest, but took no reasonable steps to advise, warn, supervise or otherwise protect  
10 contest participants including Plaintiff.

11 39. Plaintiff GINA SHERROD complained of feeling ill while in-studio.  
12 Defendants negligently failed to provide any assistance, medical or otherwise, to  
13 Plaintiff.

14 40. As a proximate result of the said negligence and carelessness of the  
15 Defendants, and each of them, plaintiff GINA SHERROD was hurt and injured in her  
16 health, strength and activity, sustaining injury to her body and shock and injury to her  
17 nervous system and person, all of which said injuries have caused and continue to  
18 cause Plaintiff great mental, physical and nervous pain and suffering. Plaintiff is  
19 informed and believes and therefore alleges that said injuries will result in some  
20 permanent disability to her all to her general damage in an amount in excess of the  
21 minimum jurisdictional limits of this Court.

22 41. As a further proximate result of the negligence of Defendants, and each of  
23 them, Plaintiff was required to and did employ, physicians and surgeons to examine,  
24 treat and care for her and did incur, and will in the future incur, medical and incidental  
25 expenses. The exact amount of such expense is unknown to Plaintiff at this time, and  
26 Plaintiff shall seek leave to amend this pleading when the same has been ascertained  
27 by her.

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1 emotional injury, pain and suffering, and continues and will in the future suffer similar  
2 injury by reason of the improper intentional infliction of emotional distress upon Plaintiff.


3 47. The conduct of Defendants herein was intentional, malicious, oppressive,  
4 reprehensible, and despicable, and warrants the imposition of exemplary and punitive  
5 damages.

6 WHEREFORE, Plaintiff GINA SHERROD prays judgment against defendants,  
7 and each of them, as follows:

- 8 1. For compensatory damages in excess of the jurisdictional minimum  
9 of this Court;
- 10 2. For special damages according to proof;
- 11 3. For punitive damages;
- 12 4. For costs of suit; and
- 13 5. For such other and further relief as the Court deems just and  
14 proper.

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16 Dated: May 17, 2007

**POSWALL, WHITE & CUTLER**

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18 By   
19 R. PARKER WHITE  
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