

1. **Plaintiff (name or names):** Diane Noel Lloyd
alleges causes of action against **defendant (name or names):**
City of San Diego
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.

SHORT TITLE:

LLOYD v. THE CITY OF SAN DIEGO

CASE NUMBER:

37-2021-00048939-CU-PO-CTL

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*): City of San Diego
 (1) ☐ a business organization, form unknown
 (2) ☐ a corporation
 (3) ☐ an unincorporated entity (*describe*):
 (4) ☒ a public entity (*describe*):
 City of San Diego
 (5) ☐ other (*specify*):
- b. ☐ 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*):
- 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*):
- 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*):
- ☐ 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*): 1-25 _____ 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*): 1-25 _____ 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*):

SHORT TITLE:
LLOYD v. CITY OF SAN DIEGO

CASE NUMBER:
37-2021-00048939-CU-PO-CTL

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*):

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*):
1-14; GN-1; and PL-2

Date: November 29 2021

Max E. Halpern

(TYPE OR PRINT NAME)


(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE:
LLOYD v. CITY OF SAN DIEGO

CASE NUMBER:

FIRST

CAUSE OF ACTION—General Negligence

Page 4

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

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

GN-1. Plaintiff (name): Diane Noel Lloyd

alleges that defendant (name): The City of San Diego

☒ Does 1 to 25

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): December 30, 2020

at (place): Street Parking area on Clairemont Drive and Cole Street in San Diego, California 92117

(description of reasons for liability):

On December 30, 2020 Plaintiff Diane Noel Lloyd ("Plaintiff") was returning to her vehicle, which was parked outside the Post Office street parking area, located at 5052 Clairemont Drive, San Diego, California 92117 ("SUBJECT PROPERTY") when she stepped off the curb and her foot became caught in a hazardous pothole. The property is owned and/or controlled by Defendant City of San Diego ("Defendant"). The dangerously unlevel ground caused Plaintiff to crash down onto the asphalt. As a result of Defendant's negligence, Plaintiff sustained serious physical and emotional injuries.

Defendant and DOES 1 to 25 (collectively "Defendants") were negligent in failing to keep the SUBJECT PROPERTY in a manner that was safe. Defendant City controlled the City street at the time of the incident. Defendants knew that citizens would traverse and/or walk in the street parking area located at the SUBJECT PROPERTY. Defendants' negligent acts and omissions include, but are not limited to, failing to maintain the SUBJECT PROPERTY in a reasonably safe manner, failing to maintain a safe parking lot area without a hazardous pothole causing the surrounding area to become unlevel, and/or by not repairing said pothole to ensure the safety of all citizens walking in the street parking area adjacent to the curb. Defendants had actual and/or constructive notice of the dangerous condition, and failed to use reasonable care to keep the property in a reasonably safe condition, discover unsafe conditions, and to give adequate warnings of any reasonably expected harm to unsuspecting individuals such as Plaintiff. Through its acts and omissions, Defendants created an unreasonably dangerous condition. Defendants' negligence was a substantial factor in causing Plaintiff's harm.

Defendants are liable for the injuries to Plaintiff. The dangerous condition was created or perpetuated by negligent acts or omissions of Defendants' employees acting within the scope of their duties. These acts and/or omissions are a breach of Defendants' mandatory duties to the general public. The condition created a reasonably foreseeable risk of the kind of incident that occurred and injuries that Plaintiff sustained. Defendants' negligent maintenance and dangerous condition of their property was a substantial factor in causing Plaintiff's serious injuries.

SHORT TITLE:
LLOYD v. CITY OF SAN DIEGO

CASE NUMBER:

SECOND

(number)

CAUSE OF ACTION—Premises Liability

Page 5

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

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

Prem.L-1. (name): Plaintiff Diana Noel Lloyd

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

On (date): December 30, 2020 plaintiff was injured on the following premises in the following fashion (description of premises and circumstances of injury):

See Premises Liability Attachment Prem-L-1.

Prem.L-2. ☒ **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):
The City of San Diego

☒ Does 1 to 25

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):

☐ Does _____ to _____

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):
The City of San Diego

☒ Does 1 to 25

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):
The City of San Diego

☒ Does 1 to 25

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):

SHORT TITLE:

LLOYD v. CITY OF SAN DIEGO

CASE NUMBER:

Premises Liability Attachment PREM-L-1

Page 6

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

PREM.L-1. Plaintiff Diane Noel Lloyd

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

On December 30, 2020, Plaintiff was injured on the following premises in the following fashion:

Defendant City of San Diego ("City") owned and/or controlled the Post Office street parking area, located at 5052 Clairemont Drive, San Diego, California 92117 ("SUBJECT PROPERTY"). Defendant and DOES 1-25 (collectively "Defendants"), by and through their employees and agents, were negligent in their use and maintenance of the SUBJECT PROPERTY. Specifically, Defendants allowed invitees to access the SUBJECT PROPERTY despite the hazardous condition of a hazardous pothole that posed a danger and tripping hazard for a person's foot when traversing the SUBJECT PROPERTY. The pothole caused the surrounding area to become unlevel, effectively concealing the hazard from detection and/or perception of an invitee walking in the street parking area of the SUBJECT PROPERTY where the hazardous pothole was located. Defendant's negligent acts and omissions include, but are not limited to, failing to maintain the SUBJECT PROPERTY in a reasonably safe manner, failing to maintain a safe street parking area without a hazardous pothole, and failing to correct and fix the hazardous pothole and unlevel surrounding area. Defendants further failed to repair the hazardous condition of the hazardous pothole and failed to protect invitees from harm by providing adequate warning to invitees as Defendants failed to mark, flag, or otherwise warn invitees and Plaintiff Diane Noel Lloyd ("Plaintiff") of the hazardous pothole on the SUBJECT PROPERTY.

As a result of Defendants' negligence in the use and/or maintenance of the SUBJECT PROPERTY, Plaintiff was severely injured when her foot unexpectedly became caught in a hazardous unmarked hole causing severe injury to her feet. Defendants' conduct was a substantial factor in causing Plaintiff's harm.