

1 DAVID P. MASTAGNI (SBN 57721)
2 GRANT A. WINTER (SBN 266329)
3 BRETT D. BEYLER (SBN 319415)
4 **MASTAGNI HOLSTEDT, A.P.C.**
5 1912 I Street,
6 Sacramento, California 95811
7 Telephone: (916) 446-4692
8 Facsimile: (916) 447-4614
9 Email: bbeyler@mastagni.com

10 Attorneys for Plaintiffs
11 ALAN STRICKLAND and KELLY STRICKLAND

12 **UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14 ALAN STRICKLAND, an individual; and
15 KELLY STRICKLAND, an individual,
16
17 Plaintiffs,

18 v.

19 MASAI UJIRI, an individual; TORONTO
20 RAPTORS, a business entity; MAPLE LEAF
21 SPORTS & ENTERTAINMENT, a business
22 entity; NATIONAL BASKETBALL
23 ASSOCIATION, INC.; and DOES 1 through
24 100, inclusive,

25 Defendants.

Case No.:

**COMPLAINT FOR PERSONAL INJURIES
AND DAMAGES:**

- (1) ASSAULT
- (2) BATTERY
- (3) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
- (4) NEGLIGENCE
- (5) NEGLIGENCE
- (6) LOSS OF CONSORTIUM

DEMAND FOR JURY TRIAL

26 Plaintiffs ALAN STRICKLAND and KELLY STRICKLAND complain and allege of
27 Defendants MASAI UJIRI, TORONTO RAPTORS, MAPLE LEAF SPORTS &
28 ENTERTAINMENT, NATIONAL BASKETBALL ASSOCIATION, INC., and DOES 1 through
100, (hereinafter the foregoing defendants are referred to collectively as “Defendants”) inclusive, and
each of them, as follows:

PARTIES

1
2 1. At all times herein mentioned, Plaintiff ALAN STRICKLAND was, and is now, an
3 individual adult natural person residing in the State of California.

4 2. At all times herein mentioned, Plaintiff KELLY STRICKLAND was, and is now, an
5 individual adult and natural person residing in the State of California.

6 3. Plaintiffs are informed and believe, and thereon allege, that Defendant MASAI UJIRI
7 was, and is now, an individual adult and natural person residing in Toronto, Canada.

8 4. Plaintiffs are informed and believe, and thereon allege, that Defendant TORONTO
9 RAPTORS was, and is now, a business entity of a type not currently known, doing business in the
10 United States of America, including in the State of California. Plaintiffs are informed and believe that
11 the TORONTO RAPTORS is a citizen of Canada and has its principal place of business in Canada.

12 5. Plaintiffs are informed and believe, and thereon allege, that Defendant MAPLE LEAF
13 SPORTS & ENTERTAINMENT was, and is now, a business entity of a type not currently known,
14 doing business in the United States of America, including in the State of California. Plaintiffs are
15 informed and believe that the MAPLE LEAF SPORTS & ENTERTAINMENT is a citizen of Canada
16 and has its principal place of business in Canada.

17 6. Plaintiffs are informed and believe, and thereon allege, that Defendant NATIONAL
18 BASKETBALL ASSOCIATION, INC. was, and is now, a business entity of a type not currently
19 known, doing business in the State of California. Plaintiffs are informed and believe and thereon
20 allege that the NATIONAL BASKETBALL ASSOCIATION, INC. has its principal place of business
21 in New York City, New York.

22 7. The true names and capacities, whether individual, corporate, associate or otherwise,
23 of the Defendants DOE 1 through 100, inclusive, are unknown to Plaintiffs, who therefore sues such
24 Defendants by such fictitious names, and Plaintiff will amend this Complaint to show their true names
25 and capacities when the same have been ascertained.

26 8. Plaintiff is informed and believes and thereon alleges that each of the Defendants
27
28

1 designated as DOE are responsible under law in some manner and liable herein by reason of
2 negligence, negligence per se, strict liability, and in other manner, and by such wrongful conduct that
3 was a substantial factor in causing the events and happenings herein referred to and thereby caused
4 the injuries and damages to Plaintiff as herein alleged.

5 9. Plaintiff is informed and believes, and thereon alleges, that at all times relevant hereto,
6 each Defendant, whether designated by name or as a DOE, was the agent, servant and employee of
7 every other Defendant, who was a principal, master, and employer of each other Defendant, and every
8 Defendant was acting within the course and scope of said agency, authority, and employment.
9 Furthermore, each of the Defendants was a partner and was engaged in a joint venture with every
10 other Defendant, and each Defendant was acting within the course, scope, and in furtherance of said
11 partnership and joint venture; and each Defendant was a principal, master, or employer authorized,
12 ratified, directed, and approved the acts, omissions, and conduct of each other Defendant; and each
13 Defendant assumed the liabilities of every other Defendant with respect to the conditions, incident,
14 events, injuries, and damages referred to herein.

15 10. Whenever in this Complaint reference is made to any act or omission of Defendants,
16 or any of them, such allegations shall be deemed to mean that the officers, directors, agents, trustees,
17 and employees of said Defendants did or authorized or ratified such acts or omissions while actively
18 engaged in the management, direction, control, and employ of the affairs of said Defendants, and
19 were acting within the course and scope of their employment, authority, and agency. Whenever in
20 this Complaint reference is made to any act or omission of Defendants, and each of them, such
21 allegation shall be deemed to mean the act or omission of each Defendant, acting individually, jointly,
22 in concert, and severally, and in furtherance of their joint activity.

23 **JURISDICTION AND VENUE**

24 11. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332 as the matter
25 in controversy exceeds the value of \$75,000.00 and is between citizens of different States and/or of
26 a foreign state.

27 12. Venue is proper pursuant to 28 U.S.C. § 1391 given that the subject matter of this
28

1 litigation occurred at Oracle Arena which is located in the City of Oakland, County of Alameda, State
2 of California.

3 **FACTS COMMON TO ALL CAUSES OF ACTION**

4 13. Plaintiffs incorporate herein, as though fully set forth at length, each and every
5 allegation set forth in paragraphs above, inclusive of this Complaint.

6 14. Plaintiffs ALAN STRICKLAND and KELLY STRICKLAND allege that
7 DEFENDANTS, and each of them, were the legal (proximate), actual, and substantial cause of the
8 damages to Plaintiffs. By the following acts or omissions, Defendants and each of them, intentionally,
9 negligently, and/or by breaches of the duties identified herein, caused the damage to Plaintiffs.

10 15. Plaintiffs ALAN STRICKLAND and KELLY STRICKLAND hereby make a claim
11 for personal injuries and damages arising from an incident involving Plaintiff ALAN STRICKLAND
12 and DEFENDANTS occurred on or about June 13, 2019, at or about the hour of 9:00 P.M., at or near
13 the basketball court perimeter at or near the southgate tunnel of the Oracle Arena (hereinafter “Subject
14 Incident”).

15 16. Plaintiff ALAN STRICKLAND was assigned to the Oracle Arena for game number 6
16 of the NATIONAL BASKETBALL ASSOCIATION, INC. (hereinafter “NBA”) Finals between the
17 Golden State Warriors and the Toronto Raptors.

18 17. NBA officials issued instructions to Plaintiff ALAN STRICKLAND, and all other law
19 enforcement and/or security personnel working security at this game. Specifically, these instructions
20 included, but were not limited to, stopping and preventing any and all individuals from accessing the
21 basketball court unless that individual was wearing a specific security “credential.”

22 18. NBA officials instructed Plaintiff ALAN STRICKLAND, and all other law
23 enforcement and/or security personnel working security at this game, to prevent any unauthorized
24 person from accessing the court and cause a disturbance, cause harm to a player or coach or commit
25 a crime.

26 19. NBA officials informed Plaintiff ALAN STRICKLAND, and all other law
27 enforcement and/or security personnel working security at this game, that a recent security breach
28

1 occurred wherein an unauthorized person presented fictitious credentials to access the court,
2 bypassing multiple layers of security. NBA officials instructed Plaintiff ALAN STRICKLAND, and
3 all other law enforcement and/or security personnel working security at this game, they did not want
4 this security breach to occur again.

5 20. NBA officials assigned Plaintiff ALAN STRICKLAND to his post at or near the
6 basketball court perimeter on the date of the Subject Incident. At or around 9:00 P.M., Plaintiff ALAN
7 STRICKLAND was at his assigned post when he saw an unidentified male wearing a dark suit and
8 neck tie approaching his post. Plaintiff ALAN STRICKLAND later learned the identity of the male
9 in the dark suit and neck tie was MASAI UJIRI.

10 21. MASAI UJIRI had no visible credentials, as was required by NBA security
11 regulations. MASAI UJIRI attempted to circumvent the security checkpoint and evade Plaintiff
12 ALAN STRICKLAND and access the basketball court without showing security personnel, including
13 ALAN STRICKLAND, his credential. MASAI UJIRI repeatedly ignored Plaintiff ALAN
14 STRICKLAND's orders to stop and return to the arena security official.

15 22. MASAI UJIRI then attacked Plaintiff ALAN STRICKLAND and hit him in the face
16 and chest with both fists. The force of from MASAI UJIRI's attack sent Plaintiff ALAN
17 STRICKLAND backwards several feet. And/or MASAI UJIRI negligently hit Plaintiff ALAN
18 STRICKLAND and hit him in the face and chest with both fists.

19 23. At no point during this confrontation between MASAI UJIRI and Plaintiff ALAN
20 STRICKLAND did MASAI UJIRI stop trying to advance towards the court or present his credentials
21 for inspection as required by NBA security regulations.

22 24. Plaintiff is informed and believes and thereon alleges that each and every Defendant
23 are legally responsible in some manner for the events, happenings, omissions and/or occurrences
24 causing damages referred to herein, and legally and proximately caused damage to Plaintiff.

25 25. At all times relevant herein, Defendants, each of which are vicariously liable for the
26 harm Plaintiff suffered resulting from the conduct of each other Defendant, had actual knowledge
27 and/or should have known of MASAI UJIRI's violent predisposition and propensity for physical
28

1 violence prior to his assault on Plaintiff ALAN STRICKLAND.

2 26. As a result of the Subject Incident, Plaintiff ALAN STRICKLAND suffered, and will
3 continue to suffer, physical, mental, emotional, and economic injuries, including, but not limited to,
4 lost wages, lost opportunity for financial gain, future earning capacity, and past and future medical
5 care and expenses.

6 27. As a substantial result of the wrongful conduct and/or omissions of each and every
7 Defendant named herein, and their employees and/or agents, and of each of them, Plaintiff ALAN
8 STRICKLAND was hurt and injured in his health, strength, and activity, sustaining injury to his body
9 and shock of injury to his nervous system and person, all of which said injuries have caused and
10 continue to cause Plaintiff ALAN STRICKLAND great mental, physical, and nervous pain and
11 suffering. Plaintiff is informed and believes, and thereon alleges, that said injuries will result in some
12 permanent disability to Plaintiff ALAN STRICKLAND, all to his general damage in an amount well
13 in excess of \$75,000, and, as such, in accordance with California law, he is entitled to prejudgment
14 interest on that amount when determined.

15 28. As a further substantial result of the wrongful conduct and/or omissions of the
16 defendants, and of each of them, Plaintiff ALAN STRICKLAND was required to, did, and will
17 employ physicians and surgeons to examine, treat and care for him and did incur medical and
18 incidental expenses. The exact amount of such expense is unknown to Plaintiff ALAN
19 STRICKLAND at this time, and Plaintiff ALAN STRICKLAND will ask leave to amend his pleading
20 to set forth the exact amount thereof when the same is ascertained by him, and any and all
21 prejudgment interest in accordance with California law.

22 29. As a further substantial result of the said negligence and other wrongful conduct herein
23 alleged of the defendants, and of each of them, Plaintiff ALAN STRICKLAND was prevented from
24 attending to his usual occupation, and Plaintiff ALAN STRICKLAND is informed and believes, and
25 thereon alleges, that he will thereby be prevented from attending to his usual occupation for a period
26 of time in the future, all to Plaintiff ALAN STRICKLAND's further damage in an amount unknown
27 at this time, and Plaintiff ALAN STRICKLAND will ask leave to amend his complaint to show the
28

1 exact amount when determined, and any and all prejudgment interest in accordance with California
2 law.

3 30. Prior to the game, Defendants advertised and publicly represented that they would
4 provide security at the game and make the game safe for individuals present; however, Defendants
5 failed to implement reasonable security in the form of security personnel, staff, plans, strategies,
6 measures, systems, standards, procedures, schemes, personnel training, signs, warnings, physical
7 barriers, equipment, tools, and arrangements. Defendants failed to provide adequate safety and
8 security measures to protect members of the public including Plaintiff, failing to supervise MASAI
9 UJIRI, failing to employ adequate security personnel, failing to employ adequate physical barriers
10 between the stage and the audience floor, failing to warn of danger, failing to post signs warning of
11 danger, including the danger of MASAI UJIRI, failing to adequately train security personnel, and
12 failing to adequately equip security personnel with tools to prevent injuries to individuals present at
13 the game, including Plaintiff.

14 31. At all times relevant herein, Defendants knew or should have known of MASAI
15 UJIRI's propensity for violence. Defendants failed to use reasonable care to protect individuals
16 present at the game from MASAI UJIRI's intentionally harmful conduct. Such conduct was
17 reasonably foreseeable based on MASAI UJIRI's previous altercations involving similar
18 circumstances and necessitated adequate security, which Defendants failed to provide.

19
20 **FIRST CAUSE OF ACTION**

21 (Assault – Plaintiff ALAN STRICKLAND Against All Defendants,
22 including Does 1 through 100)

23 32. Plaintiffs incorporate herein, as though fully set forth at length, each and every
24 allegation set forth in paragraphs above, inclusive of this Complaint.

25 33. At the time of the Subject Incident, MASAI UJIRI acted, intending to cause harmful
26 and/or offensive contact with Plaintiff ALAN STRICKLAND's head and/or body with his hands
27 and/or fists, which resulted in harmful contact with Plaintiff ALAN STRICKLAND.

28 34. Such harmful or offensive contact did, in fact, occur on June 13, 2019, without

1 Plaintiff ALAN STRICKLAND's consent.

2 35. MASAI UJIRI caused Plaintiff ALAN STRICKLAND imminent apprehension of
3 harmful or offensive contact with Plaintiff ALAN STRICKLAND's head and/or body, which resulted
4 in direct contact with Plaintiff ALAN STRICKLAND.

5 36. Plaintiff ALAN STRICKLAND was harmed by MASAI UJIRI's conduct.

6 37. As a direct and proximate result of Defendants' conduct, Plaintiff ALAN
7 STRICKLAND suffered injury to his head, body, health, strength, nervous system, and person, all of
8 which caused and continue to cause Plaintiff great mental, physical, emotional and psychological
9 pain and suffering. As a result of the acts and omissions herein complained of, Plaintiff ALAN
10 STRICKLAND suffered great anxiety, embarrassment, anger, loss of enjoyment of life, injury to
11 reputation, and severe emotional and physical distress in an amount to be determined at trial. Plaintiff
12 is entitled to recover all damages resulting from Defendants' acts, including compensatory damages,
13 general damages, personal injury damages, past and future medical expenses, attorney's fees, costs,
14 and any other damages the Court deems appropriate.

15 38. Defendants committed the acts herein described despicably, maliciously, fraudulently,
16 and oppressively with the wrongful intention of injuring Plaintiff ALAN STRICKLAND, for an
17 improper and evil motive amounting to malice, and in conscious disregard of Plaintiff's rights.
18 Further, MASAI UJIRI knew that his conduct was illegal and acted with the specific intent to cause
19 injury and damage to Plaintiff ALAN STRICKLAND, and Plaintiff ALAN STRICKLAND is entitled
20 to recover exemplary and punitive damages from Defendants in an amount according to proof.

21 39. Defendants are vicariously liable for the conduct of each other defendant carried out
22 within the course and scope of their employment duties using the powers imparted to them as agents
23 for each other defendant.
24

25 **SECOND CAUSE OF ACTION**

26 (Battery – Plaintiff ALAN STRICKLAND Against All Defendants,

27 Including DOES 1 through 100)

28 40. Plaintiffs incorporate herein, as though fully set forth at length, each and every

1 allegation set forth in paragraphs above, inclusive of this Complaint.

2 41. At the time of the Subject Incident, MASAI UJIRI acted, intending to cause harmful
3 and/or offensive contact with Plaintiff ALAN STRICKLAND's head and/or body with his hands
4 and/or fists, which resulted in harmful contact with Plaintiff ALAN STRICKLAND.

5 42. Such harmful or offensive contact did, in fact, occur on June 13, 2019, without
6 Plaintiff ALAN STRICKLAND's consent.

7 43. MASAI UJIRI caused Plaintiff ALAN STRICKLAND imminent apprehension of
8 harmful or offensive contact with Plaintiff ALAN STRICKLAND's head and/or body, which resulted
9 in direct contact with Plaintiff ALAN STRICKLAND.

10 44. Plaintiff ALAN STRICKLAND was harmed by MASAI UJIRI's conduct.

11 45. As a direct and proximate result of Defendants' conduct, Plaintiff ALAN
12 STRICKLAND suffered injury to his head, body, health, strength, nervous system, and person, all of
13 which caused and continue to cause Plaintiff great mental, physical, emotional and psychological
14 pain and suffering. As a result of the acts and omissions herein complained of, Plaintiff ALAN
15 STRICKLAND suffered great anxiety, embarrassment, anger, loss of enjoyment of life, injury to
16 reputation, and severe emotional and physical distress in an amount to be determined at trial. Plaintiff
17 is entitled to recover all damages resulting from Defendants' acts, including compensatory damages,
18 general damages, personal injury damages, past and future medical expenses, attorney's fees, costs,
19 and any other damages the Court deems appropriate.

20 46. Defendants committed the acts herein described despicably, maliciously, fraudulently,
21 and oppressively with the wrongful intention of injuring Plaintiff ALAN STRICKLAND, for an
22 improper and evil motive amounting to malice, and in conscious disregard of Plaintiff's rights.
23 Further, MASAI UJIRI knew that his conduct was illegal and acted with the specific intent to cause
24 injury and damage to Plaintiff ALAN STRICKLAND, and Plaintiff ALAN STRICKLAND is entitled
25 to recover exemplary and punitive damages from Defendants in an amount according to proof.

26 47. Defendants are vicariously liable for the conduct of each other defendant carried out
27 within the course and scope of their employment duties using the powers imparted to them as agents
28

1 for each other defendant.

2 **THIRD CAUSE OF ACTION**

3 (Intentional Infliction of Emotional Distress – Plaintiff ALAN STRICKLAND Against All

4 Defendants,

5 Including Does 1 through 100)

6 48. Plaintiffs incorporate herein, as though fully set forth at length, each and every
7 allegation set forth in paragraphs above, inclusive of this Complaint.

8 49. Defendants engaged in extreme and outrageous conduct as set forth herein.

9 50. Defendants extreme and outrageous conduct included, but was not limited to, the act
10 of physically harming, assaulting and battering Plaintiff ALAN STRICKLAND in a forum open to
11 the public which was warranted to be a safe and secure event.

12 51. Defendants recklessly disregarded the probability of causing severe and emotional
13 distress to Plaintiff ALAN STRICKLAND which resulted from taking no steps to prevent MASAI
14 UJIRI from assaulting and battering Plaintiff or engaging in other harmful and offensive contact with
15 Plaintiff ALAN STRICKLAND, and preventing Plaintiff ALAN STRICKLAND from defending
16 himself from MASAI UJIRI, despite Defendants having knowledge of MASAI UJIRI's propensity
17 for violent tendencies.

18 52. Defendants intentionally caused severe and emotional distress to Plaintiff ALAN
19 STRICKLAND by his extreme and outrageous conduct of assaulting, battering, and physically
20 harming the head and body of Plaintiff ALAN STRICKLAND.

21 53. Plaintiff ALAN STRICKLAND suffered severe emotional distress of such substantial
22 quantity and enduring quality that an individual in a civilized society should not be expected to endure
23 it.

24 54. Defendants conduct directly and proximately caused Plaintiff ALAN STRICKLAND
25 severe emotional distress.

26 55. As a direct and proximate result of Defendants conduct, Plaintiff ALAN
27 STRICKLAND suffered injury to his body, health, strength, activity, and person, all of which have
28

1 caused and continue to cause Plaintiff great mental, emotional, psychological, physical, and nervous
2 pain and suffering. Plaintiff ALAN STRICKLAND suffered great anxiety, embarrassment, anger,
3 loss of enjoyment of life, injury to reputation, and severe emotional and physical distress in an amount
4 to be determined at trial. Plaintiff ALAN STRICKLAND is entitled to recover all damages resulting
5 from Defendants acts, including compensatory damages, general damages, personal injury damages,
6 past and future medical expenses, attorney's fees, costs, and any other damages the Court deems
7 appropriate.

8 56. Defendants committed the acts herein described despicably, maliciously, fraudulently,
9 and oppressively with the wrongful intention of injuring Plaintiff, for an improper and evil motive
10 amounting to malice, and in conscious disregard of Plaintiff ALAN STRICKLAND's rights. Further,
11 Defendants knew that this conduct was illegal acted with the specific intent to cause injury and
12 damage to Plaintiff, and Plaintiff is entitled to recover exemplary and punitive damages from
13 Defendants in an amount according to proof.

14 57. Defendants are vicariously liable for the conduct of each other Defendant which they
15 carried out within the course and scope of their employment duties using the powers imparted to them
16 as an agent of each other Defendant.

17 **FOURTH CAUSE OF ACTION**

18 (Negligence – Plaintiff ALAN STRICKLAND Against MASAI UJIRI,
19 Including Does 1 through 100)

20 58. Plaintiffs incorporate herein, as though fully set forth at length, each and every
21 allegation set forth in paragraphs above, inclusive of this Complaint.

22 59. Defendant MASAI UJIRI negligently hit Plaintiff ALAN STRICKLAND in the face
23 and chest with both fists.

24 60. Plaintiff ALAN STRICKLAND was harmed as a direct result of MASAI UJIRI's
25 negligence.

26 61. Defendant MASAI UJIRI's negligence was a substantial factor in causing Plaintiff
27 ALAN STRICKLAND's harm.
28

Including Does 1 through 100)

1
2 67. Plaintiffs incorporate herein, as though fully set forth at length, each and every
3 allegation set forth in paragraphs above, inclusive of this Complaint.

4 68. Defendants, and each of them, owed a duty to Plaintiff and are responsible for the
5 harm caused by MASAI UJIRI because they negligently hired, supervised, and/or retained him.

6 69. Defendants owed a duty to Plaintiff to reasonably supervise and/or monitor MASAI
7 UJIRI, who they knew, or should have known, had a violent predisposition and propensity for
8 physical violence. MASAI UJIRI had engaged in prior similar criminal and/or violent conduct
9 towards third parties including, but not limited to, NBA fans, NBA officials, and/or NBA players,
10 on previous occasions. Defendants owed a duty to Plaintiff to take reasonable steps to prevent such
11 harm as was foreseeable.

12 70. Defendants breached their duties of care to Plaintiff ALAN STRICKLAND through
13 their negligent conduct which included, but is not limited to, Defendants failure to implement
14 reasonable security in the form of security personnel, staff, plans, strategies, measures, systems,
15 standards, procedures, schemes, personnel training, signs, warnings, physical barriers, equipment,
16 tools, and arrangements. Defendants failure to provide adequate safety and security measures to
17 protect members of the public including Plaintiff, failing to supervise MASAI UJIRI, failing to
18 employ adequate security personnel, failing to employ adequate physical barriers between the stage
19 and the audience floor, failing to warn of danger, failing to post signs warning of danger concerning
20 MASAI UJIRI, failing to adequately train security personnel, failing to adequately equip security
21 personnel with tools to prevent injuries to the public including Plaintiff.

22 71. Defendants knew that MASAI UJIRI was unfit to perform the work for which he
23 was hired and/or they knew or should have known that he had become unfit for the work in which
24 he was hire to do, and that this unfitness created a particular risk of harm to others, including
25 Plaintiffs.
26

27 72. Defendants negligence was a substantial factor in causing Plaintiff harm.

28 73. Plaintiff suffered harm as a result of Defendants negligent actions or omissions.

1 ENTERTAINMENT, NATIONAL BASKETBALL ASSOCIATION, INC., and DOES 1 through
2 100, inclusive, and each of them, as set forth below:

- 3 a. General damages in excess of the minimum jurisdictional amount of
4 \$75,000;
- 5 b. Punitive damages in an appropriate amount according to proof;
- 6 c. All medical and incidental expenses according to proof;
- 7 d. All future medical and incidental expenses according to proof;
- 8 e. All loss of earnings according to proof;
- 9 f. All prejudgment interest on general and special damages in accordance with
10 law;
- 11 g. All property damage and expenses, according to proof;
- 12 h. All costs of suit; and,
- 13 i. Such other and further relief as this Court may deem just and proper.

14 **DEMAND FOR JURY TRIAL**

15 Plaintiffs ALAN STRICKLAND and KELLY STRICKLAND request a jury trial on all
16 issues raised in this complaint.

17
18
19 DATED: February 7, 2020

MASTAGNI HOLSTEDT, A.P.C.

20
21 By: /s/ BRETT D. BEYLER
22 BRETT D. BEYLER
23 Attorneys for Plaintiffs
24
25
26
27
28

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- 1 U.S. Government Plaintiff 3 Federal Question
(U.S. Government Not a Party)
- 2 U.S. Government Defendant 4 Diversity
(Indicate Citizenship of Parties in Item III)

	PTF	DEF		PTF	DEF
Citizen of This State	1	1	Incorporated or Principal Place of Business In This State	4	4
Citizen of Another State	2	2	Incorporated and Principal Place of Business In Another State	5	5
Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	PERSONAL INJURY	625 Drug Related Seizure of Property 21 USC § 881	422 Appeal 28 USC § 158	375 False Claims Act
120 Marine	310 Airplane	690 Other	423 Withdrawal 28 USC § 157	376 Qui Tam (31 USC § 3729(a))
130 Miller Act	315 Airplane Product Liability			400 State Reapportionment
140 Negotiable Instrument	320 Assault, Libel & Slander	LABOR	PROPERTY RIGHTS	410 Antitrust
150 Recovery of Overpayment of Veteran's Benefits	330 Federal Employers' Liability	710 Fair Labor Standards Act	820 Copyrights	430 Banks and Banking
151 Medicare Act	340 Marine	720 Labor/Management Relations	830 Patent	450 Commerce
152 Recovery of Defaulted Student Loans (Excludes Veterans)	345 Marine Product Liability	740 Railway Labor Act	835 Patent—Abbreviated New Drug Application	460 Deportation
153 Recovery of Overpayment of Veteran's Benefits	350 Motor Vehicle	751 Family and Medical Leave Act	840 Trademark	470 Racketeer Influenced & Corrupt Organizations
160 Stockholders' Suits	355 Motor Vehicle Product Liability	790 Other Labor Litigation	SOCIAL SECURITY	480 Consumer Credit
190 Other Contract	360 Other Personal Injury	791 Employee Retirement Income Security Act	861 HIA (1395ff)	485 Telephone Consumer Protection Act
195 Contract Product Liability	362 Personal Injury -Medical Malpractice		862 Black Lung (923)	490 Cable/Sat TV
196 Franchise		IMMIGRATION	863 DIWC/DIWW (405(g))	850 Securities/Commodities/Exchange
REAL PROPERTY	CIVIL RIGHTS	462 Naturalization Application	864 SSID Title XVI	890 Other Statutory Actions
210 Land Condemnation	440 Other Civil Rights	465 Other Immigration Actions	865 RSI (405(g))	891 Agricultural Acts
220 Foreclosure	441 Voting		FEDERAL TAX SUITS	893 Environmental Matters
230 Rent Lease & Ejectment	442 Employment		870 Taxes (U.S. Plaintiff or Defendant)	895 Freedom of Information Act
240 Torts to Land	443 Housing/Accommodations		871 IRS—Third Party 26 USC § 7609	896 Arbitration
245 Tort Product Liability	445 Amer. w/Disabilities—Employment			899 Administrative Procedure Act/Review or Appeal of Agency Decision
290 All Other Real Property	446 Amer. w/Disabilities—Other	PRISONER PETITIONS		950 Constitutionality of State Statutes
	448 Education	HABEAS CORPUS		
		463 Alien Detainee		
		510 Motions to Vacate Sentence		
		530 General		
		535 Death Penalty		
		OTHER		
		540 Mandamus & Other		
		550 Civil Rights		
		555 Prison Condition		
		560 Civil Detainee—Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation—Transfer
- 8 Multidistrict Litigation—Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE

DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only)

SAN FRANCISCO/OAKLAND

SAN JOSE

EUREKA-MCKINLEYVILLE

DATE

SIGNATURE OF ATTORNEY OF RECORD

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
- c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.