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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

BRYAN MICHAEL STOW, a disabled adult,
by and through his conservators Elizabeth Ann
Stow and David Edward Stow; TYLER
STOW and TABITHA STOW, minors, by and
through their Guardian Ad Litem, Jacqueline
Kain;

Plaintiffs,

v.

LOS ANGELES DODGERS, LLC, a
Corporation; LOS ANGELES DODGERS,
INC., a Corporation; DODGER TICKETS,
LLC, a Corporation; DODGER TICKETS
MANAGER CORP., a Corporation; LA
HOLDCO LLC, a Corporation; LA
PARTNERS LLC, a Corporation; LA REAL
ESTATE, LLC, a Corporation; LA REAL
ESTATE HOLDING COMPANY, LLC; a
Corporation; BLUE LANDCO, LLC, a
Corporation; MCCOURT LLC, A
Corporation; THE MCCOURT COMPANY,
LLC, a Corporation; THE MCCOURT-
BRODERICK LIMITED PARTNERSHIP, a
Corporation; FRANK H. MCCOURT, JR., a
Corporation; FRANK MCCOURT,
individually and as owner of the Los Angeles
Dodgers; and DOES 1 through 100, inclusive,

Defendants.

**PLAINTIFFS' COMPLAINT FOR
DAMAGES**

COUNTS:

1. NEGLIGENCE;
2. PREMISES LIABILITY;
3. NEGLIGENT HIRING,
RETENTION, AND
SUPERVISION;
4. NEGLIGENT INFLICTION OF
EMOTIONAL DISTRESS;
5. LOSS OF CONSORTIUM;
6. ASSAULT;
7. BATTERY;
8. FALSE IMPRISONMENT; AND
9. INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS

-and-

DEMAND FOR JURY TRIAL

1
2 **PLAINTIFFS' COMPLAINT FOR DAMAGES**

3 Plaintiff BRYAN STOW, a disabled adult, by and through his conservators, Elizabeth Ann
4 Stow and David Edward Stow, (hereinafter referred to as either “**PLAINTIFF**”, “**BRYAN**
5 **STOW**” or “**STOW**”) and Plaintiffs TYLER STOW and TABITHA STOW, minors, by and
6 through their Guardian Ad Litem, Jacqueline Kain, (hereinafter collectively referred with
7 PLAINTIFF STOW as “**PLAINTIFFS**” or separately as “**MINOR CHILDREN**”) complain and
8 allege as follows:

9
10 **SUMMARY OF ALLEGATIONS**

11 1. On or around March 31, 2011 PLAINTIFF BRYAN STOW, a 42-year-old
12 paramedic from Santa Cruz, California, and a father of the two MINOR CHILDREN, attended the
13 Los Angeles Dodgers home opener against long time rivals San Francisco Giants along with a few
14 close friends.

15 2. During the game, fans of the Los Angeles Dodgers repeatedly taunted and yelled at
16 STOW and his companions because they were Giants fans. Despite the obvious tensions in the
17 stands, and the clear signs of intimidation towards STOW and his party, the DODGERS
18 DEFENDANTS’¹ security staff failed to respond and/or address the safety concerns or intervene
19 to aid STOW and his companions.

20 3. At approximately 7:03 p.m., STOW sent a text message to a family member and
21 expressed concern for his safety.

22 4. The game ended at approximately 7:50 p.m. The Dodgers had won the game by a
23 close score of 2-1. As the game reached its conclusion and spectators began to file out of Dodger
24 Stadium, Dodgers fans continued to both intimidate and physically threaten STOW and his
25 companions. Once again, DEFENDANT DODGERS and their security staff failed to diffuse the
26 situation or step in to ensure the safety of fans attending the game.

27 5. Once outside of the stadium at approximately 8:00 p.m., STOW and his friends
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¹ DODGERS DEFENDANTS and relevant entities owned, operated and controlled by DEFENDANT FRANK MCCOURT are defined in detail under “The DEFENDANTS” section below.

1 proceeded directly to taxi pick-up location. Despite being the home-opener against the rival
2 Giants, no security was present in the parking lot or by the area where taxis were waiting.
3 Moreover, the parking lot had inadequate lighting. The lack of security and inadequate lighting
4 presented a perfect opportunity to commit a variety of crimes. Unfortunately, for BRYAN
5 STOW, this is exactly what happened.

6 6. PLAINTIFFS are informed and believe and thereon allege that while in or around
7 Parking Lot 2 of the stadium parking lot which is owned, operated and controlled by the
8 DODGERS DEFENDANTS and/or DEFENDANT FRANK MCCOURT ("MCCOURT"),
9 BRYAN STOW was brutally attacked by Los Angeles Dodgers fans. (As the assailants'
10 identification is not currently known, PLAINTIFFS hereinafter refer to these individuals as
11 "DOES 1 through 5".)² During this attack, PLAINTIFF STOW sustained repeated strikes to
12 the head that caused him to fall to the ground. STOW struck his head on the ground and the
13 assailant continued the brutal attack by kicking him several times in the head.

14 7. Tragically, BRYAN STOW did not regain consciousness. As a result, he was placed
15 in a medically induced coma and has had part of his skull removed to relieve pressure on his
16 brain. BRYAN STOW, who was recently transferred to a facility in San Francisco, California,
17 remains in a coma to this day.

18 8. It took approximately ten to fifteen minutes for DODGERS DEFENDANTS'
19 personnel to respond to the scene where STOW was injured.

20 9. Without the implementation of adequate security measures, both inside the stadium
21 and in the parking lot, by the DODGERS DEFENDANTS, and each of them, along with
22 inadequate conditions of property such as poor lighting, STOW was inappropriately exposed to
23 the aggressive acts of third parties. The bottom line is that the DODGERS DEFENDANTS failed
24 to take reasonable steps to prevent the attack on STOW. These reasonable steps include, but are
25 not limited to:

- 26 a. The presence of uniformed security (or for any security for that matter) in the
27 parking lot;

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² As of, May 22, 2011, after a tireless and diligent investigation, the Los Angeles Police Department ("LAPD") arrested a suspect who was allegedly involved in the assault. The suspect has been identified as 31-year-old Giovanni Ramirez.

- b. Presence of security at or near the taxi line area;
- c. The presence of mounted uniformed security;
- d. Better lighting in the parking lots for evening and night games;
- e. Refusing to grant access to the premises (both inside the stadium and in the parking lot) to known criminals or gang members;
- f. Promoting responsible consumption of alcohol (*For example: As a result of security concerns stemming from the STOW incident the DODGERS DEFENDANTS, ceased the "half-off" beer promotion due to the criminal activity at Dodger Stadium*); and
- g. Ejection from both the stadium and parking lot of those persons exhibiting drunk or disorderly conduct, those throwing or launching object at other persons, or those persons exhibiting violent conduct.

10. It is unfortunate that such a storied and well-respected baseball club such as the Los Angeles Dodgers has been made to suffer due to the cutbacks and mismanagement by its owner FRANK MCCOURT and his various corporate entities. PLAINTIFFS are informed, believe, and thereon allege, that these cutbacks also led to a major downscaling of security forces at the stadium and surrounding parking lot. These cutbacks have accelerated since approximately 2009 primarily as a cost saving measure due to owner and principle FRANK MCCOURT's financial mismanagement and family woes. The over approximately twenty-one MCCOURT entities, are comprised of a myriad of companies and corporations, each purposefully and intricately designed to fund MCCOURTS' lavish lifestyle while depleting the DODGERS of necessary funds to operate adequately and properly. This led to a disturbing reduction in security staff for DODGERS games. As the final decision maker for the DODGERS DEFENDANTS, and each of them, MCCOURT and his entities held the ultimate responsibility for the funding and implementation of security procedures and implementation.

11. PLAINTIFFS also are informed and believe, and hereon allege, that there were various other similar incidents (including a death) since at least 2004 that put the DODGERS DEFEDANTS on notice of such a dangerous and unsafe condition of property both inside the

1 stadium and in the parking lot. The DODGERS DEFENDANTS also had prior knowledge that
2 known members of gangs and other criminals actively used the occasion of Los Angeles Dodgers
3 games to meet, plan and carry out criminal activity. Consequently, the DODGERS
4 DEFENDANTS had prior notice that the stadium and surrounding parking lots were unsafe for
5 patrons such as BRYAN STOW and could have prevented the attack by and through reasonable
6 measures including, but not limited to adequate security.

7 12. The DODGERS DEFENDANTS, and each of them, and DOES 6 through 100, with
8 full knowledge of these dangerous conditions, carelessly cut funds for security forces at Dodger
9 Stadium. This lack of proper security, inadequate conditions, knowledge of criminal elements,
10 and the promotion of alcohol in the stadium and surrounding parking lot was the substantial factor
11 that caused injury to PLAINTIFF BRYAN STOW. In addition, the DODGERS DEFENDANTS'
12 actions and/or omissions constituted malice, oppression, and/or a willful and conscious disregard
13 of the rights and safety of PLAINTIFFS pursuant to *California Code of Civil Procedure* § 3294
14 entitling PLAINTIFFS to punitive damages. These punitive damages should serve to punish
15 DEFENDANTS for their conscious disregard of safety and to discourage similar conduct in the
16 future.

17 18 THE PARTIES

19 The PLAINTIFFS

20 13. PLAINTIFF BRYAN MICHAEL STOW is and was at all times relevant herein an
21 individual and a citizen of California who resides in Santa Cruz County, California.

22 14. PLAINTIFF TYLER STOW is and was at all times relevant herein an individual
23 and a citizen of California who resides in Santa Cruz County, California. TYLER STOW is the
24 minor son of BRYAN STOW, is financially dependant on BRYAN STOW and dependent on
25 BRYAN STOW for care, support, and companionship.

26 15. PLAINTIFF TABITHA STOW is and was at all times relevant herein an individual
27 and a citizen of California who resides in Santa Cruz County, California. TABITHA STOW is the
28 minor daughter of BRYAN STOW, is financially dependent on BRYAN STOW and dependent

1 on BRYAN STOW for care, support, and companionship.

2 16. Minors TYLER STOW and TABITHA STOW are represented herein by Guardian
3 Ad Litem Jacqueline Kane.

4 17. On or around May 20, 2011, Elizabeth A. Stow and David E. Stow were appointed
5 Conservators of the Person and Estate of BRYAN STOW.

6
7 **The DEFENDANTS**

8 18. Defendant LOS ANGELES DODGERS, LLC (hereinafter referred to as
9 “DODGERS” or collectively with other Dodgers/McCourt entities below as the “DODGERS
10 DEFENDANTS”) is a corporation duly organized and existing under the laws of the State of
11 Delaware, with its principal place of business in Los Angeles County, California.

12 19. Defendant DODGER TICKETS, LLC, is a corporation duly organized and existing
13 under the laws of the State of California, with its principal place of business in Los Angeles
14 County, California.

15 20. Defendant DODGER TICKETS MANAGER CORP., is a corporation duly
16 organized and existing under the laws of the State of California, with its principal place of
17 business in Los Angeles County, California.

18 21. Defendant LA HOLDCO LLC, is a corporation duly organized and existing under
19 the laws of the State of California, with its principal place of business in Los Angeles County,
20 California.

21 22. Defendant LA PARTNERS LLC, is a corporation duly organized and existing under
22 the laws of the State of California, with its principal place of business in Los Angeles County,
23 California.

24 23. Defendant LA REAL ESTATE, LLC, is a corporation duly organized and existing
25 under the laws of the State of California, with its principal place of business in Los Angeles
26 County, California.

27 24. Defendant LA REAL ESTATE HOLDING COMPANY, LLC; is a corporation duly
28 organized and existing under the laws of the State of California, with its principal place of

1 business in Los Angeles County, California.

2 25. Defendant BLUE LANDCO, LLC, is a corporation duly organized and existing
3 under the laws of the State of California, with its principal place of business in Los Angeles
4 County, California.

5 26. Defendant MCCOURT LLC, is a corporation duly organized and existing under the
6 laws of the State of California, with its principal place of business in Los Angeles County,
7 California.

8 27. Defendant THE MCCOURT COMPANY, LLC, is a corporation duly organized and
9 existing under the laws of the State of California, with its principal place of business in Los
10 Angeles County, California.

11 28. Defendant THE MCCOURT-BRODERICK LIMITED PARTNERSHIP, is a
12 corporation duly organized and existing under the laws of the State of California, with its
13 principal place of business in Los Angeles County, California.

14 29. Defendant FRANK H. MCCOURT, JR. is a corporation duly organized and existing
15 under the laws of the State of California, with its principal place of business in Los Angeles
16 County, California.

17 30. Defendant FRANK MCCOURT, is an individual who resides in Los Angeles,
18 California.

19 31. The true names and capacities of DEFENDANTS DOES 1 through 100 are
20 unknown to PLAINTIFFS at this time. PLAINTIFFS will seek leave of Court to amend this
21 complaint to allege such names and capacities as soon as they are ascertained. PLAINTIFFS are
22 informed and believe and thereon allege that each of the DEFENDANTS designated as “DOE”
23 are legally responsible for the events and happenings alleged herein and that PLAINTIFFS’
24 damages as alleged herein were proximately caused by said DOE DEFENDANT(S).

25 32. **DOE DEFENDANTS 1 through 5** refers and relates to the assailant that attacked
26 PLAINTIFF BRYAN STOW and his accomplices believed to be at least one other male and one
27 female.

28 33. Whenever PLAINTIFFS refer to any act, deed, or conduct of “DEFENDANTS” or

1 **“DODGERS”** said references mean that Defendants LOS ANGELES DODGERS, LLC, a
2 Corporation; LOS ANGELES DODGERS, INC., a Corporation; DODGER TICKETS, LLC, a
3 Corporation; DODGER TICKETS MANAGER CORP., a Corporation; LA HOLDCO LLC, a
4 Corporation; LA PARTNERS LLC, a Corporation; LA REAL ESTATE, LLC, a Corporation; LA
5 REAL ESTATE HOLDING COMPANY, LLC; a Corporation; BLUE LANDCO, LLC, a
6 Corporation; MCCOURT LLC, A Corporation; THE MCCOURT COMPANY, LLC, a
7 Corporation; THE MCCOURT-BRODERICK LIMITED PARTNERSHIP, a Corporation;
8 FRANK H. MCCOURT, JR., a Corporation; FRANK MCCOURT, and individual, and DOES 1-
9 100 collectively engaged in the act, deed, or conduct by and through one or more of its officers,
10 directors, agents, employees or representatives who were actively engaged in the management,
11 direction, control or transactions of Defendant LOS ANGELES DODGERS, LLC, a Corporation;
12 LOS ANGELES DODGERS, INC., a Corporation; DODGER TICKETS, LLC, a Corporation;
13 DODGER TICKETS MANAGER CORP., a Corporation; LA HOLDCO LLC, a Corporation; LA
14 PARTNERS LLC, a Corporation; LA REAL ESTATE, LLC, a Corporation; LA REAL ESTATE
15 HOLDING COMPANY, LLC; a Corporation; BLUE LANDCO, LLC, a Corporation;
16 MCCOURT LLC, A Corporation; THE MCCOURT COMPANY, LLC, a Corporation; THE
17 MCCOURT-BRODERICK LIMITED PARTNERSHIP, a Corporation; FRANK H. MCCOURT,
18 JR., a Corporation; FRANK MCCOURT, and individual, and DOES 6-100’s ordinary business
19 affairs. (Hereinafter also collectively referred to as the **“DODGERS DEFENDANTS”**.)

20 34. PLAINTIFFS are informed and believes and thereon alleges that at all times
21 relevant hereto each of the DEFENDANTS, including without limitation the DOE
22 DEFENDANTS, was the agent, affiliate, officer, director, manager, principal, alter-ego and/or
23 employee of the other DEFENDANTS and was at all times acting within the scope of such
24 agency, affiliation, alter-ego relationship and/or employment and actively participated in, or
25 subsequently ratified and adopted, or both, each and all of the acts or conduct alleged herein, with
26 full knowledge of all the facts and circumstances, including, but not limited to, full knowledge of
27 each and all of the violations of PLAINTIFFS’ rights and the damages to PLAINTIFFS
28 proximately caused thereby.

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36. PLAINTIFFS are further informed, believe and thereon allege that Defendant FRANK MCCOURT is a resident of the County of Los Angeles, California.

37. Venue is proper in the County of Los Angeles pursuant to *Section 395(a)(b) of the California Code of Civil Procedure* as Defendant LOS ANGELES DODGERS, LLC; LOS ANGELES DODGERS, INC.; DODGER TICKETS, LLC; DODGER TICKETS MANAGER CORP.; LA HOLDCO LLC; LA PARTNERS LLC; LA REAL ESTATE, LLC; LA REAL ESTATE HOLDING COMPANY, LLC; BLUE LANDCO, LLC; MCCOURT LLC; THE MCCOURT COMPANY, LLC; THE MCCOURT-BRODERICK LIMITED PARTNERSHIP; FRANK H. MCCOURT, JR. are headquartered in Los Angeles County, State of California.

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39. The rivalry between the Los Angeles Dodgers and the San Francisco Giants has existed since the 19th century when both teams were based in New York City. The rivalry intensified when both teams moved to California in 1958.

41. Opening Day of the Los Angeles Dodgers is a notoriously sold out event with the stands filled to capacity. Dodger Stadium has capacity for 56,000 spectators. There were 56,000 spectators in attendance on March 31, 2011. Since 1992, the DODGERS have had 53,000 spectators in the stands on Opening Day. Dodger Stadium has the largest seating capacity of any

1 team in Major League Baseball.

2 42. PLAINTIFFS are informed and believe, and thereon allege, that there are more
3 instances of criminal activity in Dodger Stadium than in any other Major League Baseball
4 stadium.

5 43. Moreover, PLAINTIFFS are informed and believe, and thereon allege, that there
6 should be heightened security for Opening Day, Giants games, and the Playoffs. March 31, 2011,
7 was both a Giants game and Opening Day. The DODGERS DEFENDANTS, and each of them,
8 failed to heighten security on March 31, 2011.

9 44. The 2011 schedule was finalized by Major League Baseball prior to the completion
10 of the 2010 season. Therefore, at the time the schedule was set it was unknown that the Giants
11 would win the World Series in 2010. After the Giants victory, the San Francisco Giants requested
12 that Opening Day be relocated to AT&T Park in San Francisco, California so they could celebrate
13 the World Series victory in front of hometown fans. Major League Baseball agreed to change the
14 location if the DODGERS DEFENDANTS would agree to the relocation. The DODGERS
15 DEFENDANTS refused to change the location to accommodate the Giants.

16 45. In the weeks prior to Opening Day, there were rumors of Giants fans renting
17 airplanes to fly Giants banners during the game at Dodger Stadium.

18 46. PLAINTIFF STOW is a San Francisco Giants fan who drove more than three
19 hundred miles from Santa Cruz to Los Angeles for the game. STOW and his friends were dressed
20 in black and orange Giants gear for the game.

21 47. The game began at 5:00 p.m. PLAINTIFF STOW had purchased a ticket for and
22 was lawfully seated in the field level on the right field side. PLAINTIFF STOW and his three
23 friends took a taxicab to Dodger Stadium. Immediately after getting out of the taxicab, STOW and
24 his friends were taunted and harassed, in the view of the DODGERS DEFENDANTS' personnel
25 and staff.

26 48. During the game, fans of the Los Angeles Dodgers repeatedly taunted and yelled at
27 STOW and his companions because they were Giants fans. Several of the Dodger fans threw
28 peanuts, hot dogs, and wrappers at STOW and his companions during the game.

1 49. Despite the tensions in the stands, and the clear signs of intimidation to the Giants
2 fans, the DODGERS DEFENDANTS, and each of them, failed to respond or address the safety
3 concerns or intervene to aid STOW and his companions.

4 50. At approximately 7:03 p.m. STOW text messaged a family member about the
5 intimidating scene inside the stadium.

6 51. During the game, the DODGERS DEFENDANTS' security was not present and did
7 not aid STOW or his friends. None of the people who taunted, threw items or exhibited violent
8 behavior throughout the game and in the parking lot were removed from the premises.
9 DODGERS personnel walked up and down the aisle directly adjacent to where STOW and his
10 friends were seated. DODGERS ushers were present and actively viewed the aggressive behavior
11 towards STOW and his friends, but failed to take any preventative measures.

12 52. The DODGERS DEFENDANTS personnel did nothing to stop constant taunting
13 and harassment that was directed to STOW and his friends throughout the game and in the
14 parking lot areas.

15 53. PLAINTIFF STOW and his friends believed that the DODGERS DEFENDANTS
16 personnel were apprised of the intimidating situation in the stadium and were keeping watch for
17 any signs of violence or retaliation. However, the DODGERS DEFENDANTS were not
18 performing their duty to keep spectators in the stands, and on their property, safe from aggressive
19 acts of third parties.

20 54. The game ended at approximately 7:50 p.m. The Dodgers had won the game by a
21 close score of 2-1. As the game reached its conclusion and spectators began to file out of Dodger
22 Stadium and into the parking lot area, Dodgers fans continued to intimidate and threaten STOW
23 and his companions. Once again the DODGERS DEFENDANTS and their security staff failed to
24 diffuse the situation or step in to ensure the safety of fans attending the game.

25 55. Once outside of the stadium at approximately 8:00 p.m., STOW and his friends
26 proceeded directly to taxi pick-up area. The failure of the DODGERS DEFENDANTS, and each
27 of them, to provide adequate security allowed DOES 1 through 5, and other criminal perpetrators,
28 to follow STOW and his friends out of the ballpark and in the parking lot. Moreover, the failure of

1 the DODGERS DEFENDANTS, and each of them, to protect STOW and his friends, allowed the
2 aggressive act to be perpetrated in the parking lot of the stadium.

3 56. PLAINTIFFS are informed and believe and thereon allege that while in or around
4 Parking Lot 2 of the stadium parking lot which is owned, operated and controlled by the
5 DODGERS DEFENDANTS and/or DEFENDANT FRANK MCCOURT ("MCCOURT"),
6 BRYAN STOW was brutally attacked by Los Angeles Dodgers fans. During this attack,
7 PLAINTIFF STOW sustained repeated strikes to the head that caused him to fall to the ground.
8 STOW struck his head on the ground and the assailant continued the brutal attack by kicking him
9 several times in the head.

10 57. Parking Lot 2 is located on the DODGERS DEFENDANTS property and within the
11 control of the DODGERS DEFENDANTS, and each of them.

12 58. Despite the fact that the brutal and vicious attack took place over a prolonged period
13 of time and drew the attention of various other patrons, no security was present or intervened.
14 Moreover, it took approximately ten to fifteen minutes for DODGERS DEFENDANT personnel
15 to respond to the scene where STOW was injured.

16 59. As a result, STOW had to be placed in a medically induced coma and has had part
17 of his skull removed to relieve pressure on his brain. As of the date of filing this Complaint,
18 STOW remains in a coma and has been transferred to a facility in San Francisco, California.

19 60. Dodger Stadium is the third oldest stadium in baseball. As a result, the layout and
20 fixtures of the stadium are antiquated.

21 61. Without the implementation of adequate security measures by the DODGERS
22 DEFENDANTS, and each of them, along with the inadequate lighting fixtures that have been in
23 existence since the opening of Dodger Stadium in 1962, STOW was inappropriately exposed to
24 the aggressive acts of third parties, all to his damage subject to proof at trial.

25 62. Since DODGERS owner FRANK MCCOURT purchased the team in 2004, the
26 DODGERS have steadily cut back on security forces at the stadium.

27 63. PLAINTIFFS are informed and believe, and thereupon allege, that the cutbacks in
28 security were influenced by DODGERS' owner FRANK MCCOURT'S financial turmoil. The

1 DODGERS are comprised of a myriad of entities, each purposefully and intricately designed to
2 fund MCCOURTS' extravagant lifestyle while depleting the DODGERS of necessary funds to
3 operate adequately and properly.

4 64. MCCOURTS' use of corporate funds for personal expenses rendered the
5 DODGERS and all above captioned entities undercapitalized and constituted an abuse of
6 corporate formalities.

7 65. As the final decision maker for the DODGERS and the DEFENDANTS, and each
8 of them, MCCOURT held the ultimate responsibility for the funding and implementation of
9 security procedures and implementation.

10 66. In the past, the DODGERS DEFENDANTS' security was comprised of: (1) non-
11 sworn security personnel uniformed with a pale blue polo shirt; (2) sworn security personnel who
12 work off-duty and in LAPD uniform; and (3) sworn non-LAPD security personnel.

13 67. Due to the depletion of the DODGERS' finances and MCCOURTS' failure to keep
14 the DODGERS adequately financed, the security forces of the DODGERS steadily declined in
15 numbers and effectiveness.

16 68. From approximately 2008, the DODGERS DEFENDANTS decided not to
17 incorporate uniformed officers into its security forces. Instead, the DODGERS DEFENDANTS
18 began relying solely on security in polo shirts.

19 69. Non-sworn, non-LAPD security personnel are not as effective as LAPD officers as
20 they are not as imposing as uniformed officers. The decision to not place uniformed LAPD
21 officers created a relaxed, unintimidating atmosphere at Dodger Stadium. This atmosphere
22 fostered the acts of DOES 1 through 5.

23 70. PLAINTIFFS are informed and believe, and thereon allege, that FRANK
24 MCCOURT failed to hire a security chief for Dodger Stadium, leaving the position vacant for six
25 months prior to the incident on March 31, 2011, despite knowledge of gang presence and criminal
26 activity on Dodger Stadium property. PLAINTIFFS are informed and believe that the DODGERS
27 DEFENDANTS had prior knowledge from multiple law enforcement agencies and from prior
28 incidents both inside the stadium and in the surrounding parking lot areas.

PUNITIVE DAMAGE ALLEGATIONS

71. The DODGERS DEFENDANTS, and each of them, and DOES 6 through 100 had knowledge of the dangers presented at Dodger Stadium. Dodger Stadium is located in the Elysian Park/Echo Park neighborhood of Los Angeles, California.

72. PLAINTIFFS are informed and believe, and hereon allege, that the crime rate in the Elysian Park/Echo Park neighborhood is higher than that in nearby cities of Los Angeles County, California.

73. The DODGERS DEFENDANTS, and each of them, and DOES 6 through 100 have knowledge that known members of gangs gather and meet at Los Angeles Dodgers games.

74. The DODGERS DEFENDANTS, and each of them, and DOES 6 through 100 with full knowledge of the dangerous characteristics of the neighborhood and spectators cut funds for security forces at Dodger Stadium.

75. The DODGERS DEFENDANTS, and each of them, failed to hire a security chief to lead the Dodgers security team, with full knowledge of gang presence and criminal activity at Dodger Stadium.

76. Moreover, the DODGERS DEFENDANTS, and each of them, and DOES 6 through 100 had knowledge of numerous prior similar incidents at Dodger Stadium, including but not limited to, incidents at Dodgers home games against the San Francisco Giants. For example, on September 19, 2003, in the parking lot of Dodger Stadium, a Giants fan was shot and killed by a Dodgers fan. In 2005, there was an incident of a physical altercation in the parking lot after a Dodgers home game against the Giants. Additionally, on Opening Day in 2009, a man was arrested and charged with assault with a deadly weapon after attacking a fellow spectator after a Dodgers home game against the Giants.

77. The DODGERS DEFENDANTS, and each of them, and DOES 6 through 100 have knowledge of the rivalry between the Dodgers and Giants and failed to take appropriate action to protect STOW and other spectators at Dodger Stadium.

78. PLAINTIFFS are informed and believe, and thereon allege, that Dodger Stadium has the most instances of criminal activity of all stadiums in the Major League Baseball network.

Moreover, Dodger Stadium has the largest seating capacity of all stadiums in the Major League Baseball network. Based on the aforesaid, the DODGERS DEFENDANTS, and each of them, have a duty to protect spectators of known dangers on their property.

79. PLAINTIFFS are informed and believe, and thereon allege, that there are numerous spectators who are ejected from Dodger Stadium due to intoxication and fighting. These individuals are then left in the parking lot of Dodger Stadium. Despite the presence of these individuals in the parking lot, the DODGERS DEFENDANTS, and each of them, failed to heighten security in the parking lot, leaving spectators at risk for criminal activity.

80. PLAINTIFFS are informed and believe, and thereon allege, that the failure to take preventative measures at Dodger Stadium was based on the DEFENDANTS, and each of them, and DOES 5 – 100's lack of finances and misappropriation of finances and/or misuse of corporate funds for personal use at the expense of safety at Dodger Stadium.

81. Moreover, the DODGERS DEFENDANTS, and each of them, and DOES 6 through 100 knew that the decrease in security forces at Dodger Stadium, coupled with the decrease of uniformed officers patrolling the stadium, would lead to increased attacks and criminal activity on their property.

82. The failure of the DODGERS DEFENDANTS, and each of them, and DOES 6 through 100 to take proper security measures placed STOW in danger and caused STOW'S injuries as described more fully herein.

83. Beginning with the 2011 season, the DODGERS DEFENDANTS initiated a "half-off" alcohol promotion for all day games at Dodger Stadium. Said promotion was initiated despite knowledge of criminal activity at Dodger Stadium and knowledge of the criminal elements who congregate at the Stadium.

84. The DODGERS DEFENDANTS have notice that the serving of alcohol at a sporting event could incite violent, criminal behavior.

85. Subsequent to the incident on March 31, 2011, the DODGERS DEFENDANTS, and each of them, and DOES 6 through 100, ceased the "half-off" beer promotion due to the criminal activity at Dodger Stadium.

1 86. The conduct of the DODGERS DEFENDANTS, and each of them, and DOES 6
2 through 100 as described herein constitutes malice, oppression, and/or a conscious disregard of
3 the rights and safety of PLAINTIFFS pursuant to *California Code of Civil Procedure* § 3294
4 entitling PLAINTIFFS to punitive damages in an amount to punish or set an example of the
5 actions of the DODGERS DEFENDANTS, and each of them, and DOES 6 through 100.

6
7 **FIRST CAUSE OF ACTION**

8 **NEGLIGENCE**

9 **(By PLAINTIFFS against the DODGERS DEFENDANTS and DOES 6 through 100)**

10 87. PLAINTIFFS hereby reallege and incorporate by reference each and every allegation
11 herein above as if fully set forth in detail therein.

12 88. The DODGERS DEFENDANTS, and each of them, and DOES 6 through 100,
13 breached their duty of care by failing to take reasonable steps to ensure the safety of PLAINTIFF
14 STOW and prevent him from being exposed to a dangerous condition while he attended a baseball
15 game at Dodger Stadium on March 31, 2011.

16 89. The DODGERS DEFENDANTS, and each of them, and DOES 6 through 100,
17 breached their duty of care by failing to take reasonable steps to ensure PLAINTIFF STOW'S safety
18 or prevent PLAINTIFF STOW from being exposed to dangerous conditions and criminal activity
19 while he attended a baseball game at Dodger Stadium on March 31, 2011.

20 90. The DODGERS DEFENDANTS, and each of them, and DOES 6 through 100,
21 breached their duty of care owed to the PLAINTIFF STOW because the DEFENDANTS had
22 reason to know of gang and other criminal activity on its premises. As a result of such knowledge,
23 the DODGERS DEFENDANTS, and each of them, had a duty to take reasonable security
24 precautions for the benefit of the spectators at Dodger Stadium.

25 91. PLAINTIFFS are informed and believe, and thereon allege, that there are numerous
26 spectators who are ejected from Dodger Stadium due to intoxication and fighting. These
27 individuals are then left in the parking lot of Dodger Stadium. Despite the presence of these
28 individuals in the parking lot, the DODGERS DEFENDANTS, and each of them, failed to

1 heighten security in the parking lot, leaving spectators at risk for aggressive and/or criminal
2 activity.

3 92. PLAINTIFFS are informed and believe, and thereon allege, that the DODGERS
4 DEFENDANTS, and each of them, and DOES 6 through 100, had reasonable cause to anticipate
5 criminal acts of third parties and the probability of injury arising from them. DEFENDANTS, and
6 each of them, failed to take affirmative steps to control the wrongful conduct.

7 93. PLAINTIFFS are informed and believe, and thereon allege, as described more fully
8 above, the DODGERS DEFENDANTS, and each of them, and DOES 6 through 100, had
9 knowledge of prior similar incidents on its premises. However, the DEFENDANTS failed to take
10 appropriate measures to protect patrons on its property, and even decreased police presence on its
11 property by approximately two-thirds, all to PLAINTIFFS' damage as described more fully
12 herein.

13 94. Moreover, the DODGERS DEFENDANTS, and each of them, and DOES 6 through
14 100, had knowledge that PLAINTIFF STOW and his friends were being taunted and harassed at
15 Dodger Stadium on March 31, 2011, as described more fully above. The DODGERS
16 DEFENDANTS, and each of them, and they agents and assigns, had first hand knowledge that
17 PLAINTIFF STOW and his friends had items thrown at them, were being pushed, and were being
18 verbally assaulted at Dodger Stadium and in the parking lot areas. Despite this knowledge, the
19 DODGERS DEFENDANTS, and each of them, failed to take any action to protect the safety of its
20 patrons.

21 95. The DODGERS DEFENDANTS, and DOES 6 through 100, breached their duty of
22 care to PLAINTIFF STOW by failing to install proper lighting in its parking lots. Dodger Stadium
23 is the third oldest stadium in Major League Baseball. Therefore, the lighting systems in the
24 parking lot needed to be upgraded. Antiquated lighting in the parking lot allowed for known gang
25 and criminal activity to go unnoticed and undetected.

26 96. Adding additional light fixtures is a simple means of effecting security measures on
27 the DODGERS DEFENDANTS' property. Subsequent to the criminal attack of March 31, 2011,
28 the DODGERS DEFENDANTS' installed moveable, temporary lighting fixtures throughout the

1 parking lots at Dodger Stadium.

2 97. The installation of moveable, temporary lighting fixtures in the parking lot shows
3 the feasibility of the safety measure.

4 98. Moreover, the installation of moveable, temporary lighting fixtures in the parking
5 lot shows that the DODGERS DEFENDANTS, and each of them, held ownership and control
6 over the parking lot at Dodger Stadium.

7 99. The DODGERS DEFENDANTS, and each of them, had actual knowledge of the
8 presence of notorious gangs –affiliated individuals congregating in the parking lots of Dodger
9 Stadium during and after Dodger home games. In spite of this knowledge, the DODGERS
10 DEFENDANTS decreased uniformed police presence in the stadium, deciding to utilize non-
11 uniformed security personnel.

12 100. This decision was a breach of duty owed to spectators and guests at Dodger
13 Stadium. It is believed and alleged that this decision was influenced by the lack of finances and
14 DEFENDANT FRANK MCCOURT’S misappropriation of corporate funds.

15 101. PLAINTIFFS are informed and believe, and thereon allege, that the DODGERS
16 DEFENDANTS’ personnel were aware of the threats being made to PLAINTIFF STOW and his
17 companions yet failed to take adequate measures to protect their safety.

18 102. In addition to knowledge of the criminal activity at Dodger Stadium, beginning with
19 the 2011 season, the DODGERS DEFENDANTS initiated a “half-off” alcohol promotion for all
20 day games at Dodger Stadium. Said promotion was initiated despite knowledge of criminal
21 activity at Dodger Stadium and knowledge of the criminal elements who congregate at the
22 Stadium.

23 103. The DODGERS DEFENDANTS have notice that the serving of alcohol at a
24 sporting event could and did incite violent, criminal behavior.

25 104. Subsequent to the incident on March 31, 2011, the DODGERS DEFENDANTS, and
26 each of them, and DOES 6 through 100, ceased the “half-off” beer promotion due to the criminal
27 activity at Dodger Stadium.

28 105. The DODGERS DEFENDANTS, and each of them, have a duty to protect

1 spectators and those lawfully on their premises. The DODGERS DEFENDANTS, and each of
2 them, breached this duty by acting below the industry-wide standard in security and below their
3 own standards to guard and protect their guests.

4 106. The failure of the DODGERS DEFENDANTS, and each of them, to act according
5 to the standard of care, as explained more fully above, was the proximate and actual cause of
6 PLAINTIFF'S injuries.

7 107. Had the DODGERS DEFENDANTS provided adequate security, adequate lighting,
8 and adequate supervision, as more fully described above, all of which were reasonable measures
9 on the part of the DODGERS DEFENDANTS, PLAINTIFF STOW would have been adequately
10 protected from third party criminal conduct.

11 108. The DODGERS DEFENDANTS, and each of them, and DOES 6 through 10, had
12 knowledge of the specific conduct of third parties sufficiently in advance of the injury to
13 PLAINTIFF, giving the DODGERS DEFENDANTS an opportunity to act to prevent the injury.
14 Based on the foregoing, the causal connection between failure to act and the injury is patent.

15 109. As explained more fully above, during the extent of the game, third parties were
16 harassing PLAINTIFF and his friends, throwing objects at them, yet the DODGERS
17 DEFENDANTS and/or security did not take steps to curtail or stop the activity.

18 110. As explained more fully above, the DODGERS DEFENDANTS, and each of them,
19 failed to have a security presence in the stadium and parking lot areas, despite knowledge that the
20 rowdy behavior exhibited inside the stadium, would be moved to the parking lot after the game
21 ended. In addition to knowledge of the dangerous scene inside the stadium, knowledge that
22 Dodger fans were imbibing alcohol for the pendency of the game, and knowledge of the rivalry
23 between the two teams, the DODGERS DEFENDANTS, and each of them, failed to take any
24 reasonable measures to protect patrons on their property.

25 111. The DODGERS DEFENDANTS owe a duty to warn patrons of known dangers and
26 a duty to take other reasonable and appropriate measures to protect patrons from imminent or
27 "ongoing" aggressive conduct. Such measures protecting patrons or invitees from an imminent
28 and known peril lurking in the parking lot by providing an escort by existing security personnel to

1 a car in that parking lot.

2 112. Under the special relationship doctrine, the DODGERS DEFENDANTS, and each
3 of them, by serving intoxicating drinks to patrons for consumption on its premises, must exercise
4 reasonable care to protect patrons from injury at the hands of fellow guests. The DODGERS
5 DEFENDANTS, failed to protect patrons on its property as more fully explained above.
6 Moreover, the DODGERS DEFENDANTS were warned of potential aggressive conduct in the
7 parking lot by observing threatening conduct inside the stadium. However, the DODGERS
8 DEFENDANTS failed to take suitable measures for the protection of PLAINTIFF STOW and his
9 friends, including providing an escort or removing dangerous, intoxicated individuals from the
10 property.

11 113. Moreover, the DODGERS DEFENDANTS, and each of them, failed to stop the
12 fight in the parking lot as soon as possible, allowing it to escalate to the point that STOW was
13 exposed to a prolonged attack by Dodgers fans.

14 114. As a result of the negligence of the DODGERS DEFENDANTS, and each of them,
15 PLAINTIFF STOW has been damaged in an amount to be proven at trial.

16 115. As a direct and proximate result of the conduct of the DODGERS DEFENDANTS,
17 and each of them, TYLER and TABITHA STOW have been caused the loss of future services,
18 earnings and protections of BRYAN STOW and have been deprived of consortium, society and
19 comfort of father BRYAN STOW, all to their great loss and damage in an amount to be shown
20 according to proof at trial.

21 22 **SECOND CAUSE OF ACTION**

23 **PREMISES LIABILITY**

24 **(By PLAINTIFFS against THE DODGERS DEFENDANTS and DOES 6 through 100)**

25 116. PLAINTIFFS hereby reallege and incorporate by reference each and every allegation
26 above as if fully set forth in detail herein.

27 117. The "SUBJECT PROPERTY" refers to Dodger Stadium located in Los Angeles,
28 California, where this incident occurred.

1 118. At all times herein mentioned the DODGERS DEFENDANTS, and each of them,
2 and DOES 6 through 100, were the owners and operators of the SUBJECT PROPERTY.

3 119. The DODGERS DEFENDANTS, and each of them, and DOES 6 through 100, as
4 the owners and/or occupiers of land owe a general duty to exercise ordinary care for the safety of
5 persons who come upon the property.

6 120. At all times herein mentioned, the persons acting as the managers, security
7 personnel, and maintainers of Dodger Stadium located in Los Angeles, California, were acting
8 with the knowledge, permission and consent of all the DODGERS DEFENDANTS, and each of
9 them, and DOES 6-100.

10 121. At all times herein mentioned, the persons acting as the managers, security
11 personnel, maintainers, and/or lessors of Dodger Stadium located in Los Angeles, California, were
12 the agents, servants and/or employees of and acting within the course and scope of said agency
13 and employed by the DODGERS DEFENDANTS and DOES 6 through 100.

14 122. PLAINTIFFS are informed and believe, and thereon allege, that the DODGERS
15 DEFENDANTS, and each of them, had reasonable cause to anticipate criminal acts of third
16 parties and the probability of injury arising from them. The DODGERS DEFENDANTS, and
17 each of them, failed to take affirmative steps to control the wrongful conduct on the SUBJECT
18 PROPERTY.

19 123. Beginning with the 2011 season, the DODGERS DEFENDANTS initiated a “half-
20 off” alcohol promotion for all day games at Dodger Stadium. Said promotion was initiated despite
21 knowledge of criminal activity at Dodger Stadium and knowledge of the criminal elements who
22 congregate at the Stadium.

23 124. The DODGERS DEFENDANTS have notice that the serving of alcohol at a
24 sporting event could incite violent, criminal behavior.

25 125. Subsequent to the incident on March 31, 2011, the DODGERS DEFENDANTS, and
26 each of them, and DOES 6 through 100, ceased the “half-off” beer promotion due to the criminal
27 activity at Dodger Stadium.

28 126. PLAINTIFFS are informed and believe, and thereon allege, that there are numerous

1 spectators who are ejected from Dodger Stadium due to intoxication and fighting. These
2 individuals are then left in the parking lot of Dodger Stadium. Despite the presence of these
3 individuals in the parking lot, the DODGERS DEFENDANTS, and each of them, failed to
4 heighten security in the parking lot, leaving spectators at risk for criminal activity.

5 127. Moreover, the DODGERS DEFENDANTS, and each of them, had knowledge that
6 PLAINTIFF STOW and his friends were being taunted and harassed at Dodger Stadium on March
7 31, 2011, as described more fully above. The DODGERS DEFENDANTS, and each of them, and
8 they agents and assigns, had first hand knowledge that PLAINTIFF STOW and his friends had
9 items thrown at them, were being pushed, and were being verbally assaulted at Dodger Stadium.
10 Despite this knowledge, the DODGERS DEFENDANTS, and each of them, failed to take any
11 action to protect the safety of its patrons.

12 128. PLAINTIFFS are further informed and believe that the precautionary measures that
13 should have been taken by the DODGERS DEFENDANTS, and each of them, imposed a small
14 burden in relation to the magnitude of harm.

15 129. At said time and place, the DODGERS DEFENDANTS, and each of them, and
16 DOES 6 through 100, and each of them, proximately caused damages to said PLAINTIFFS by
17 negligently, wantonly, recklessly, tortiously and unlawfully:

- 18 a. Entrusting, permitting, managing, patrolling, maintaining, controlling and operating
19 the SUBJECT PROPERTY;
- 20 b. Instructing others regarding patrolling, security, supervision, and operation of the
21 SUBJECT PROPERTY;
- 22 c. Failing to warn, instruct, advise, protect and guard patrons regarding the SUBJECT
23 PROPERTY; and
- 24 d. Conducting themselves with reference to the SUBJECT PROPERTY and to
25 PLAINTIFFS, so as to cause the SUBJECT PROPERTY to be in a dangerous, and
26 unsafe condition to proximately cause damages to the PLAINTIFF.

27 130. As a proximate result thereof, PLAINTIFF STOW sustained permanent bodily
28 injuries and emotional distress. Additionally, PLAINTIFF STOW, as well as his children,

1 TYLER STOW and TABITHA STOW, have had, and in the future will have, pain, suffering,
2 worry and anxiety, that go to PLAINTIFFS' general damages in an amount according to proof.

3 131. Had the DODGERS DEFENDANTS provided adequate security, adequate lighting,
4 and adequate supervision, as more fully described above, all of which were reasonable measures
5 on the part of the DODGERS DEFENDANTS, PLAINTIFF would have been adequately
6 protected from third party criminal conduct.

7 132. As a proximate result thereof, PLAINTIFFS incurred, and in the future will incur,
8 medical and related expenses all to PLAINTIFFS' damage in such amount as will be proven at
9 trial.

10 133. As a proximate result thereof, PLAINTIFFS have, and in the future will, lose the
11 ability to pursue gainful employment and will lose earning capacity all to PLAINTIFFS' damage
12 in such amount as will be proven at trial.

13 134. Furthermore, evidence exists that will show that the DODGERS DEFENDANTS,
14 and each of them, and DOES 6 through 100 acted in conscious disregard of the safety of others,
15 were aware of the probable dangerous consequences of their conduct and misfeasance, and
16 willfully and deliberately failed to avoid those consequences. Specifically, evidence exists that
17 will show that the DODGERS DEFENDANTS and each of them, and DOES 6 through 100 were
18 aware of prior incidents where spectators would inflict criminal harm on other spectators.

19 135. Additionally, the DODGERS DEFENDANTS, and each of them, and DOES 6
20 through 100, knew that their failure to provide adequate security at the SUBJECT PROPERTY
21 would lead to criminal acts on spectators.

22 136. Moreover, the DODGERS DEFENDANTS, and each of them, and DOES 6 through
23 100, knew that the failure to provide adequate lighting on the SUBJECT PROPERTY would lead
24 to criminal activity in the parking lots as described more fully above. Therefore, a demand for
25 punitive damages is warranted.

26 137. As a direct and proximate result of the conduct of the DEFENDANTS, and each of
27 them, TYLER and TABITHA STOW have been caused the loss of future services earnings and
28 protections of BRYAN STOW and have been deprived of consortium, society and comfort of father

1 BRYAN STOW, all to their great loss and damage in an amount to be shown according to proof at
2 trial.

3
4 **THIRD CAUSE OF ACTION**

5 **NEGLIGENT HIRING, RETENTION, AND SUPERVISION**

6 **(By PLAINTIFFS against the DODGERS DEFENDANTS and DOES 6 through 100)**

7 138. PLAINTIFFS hereby reallege and incorporate by reference each and every allegation
8 above as if fully set forth in detail herein.

9 139. The DODGERS DEFENDANTS, and each of them, and DOES 6 through 100, had
10 a duty to PLAINTIFFS to hire a head of security, security guards and other security personnel
11 who were well-trained, restrained in their use of force, and otherwise competent to prevent any
12 injury to spectators and guests on the SUBJECT PREMISES.

13 140. The DODGERS DEFENDANTS, and each of them, failed or refused to properly
14 hire, screen, train, and/or supervise those members of their security team to carry out their duties
15 in a manner that was well-trained, restrained, orderly, and/or competent.

16 141. The DODGERS DEFENDANTS, and each of them, failed to train and/or supervise
17 the security personnel at Dodger Stadium, in proper crowd control procedures. The security
18 personnel at Dodger Stadium did not adequately respond to threats of criminal activity from
19 spectators, nor did they adequately supervise spectators in the stands or in the parking lots to
20 provide a safe and enjoyable experience for all guests on the SUBJECT PROPERTY.

21 142. Moreover PLAINTIFFS are informed and believe, and thereon allege, that The
22 DODGERS DEFENDANTS, and each of them, failed to hire a security chief to lead Dodgers
23 security efforts, leaving the position open for six months prior to the incident.

24 143. PLAINTIFFS are informed and believe, and thereon allege, that the failure to hire a
25 security chief was due to DEFENDANT MCCOURT'S misappropriation of corporate finances
26 and misuse of corporate funds.

1 144. As a direct and proximate result of the DODGERS DEFENDANTS', and each of
2 them, failure to properly hire, screen, train and/or supervise those members of their security team,
3 PLAINTIFFS are injured as explained more fully above.

4 145. Because of the above-mentioned injuries, PLAINTIFF STOW has incurred
5 expenses for medical care, nursing, lab work and x-rays. PLAINTIFF STOW has also lost
6 income, as he has been unable to return to work since he remains in a coma.

7 146. Therefore, PLAINTIFF STOW demands judgment of the DODGERS
8 DEFENDANTS, and each of them, for compensatory and exemplary damages in an amount to be
9 determined at trial.

10 147. Furthermore, evidence exists that will show that the DODGERS DEFENDANTS,
11 and each of them, and DOES 6 through 100 acted in conscious disregard of the safety of others,
12 were aware of the probable dangerous consequences of their conduct and misfeasance, and
13 willfully and deliberately failed to avoid those consequences. Specifically, evidence will show
14 that the DODGERS DEFENDANTS knew of the consequences of failing to staff, train, and hire
15 qualified security personnel.

16 148. As a direct and proximate result of the conduct of the DEFENDANTS, and each of
17 them, TYLER and TABITHA STOW have been caused the loss of future services, earnings and
18 protections of BRYAN STOW and have been deprived of consortium, society and comfort of father
19 BRYAN STOW, all to their great loss and damage in an amount to be shown according to proof at
20 trial.

21 22 **FOURTH CAUSE OF ACTION**

23 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

24 **(By PLAINTIFFS against all DEFENDANTS)**

25 149. PLAINTIFFS refer to, repeat, and re-allege each and every allegation in the
26 preceding paragraphs of this Complaint and incorporate said allegations into this cause of action
27 as though fully set forth herein.

28 150. DEFENDANTS, and each of them, owed PLAINTIFFS a duty to conduct their

1 business activities, including monitoring, supervising, managing and controlling the PROPERTY, in
2 a reasonably safe manner so as not to cause injury to others. Further, DEFENDANTS, and each of
3 them, owed PLAINTIFFS a duty to train and supervise their employees to conduct themselves in a
4 reasonably safe manner so as not to injure others.

5 151. As a direct and proximate result of the negligence of DEFENDANTS, and each of
6 them, as hereinabove alleged, DEFENDANTS created a foreseeable risk of physical injury to
7 PLAINTIFFS and as a result, PLAINTIFFS have suffered substantial, severe, and enduring
8 emotional distress in an amount to be determined at trial.

9 152. As a direct and proximate result of the conduct of the DEFENDANTS, and each of
10 them, TYLER and TABITHA STOW have been caused the loss of future services, earnings and
11 protections of BRYAN STOW and have been deprived of consortium, society and comfort of father
12 BRYAN STOW, to their great loss and damage in an amount to be shown according to proof at trial.

13 14 **FIFTH CAUSE OF ACTION**

15 **LOSS OF CONSORTIUM**

16 **(By PLAINTIFFS TYLER AND TABITHA STOW against all DEFENDANTS)**

17 153. PLAINTIFFS TYLER AND TABITHA STOW, by and through their Guardian Ad
18 Litem, Jacqueline Kain, refer to, repeat, and re-allege each and every allegation in the preceding
19 paragraphs of this Complaint and incorporate said allegations into this cause of action as though
20 fully set forth herein.

21 154. As a direct and proximate result of the conduct of the DEFENDANTS, and each of
22 them, TYLER and TABITHA STOW have been caused the loss of future services, earnings and
23 protections of BRYAN STOW and have been deprived of consortium, society and comfort of father
24 BRYAN STOW, to their great loss and damage in an amount to be shown according to proof at trial.

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1 **SIXTH CAUSE OF ACTION**

2 **ASSAULT**

3 **(By PLAINTIFFS against DOES 1 through 5)**

4 155. PLAINTIFFS refer to, repeat, and re-allege each and every allegation in the
5 preceding paragraphs of this Complaint and incorporate said allegations into this cause of action
6 as though fully set forth herein.

7 156. PLAINTIFFS are informed and believe and thereon allege, that DOES 1 through 5
8 are those individuals, whose identities are not yet completely known, whose intentional conduct
9 caused the aforesaid physical injuries of PLAINTIFF STOW in the parking lot of Dodger Stadium
10 on March 31, 2011.

11 157. On March 31, 2011, said DOE DEFENDANTS, intentionally, willfully, wantonly,
12 and maliciously threatened to strike STOW and did raise their fists in such a manner so as to
13 cause a reasonable apprehension by STOW of an immediate harmful or offensive contact with his
14 or her person. Due to DEFENDANT DOES' prior acts of violence against PLAINTIFF STOW
15 and his friends, including but not limited to, cursing and threatening PLAINTIFF STOW and his
16 friends, as well as attacking STOW, a reasonable person in STOW'S situation would have been
17 offended by the threatened, offensive touching.

18 158. As a direct and proximate result of the conduct of the DOE DEFENDANTS, and each
19 of them, TYLER and TABITHA STOW have been caused the loss of future services earnings and
20 protections of BRYAN STOW and have been deprived of consortium, society and comfort of father
21 BRYAN STOW, to their great loss and damage in an amount to be shown according to proof at trial.

22
23 **SEVENTH CAUSE OF ACTION**

24 **BATTERY**

25 **(By PLAINTIFFS against DOES 1 through 5)**

26 159. PLAINTIFFS refer to, repeat, and re-allege each and every allegation in the
27 preceding paragraphs of this Complaint and incorporate said allegations into this cause of action
28 as though fully set forth herein.

1 160. PLAINTIFFS are informed and believe and thereon allege, that DOES 1 through 5
2 are those individuals, whose identities are not yet completely known, whose intentional conduct
3 caused the aforesaid physical injuries of PLAINTIFF STOW in the parking lot of Dodger Stadium
4 on March 31, 2011.

5 161. On March 31, 2011, said DOE DEFENDANTS, intentionally, willfully, wantonly,
6 and maliciously caused a harmful and/or offensive contact with STOW'S person without
7 STOW'S consent. As a result thereof, an offensive contact with STOW'S person directly resulted.

8 162. As a direct and proximate result of the conduct of the DOE DEFENDANTS, and each
9 of them, TYLER and TABITHA STOW have been caused the loss of future services earnings and
10 protections of BRYAN STOW and have been deprived of consortium, society and comfort of father
11 BRYAN STOW, all to their great loss and damage in an amount to be shown according to proof at
12 trial.

13
14 **EIGHTH CAUSE OF ACTION**

15 **FALSE IMPRISONMENT**

16 **(By PLAINTIFFS against DOES 1 through 5)**

17 163. PLAINTIFFS refer to, repeat, and re-allege each and every allegation in the
18 preceding paragraphs of this Complaint and incorporate said allegations into this cause of action
19 as though fully set forth herein.

20 164. PLAINTIFFS are informed and believe and thereon allege, that DOES 1 through 5
21 are those individuals, whose identities are not yet known, whose intentional conduct caused the
22 aforesaid physical injuries of PLAINTIFF STOW in the parking lot of Dodger Stadium on March
23 31, 2011.

24 165. On March 31, 2011, DOE DEFENDANTS, in the parking lot of Dodger Stadium,
25 intentionally, maliciously, wantonly, and willfully, confined STOW to a bounded area and
26 proceeded to perform the intentional acts described more fully above.

27 166. STOW was aware of his confinement to a bounded area surrounded by DOES 1
28 through 5 and had no known reasonable means of escape.

167. As a direct result of the confinement, STOW was injured as described more fully above. Moreover, DEFENDANTS' conduct was a substantial factor in bringing about PLAINTIFF'S injuries.

168. As a direct and proximate result of the conduct of the DOE DEFENDANTS, and each of them, TYLER and TABITHA STOW have been caused the loss of future services, earnings and protections of BRYAN STOW and have been deprived of consortium, society and comfort of father BRYAN STOW, all to their great loss and damage in an amount to be shown according to proof at trial.

NINTH CAUSE OF ACTION
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(By PLAINTIFFS against DOES 1 through 5)

169. PLAINTIFFS refer to, repeat, and re-allege each and every allegation in the preceding paragraphs of this Complaint and incorporate said allegations into this cause of action as though fully set forth herein.

170. PLAINTIFFS are informed and believe and thereon allege, that DOES 1 through 5 are those individuals, whose identities are not yet completely known, whose intentional conduct caused the aforesaid physical injuries of PLAINTIFF STOW in the parking lot of Dodger Stadium on March 31, 2011.

171. On March 31, 2011, said DOE DEFENDANTS, did intentionally, willfully, maliciously, and wantonly, inflict extreme and outrageous conduct that transcended all bounds of decency, which caused severe emotional distress to PLAINTIFF STOW.

172. DOES 1 through 5 initiated contact with STOW in the parking lot at Dodger Stadium merely because STOW and his friends were Giants fans. As described more fully above, DOES 1 through 5, harassed, intimidated, and assaulted STOW and his friends. Further, DOES 1 through 5 continuously punched and struck STOW, causing him to fall to the ground.

173. PLAINTIFFS are informed and believe, and thereon allege, that once STOW was on the ground unconscious, DOES 1 through 5 began kicking STOW around and about his head.

1 174. DOES 1 through 5's extreme and outrageous behavior proximately caused and was
2 a substantial factor in the injuries STOW sustained as explained more fully above.

3 175. As a direct and proximate result of the conduct of the DOE DEFENDANTS, and each
4 of them, TYLER and TABITHA STOW have been caused the loss of future services, earnings and
5 protections of BRYAN STOW and have been deprived of consortium, society and comfort of father
6 BRYAN STOW, all to their great loss and damage in an amount to be shown according to proof at
7 trial.

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1
2 **PRAYER FOR RELIEF**

3 **W H E R E F O R E**, PLAINTIFFS pray for judgment and relief as follows:

- 4 1. For general damages to be proven at trial;
5 2. For special damages to be proven at trial;
6 3. For punitive damages according to proof;
7 4. For the amounts donated into the Bryan Stow fund and reimbursement to all those
8 who graciously donated to said fund (Exclusive of the generous donations given by
9 Mr. Barry Bonds);
10 5. For the costs of this action; and
11 6. For any further legal and equitable relief the Court deems proper.

12
13 DATED: May 24, 2011

GIRARDI & KEESE

14
15
16 By: _____

THOMAS V. GIRARDI
CHRISTOPHER T. AUMAIS
Attorneys for PLAINTIFFS

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19 **DEMAND FOR JURY TRIAL**

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21 PLAINTIFFS hereby request a jury trial upon the claims so triable.

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23 DATED: May 24, 2011

GIRARDI & KEESE

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26 By: _____

THOMAS V. GIRARDI
CHRISTOPHER T. AUMAIS
Attorneys for PLAINTIFFS