

1 JOHN J. SARSFIELD (SBN 138971)
2 MARGUERITE MELO (SBN 167782)
3 LAW OFFICES OF MELO AND SARSFIELD LLP
4 4216 S. Mooney Blvd PMB 136
5 Visalia, CA 93277
6 Telephone: 559 732 3000
7 E-mail: meloandsarsfield@icloud.com

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Superior Court of California,
County of Tulare
07/26/2023
By: Kim Anaya,
Deputy Clerk

8 Attorneys for Plaintiffs

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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF TULARE**

12 [REDACTED]) Case No. VCU 300238
13 [REDACTED] and Florinda)
14 Taylor,)
15)
16) **FIRST AMENDED COMPLAINT FOR**
17 Plaintiffs.) **DAMAGES FOR WRONGFUL DEATH**
18) **AND SURVIVAL ACTION SOUNDING**
19 vs.) **IN NEGLIGENCE**
20)
21 **COURTHOUSE SQUARE VENTURES**)
22 **LLC, (DBA "THE DARLING HOTEL")**)
23 **and DOES 1-30,**)
24)
25 Defendants.)

26 **COMES NOW Plaintiffs,** [REDACTED]

27 [REDACTED] **and Florinda Taylor,** individually and as the Successor-in interest to THE ESTATE Of
28 JEREMY BAKER ("Plaintiffs"), for causes of action against Defendant COURTHOUSE
SQUARE VENTURES LLC, (DBA "THE DARLING HOTEL") and DOES 1-30,, who
complain and allege as follows:

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GENERAL ALLEGATIONS

On July 27, 2021, in the City of Visalia, County of Tulare, Jeremy Baker was a guest at the “Darling Hotel.” Mr. Baker was, at the time of his death, an adult male, and the father of the individually named plaintiffs.

The Darling Hotel is the “DBA” of Defendant Courthouse Square Ventures LLC, a California Corporation.

The Darling Hotel is a luxury hotel located in downtown Visalia, open for business to the general public. Guests check into the hotel for a certain period of time, and then are required to check out. The Darling Hotel has a duty of care to its guests, to include providing reasonable assistance to them in medical emergencies.

Mr. Baker checked into the Darling Hotel on/about July 26, 2021, and was to check out the next day. Checkout time was at 12 noon.

At approximately 2 PM, on the 27th of July, 2021, management of the Defendant hotel noticed that Mr. Baker had not yet checked out at the required time (approximately 12 noon).

Management contacted a downtown security officer (an employee of a local security business that provided security services to various downtown businesses such as The Darling Hotel) to check on the welfare and status of Mr. Baker, as well as to ascertain why he had not checked out of the hotel.

1 When the security officer arrived, two Darling Hotel employees accompanied the security
2 officer to Mr. Baker's room. After knocking on the door with no answer, they all entered Mr.
3 Bakers's room.

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5 The trio located Mr. Baker, non-responsive on his bed in the hotel room. They tried to
6 awaken him, without success. This was done by talking to Mr Baker and physically shaking
7 him.
8

9 A reasonable person and properly trained hotel operator would have immediately noticed
10 that Mr. Baker's non-responsive condition was a medical emergency and required immediate
11 medical aide and/or intervention.
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14 The hotel (Defendant) had a duty of care to its guests such as Mr. Baker, to include a
15 duty to summon medical care, as well as a duty to not conceal his medical distress such that
16 other persons would be prevented from acting as a Good Samaritan.
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18 Rather than call for an ambulance or take other steps to rescue, the trio decided there was
19 nothing to be done, closed his door, and left him in his room, unattended. They did not call 911
20 or otherwise request medical assistance. The act of leaving Mr. Baker in a locked room prevented
21 any other hotel guest or employee from being able to independently discover that he was in
22 distress and call for assistance. The trio were acting on behalf of Defendant hotel (in the course
23 and scope of their duties) and not in their personal capacities.
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26 Later that evening, at approximately 9:45 PM, hotel staff returned to Mr. Baker's room
27 and discovered him dead.
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An autopsy conducted on Mr. Baker’s body determined that he died of a drug overdose (opiates). That is significant because on information and belief, a timely medical intervention could have prevented the overdose death.

Plaintiffs are informed and believe, and thereon allege, that had an ambulance been called when Mr. Baker was non-responsive and first contacted at 2 PM, medical intervention would have saved his life.

VENUE

The events complained of all occurred within the County of Tulare, State of California, therefore venue is in the County of Tulare Superior Court.

PARTIES

Plaintiffs [REDACTED] at all times herein relevant, are residents of Tulare County and are the children of Mr. Baker (the deceased). Florida Taylor is the mother of the deceased.

Defendant Courthouse Square Ventures LLC, (DBA “The Darling Hotel,”) at all times herein relevant, is a California corporation and is authorized to do business in California, with its office located Visalia, California (County of Tulare).

The true names and capacities, whether individual, plural, corporate, partnership, associate, or otherwise, of DOES 1 through 30, inclusive, are unknown to Plaintiffs who therefore

1 sue said defendants by such fictitious names. The full extent of the facts linking such fictitiously
2 sued defendants is unknown to Plaintiffs. Plaintiffs are informed and believe, and thereupon
3 allege, that each of the defendants designated herein as a DOE was, and is, negligent, or in some
4 other actionable manner; responsible for the events and happenings hereinafter referred to, and
5 thereby negligently, or in some other actionable manner, legally and proximately caused the
6 hereinafter described injuries and damages to Plaintiffs. Plaintiffs will hereafter seek leave of the
7 Court to amend this Complaint to show the defendants' true names and capacities after the same
8 have been ascertained. "Doe" Defendants also include any corporate or personal successors in
9 interest to Courthouse Square Ventures LLC, in the event that Courthouse Square Ventures LLC
10 no longer owns/operates/controls "The Darling Hotel."
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14 Plaintiff is informed and believes, and thereon alleges, that at all times mentioned
15 herein, COURTHOUSE SQUARE VENTURES LLC, (DBA "THE DARLING HOTEL" and
16 DOES I through 30, inclusive, were agents, servants, employees, successors in interest, partners,
17 and/or joint venturers of their co-defendants, and were, as such, acting within the course, scope,
18 and authority of said agency, employment, and/or venture, and that each and every defendant, as
19 aforesaid, when acting as principal, was negligent in the selection and hiring of each and every
20 other defendant as an agent, servant, employee, successor in interest, and/or joint venturer.
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24 **FIRST CAUSE OF ACTION**
25 **(Wrongful Death and Survival Action Sounding in Negligence Against COURTHOUSE**
26 **SQUARE VENTURES LLC, (DBA "THE DARLING HOTELES") and DOES 1 Through**
27 **30, Inclusive)**
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29 Plaintiffs re-allege and incorporate herein by reference each and every allegation and
30 statement contained in the prior paragraphs.

1 Plaintiffs are informed and believe, and thereon allege, that at all times mentioned herein,
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3 COURTHOUSE SQUARE VENTURES LLC, (DBA “THE DARLING HOTELS”), and DOES
4 1 through 30, inclusive, owed a duty of care to all reasonably foreseeable people, invitees and
5 guests, including Decedent Jeremy Baker and Plaintiffs, to own keep safe, install, maintain, and
6 control the premises in a reasonable manner, as well as to rescue guests who were in medical
7 distress.
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9 Plaintiffs are informed and believe, and thereon allege, that on July 27, 2021, Defendants
10 failed to call for an ambulance for descendant, despite his obvious medical distress, and as a
11 foreseeable result, he died for lack of medical intervention.
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14 The aforementioned subject incident giving rise to this wrongful death and survival
15 action proximately and legally caused Decedent JEREMY BAKER to die. Plaintiffs are further
16 informed and believe, and thereon allege, that COURTHOUSE SQUARE VENTURES LLC,
17 (DBA “THE DARLING HOTELS”), including DOES 1 through 30, inclusive, were agents,
18 servants, employees, successors in interest, and/or joint venturers of their co-defendants, and
19 were, as such, acting within the course, scope, and authority of said agency, employment and/or
20 venture, and that each and every defendant, as aforesaid, when acting as a principal, was
21 negligent in the selection of each and every other defendant as an agent, servant, employee,
22 successor in interest, and/or joint venturer.
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26 As a legal, direct and proximate result of the reckless and negligent conduct of
27 COURTHOUSE SQUARE VENTURES LLC, (DBA “THE DARLING HOTELS”), including
28 DOES 1 through 30, Plaintiffs have sustained damages resulting from the loss of love, affection,

1 society, service, comfort, support, right of support, expectations of future support and counseling,
2 companionship, solace and mental support, as well as other benefits and assistance of Decedent
3 Jeremy Baker, all to their general damages in a sum in excess of the jurisdictional limits of this
4 Court, which will be stated according to proof, pursuant to Section 425.10 of the California
5 Code of Civil Procedure.
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8 As a legal, direct and proximate result of the conduct of COURTHOUSE SQUARE
9 VENTURES LLC, (DBA "THE DARLING HOTELS"), including DOES 1 through 30,
10 inclusive, Plaintiffs will be deprived of the financial support and assistance of Decedent Jeremy
11 Baker, the exact amount of such losses to be stated according to proof, pursuant to Section
12 425.10 of the California Code of Civil Procedure.
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15 As a legal, direct and proximate result of the conduct of COURTHOUSE SQUARE
16 VENTURES LLC, (DBA "THE DARLING HOTEL"), inclusive, as aforesaid, on information
17 and belief, Plaintiffs have incurred property, medical, funeral and burial expenses in an amount
18 to be stated according to proof, pursuant to Section 425.10 of the California Code of Civil
19 Procedure.
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21 **PRAYER FOR RELIEF**

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23 WHEREFORE, Plaintiffs individually and as the Successor-in Interest to THE ESTATE
24 OF JEREMY BAKER pray judgment against all Defendants as follows:
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26 For non-economic damages suffered by Plaintiffs including, but not limited to, loss of
27 love, affection, care, society, service, comfort, support, right to support, companionship, solace
28 or moral support, expectations of future support and counseling, other benefits and assistance of

1 Decedent JEREMY BAKER, in an amount in excess of the jurisdictional minimum, according to
2 proof;

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4 For economic damages suffered by Plaintiffs, related to loss of earnings and loss of
5 financial support from Decedent Jeremy Baker, according to proof;

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7 For funeral and burial expenses suffered by Plaintiffs according to proof;

8 For hospital, medical, professional and incidental expenses suffered by Plaintiffs by and
9 through its Successor-in-Interest according to proof;

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11 For loss of income suffered by Plaintiffs by and through its Successor-in-Interest
12 according to proof

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14 For prejudgment interest, according to proof;

15 For pre-trial interest, according to proof;

16 For damages for Plaintiffs other economic losses, according to proof;

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19 **For such other and further relief as this Court may deem just and proper and**

20 Dated: 7 26 23

21 LAW OFFICES OF MELO AND SARSFIELD LLP
22 Attorneys for Plaintiffs

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26 JOHN SARSFIELD, ESQ