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8 HOLLY ROGERS, RICH SCHOUSTRA, and
9 CAROLINE SCHOUSTRA, by and through
10 her Guardian ad Litem, TIM ROGERS

ENDORSED FILED
SAN MATEO COUNTY

JUN 03 2009

Clerk of the Superior Court
By R. Lopez
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN MATEO

HOLLY ROGERS, RICH SCHOUSTRA,
and CAROLINE SCHOUSTRA, by and
through her Guardian ad Litem, TIM
ROGERS

Plaintiffs,

vs.

PAUL EDWARD GLAD, and DOES 1
through 50, inclusive,

Defendants.

Case No. **CIV 484640**

**COMPLAINT FOR DAMAGES
(PERSONAL INJURIES)**

BY FAX

1 COME NOW Plaintiffs, HOLLY ROGERS, RICH SCHOUSTRA, and CAROLINE
2 SCHOUSTRA, by and through her Guardian ad Litem, TIM ROGERS, and complain of the
3 defendants, and each of them, and allege:

4 **FIRST CAUSE OF ACTION**

5 (Negligence)

6 **GENERAL ALLEGATIONS**

7 1. The true names and capacities, whether individual, corporate, or associate, of
8 defendants DOES 1 through 50 are unknown to plaintiffs, who therefore sue said defendants
9 by such fictitious names and capacities.

10 2. Plaintiffs are informed and believe and on that basis allege that each of the
11 defendants designated herein as DOE is negligently responsible in some manner for the
12 events and happenings herein referred to, and negligently caused injury and damages
13 proximately thereby to plaintiffs, and each of them, as is herein alleged.

14 3. At all times herein mentioned, each of the defendants was the agent, servant
15 and employee of each of the other defendants, and each was acting within the course and
16 scope of said agency, service and employment.

17 4. At all times herein mentioned, defendants DOES 1 through 25, and each of
18 them, were businesses doing business in the State of California. The exact nature of the
19 businesses of said defendants is not known to plaintiffs, but is known to the defendants and
20 each of them, and plaintiffs pray leave to amend this complaint accordingly when the same is
21 finally ascertained.

22 5. At all times herein mentioned, defendant GLAD was an individual residing in
23 San Mateo County, California, and defendant DOES 26-50 were individuals whose identities
24 are known to said defendants, but not to plaintiffs.

25 6. Plaintiffs are informed and believe and on that basis allege that at all times
26 herein mentioned defendant GLAD, and DOES 1 through 50, inclusive, and each of them,
27 owned, operated, controlled, maintained and entrusted that certain 2008 Lexus LS 460,
28 bearing California license plate "WERGLAD", whose more specific description is not known

1 to plaintiffs but is known to the defendants, and each of them; and further, said Lexus LS 460
2 was involved in the events herein mentioned which are a legal cause of plaintiffs' injuries
3 described more fully below. Plaintiffs are further informed and believe, and on that basis
4 allege, that, at all times herein mentioned, defendant GLAD, DOES 26 through 50, inclusive,
5 and each of them, were operating said Lexus LS 460 with the knowledge, permission and
6 consent of all of the other defendants herein.

7 7. On or about March 8, 2009, at or about 3:27 p.m., defendants, and each of
8 them, so negligently entrusted, managed, maintained, drove, and operated said Lexus LS 460
9 more specifically described hereinabove so as to cause said Lexus LS 460 to strike HOLLY
10 ROGERS and CAROLINE SCHOUSTRA, and thereby caused serious injuries to each of
11 them as are hereinafter described.

12 8. At all times herein mentioned, plaintiff HOLLY ROGERS was the natural
13 mother of CAROLINE SCHOUSTRA, a minor, and the lawful wife of plaintiff RICH
14 SCHOUSTRA.

15 **THE CATASTROPHIC EVENTS OF MARCH 8, 2009**

16 9. On the afternoon of March 8, 2009, at the Mollie Stone's store located at 1477
17 Chapin Avenue, Burlingame, California, plaintiffs HOLLY ROGERS and CAROLINE
18 SCHOUSTRA were standing on the sidewalk immediately outside the entrance of the store.
19 Caroline is a Girl Scout, and Holly and Caroline were selling cookies for Girl Scouts of
20 America, along with other children and their parents who were selling or buying cookies.
21 Others on the sidewalk were entering or leaving the store.

22 10. On information and belief, earlier in the day, defendant GLAD ingested a
23 powerful pain medication, OxyContin, as well as a blood pressure medication. GLAD knew
24 when ingesting said medications that OxyContin was known to and does cause side effects
25 which can include nervousness, slowing of reflexes, diminished concentration, impaired
26 perception and reaction, reduced coordination and other side effects which render the
27 operation of a motor vehicle excessively dangerous. Nevertheless, in conscious disregard of
28 the danger to others, including pedestrians such as HOLLY and CAROLINE, GLAD

1 proceeded to operate his vehicle in an impaired state in the close vicinity of pedestrians, as
2 alleged below.

3 11. Just prior to the collision, defendant GLAD pulled into a disabled parking spot
4 in the Mollie Stone's lot, with his Lexus pointed directly at the mothers, fathers and their little
5 girls, including HOLLY and CAROLINE, who were gathered around the table used for the
6 Girl Scout cookie sales. GLAD pulled to within just a few feet at most from the table and,
7 astonishingly, began to get out of his car without stopping it; he had not shifted to park.

8 12. On information and belief, GLAD was fully aware that he was operating his
9 vehicle in an impaired condition due to the OxyContin he had ingested, and fully aware of the
10 effects it could and would have upon his reflexes, perception, reaction, coordination and
11 concentration. Nevertheless, he opened the driver's side door of his vehicle and began to exit
12 with his vehicle still in drive, still rolling toward the families directly in front of him. On
13 information and belief, defendant GLAD, still in an impaired state, then closed his door and
14 slammed the gas pedal to the floor instead of applying the brakes, causing his vehicle to
15 launch forward and plow into the families standing in front of Mollie Stone's entrance. The
16 vehicle pinned HOLLY ROGERS against the stone wall of the store, mutilating her left leg
17 and severely fracturing and damaging her right leg; and further, the vehicle slammed into
18 CAROLINE'S leg, fracturing it severely.

19 13. As a direct and proximate result of the negligence by defendants, and each of
20 them, and the conscious and willful disregard of danger by defendant GLAD, plaintiffs
21 sustained injuries and damages as set forth below.

22 14. By reason of the premises, plaintiff HOLLY ROGERS was injured and
23 suffered damages and injuries to her health, strength and activity, including but not limited to
24 amputation of her left leg above the knee, and other injuries to her left upper leg; and injuries
25 to the bones, soft tissue, ligaments, tendons and cartilage of her right leg, as well as
26 psychological and emotional injuries, and other injuries as yet unascertained, all of which
27 injuries have caused plaintiff HOLLY ROGERS psychological and physical pain and
28 suffering. Plaintiff HOLLY ROGERS is informed and believes and on that basis alleges that

1 certain of said injuries will be permanent in nature, the extent of which is presently unknown
2 to plaintiff. Plaintiff HOLLY ROGERS will amend and insert said elements of damages
3 when finally ascertained.

4 15. As a direct and proximate result of the negligence of the defendants, and each
5 of them, plaintiff CAROLINE SCHOUSTRA was injured and suffered damages and injury to
6 her health, strength and activity, including but not limited to leg fractures, as well as
7 psychological and emotional injuries, and other injuries as yet unascertained, all of which
8 injuries have caused plaintiff CAROLINE SCHOUSTRA psychological and physical pain
9 and suffering. Plaintiff CAROLINE SCHOUSTRA is informed and believes and on that
10 basis alleges that certain of said injuries will be permanent in nature, the extent of which is
11 presently unknown to plaintiff. Plaintiff CAROLINE SCHOUSTRA will amend and insert
12 said elements of damages when finally ascertained.

13 16. As a further direct and proximate result of said negligence of the defendants,
14 and each of them, plaintiffs HOLLY ROGERS and CAROLINE SCHOUSTRA have incurred
15 and will continue to incur expenses for home health care and nursing, support services, mental
16 health professionals, physicians, surgeons, and other health care practitioners to examine,
17 treat, diagnose and care for the injuries hereinabove described. The exact amount of said
18 damages is unknown to plaintiffs, who pray leave to amend this complaint accordingly when
19 the true amount thereof is finally ascertained.

20 17. As a further direct and proximate result of the negligence of the defendants, and
21 each of them, as aforesaid, plaintiff HOLLY ROGERS has been and will be prevented from
22 attending her usual activities and occupation, and plaintiff HOLLY ROGERS is informed and
23 believes and on that basis alleges that she has a diminished earning capacity, all to her
24 damage in an amount presently unascertained. Plaintiff HOLLY ROGERS prays leave to
25 amend this complaint accordingly when the true amount is finally ascertained.

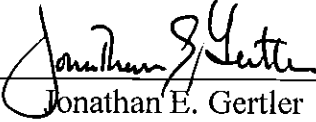
26 18. As a further direct and proximate result of the negligence of the defendants, and
27 each of them, as aforesaid, plaintiffs sustained general damages in excess of the minimum
28 jurisdictional limits of the Superior Court.

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5. For such other and further relief as the Court may deem just and proper.

DATED: June 2, 2009

CHAVEZ & GERTLER LLP

By  _____
Jonathan E. Gertler

Attorneys for Plaintiffs HOLLY ROGERS,
RICH SCHOUSTRA, and CAROLINE
SCHOUSTRA, by and through her Guardian
ad Litem, TIM ROGERS