

1 Gerald Emanuel (SBN 61049)  
2 Braid Pezzaglia (SBN 195378)  
3 HINKLE, JACHIMOWICZ, POINTER & EMANUEL  
4 2007 West Hedding Street, Suite 100  
5 San Jose, California 95128  
6 Tel.: (408) 246-5500  
7 Fax: (408) 246-1051

ENDORSED

2014 APR 15 P 2:21

Deputy, Notarized Clerk of the Superior Court  
County of Santa Clara, California

Deputy Clerk

8 Attorneys for Marc Santos individually and as  
9 G.A.L. for [REDACTED], and [REDACTED], minors;  
10 and, Angelica Cortez,

11 SUPERIOR COURT OF CALIFORNIA

12 COUNTY OF SANTA CLARA

13 *Unlimited Jurisdiction*

14 **MARC SANTOS, individually and as**  
15 **Guardian Ad Litem for [REDACTED]**

16 **[REDACTED] and [REDACTED]**  
17 **minors, and ANGELICA CORTEZ,**

18 **Plaintiffs,**

19 **Vs.**

20 **CHRISTOPHER LABARREN**  
21 **CULLIVER II a.k.a. CHRIS**  
22 **CULLIVER; and DOES 1 to 100**  
23 **inclusive,**

24 **Defendants.**

Case Number: **114CV263870**

**COMPLAINT FOR COMPENSATORY  
AND EXEMPLARY DAMAGES AND  
DEMAND FOR JURY TRIAL**

1. Assault;
2. Battery;
3. Intentional Infliction of Emotional Distress;
4. Negligent Entrustment of a Dangerous Instrumentality.

25 Plaintiffs Marc Santos, as an individual and as guardian ad litem for [REDACTED]

26 [REDACTED] and [REDACTED] minors, and Angelica Cortez allege:

27 **I. INTRODUCTION**

28 1. This action seeks the recovery of actual damages, statutory damages, punitive damages, exemplary damages, attorneys fees and costs. Plaintiffs are the victims of and witnesses to certain violent, reckless, oppressive, malicious, depraved, despicable and morally reprehensible crimes and other related behavior committed by Defendant,

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2007 W. HEDDING STREET  
SAN JOSE, CALIFORNIA 95128  
(408) 246-5500

1 who by way of self-centered arrogance, fueled by the conscious disregard of the rights or  
2 safety of others, believed he could act with impunity and gross indignation, before, during  
3 and after his detainment and arrest, in the petty pursuit for the rush of a cheap thrill.

4 No person, Defendant included, is beyond reproach. We live in a civilized  
5 society, governed and guided by rules and expectations for our personal conduct, and out  
6 of the respect for the inherent dignity of mankind. Thus we do not strike a man down and  
7 leave him for dead. Nor do we brandish brass knuckles upon fifteen year-old children.  
8 Nor do we antagonize or berate victims, good Samaritans, and innocent bystanders by  
9 calling them a "bitch", "cunt", "whore" and a "low life wetback". There can be no  
10 excuse to impose such contempt and hate mongering upon anyone, let alone our young  
11 and impressionable preschool aged children. Here, Plaintiffs should be commended for  
12 having the audacity to respect justice and for having the fortitude and the means to stand  
13 their ground when brutally assaulted.

16 Defendant is an elite professional athlete. He works and thrives in a community  
17 of violence, where hostile aggression and injury producing behavior is condoned,  
18 encouraged and even rewarded. Consistent with this nurtured mentality and by virtue of  
19 Defendant's knowledge, skill and experience, Defendant attempted to shirk and evade  
20 any and all responsibility by employing violent, intimidating and deadly means.  
21 Defendant must be held accountable for the ordinary and natural consequences of his acts.  
22 There is persistent criminal behavior among NFL players, including Defendants' own  
23 immediate colleagues and peers, which is a pattern that plagues the NFL. Defendant must  
24 be punished and made an example from which to deter future reprehensible behavior  
25 including by our nation's celebrity athletes.

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II. PARTIES AND VENUE

2. Marc Santos, [REDACTED], [REDACTED], and Angelica Cortez are natural persons who reside in Santa Clara County, California. [REDACTED] is fifteen years old. [REDACTED] is four years old. [REDACTED] is two months old.

3. Defendant Christopher Labarren Culliver II, otherwise known as Chris Culliver, is a competent adult. His residence and principal place of business is in Santa Clara County, California.

4. The true names of Defendants sued as Does are unknown to Plaintiffs, who therefore sues them by such fictitious names. Plaintiffs pray leave to amend this Complaint to show the true names and capacities of said Does when the same have been ascertained. Plaintiffs are informed and believe, and so allege, that each of said Does are responsible for Plaintiffs' damages and injuries as hereinafter alleged and described.

5. Doe Defendants 1 through 50, and each named Defendant, were the vehicle owner, metal knuckles owner, partners, joint venturers, alter egos, agents, servants, employees, and representatives of their co-defendants, and acting within the scope, purpose, and authority of such ownership, partnership, joint venture, agency, service, employment, representation, and unity of interest, and with the permission, knowledge, and consent of their co-defendants.

6. Doe Defendants 51 through 100 are persons whose capacities are unknown to Plaintiffs.

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1 shouting profane and hostile epithets; threatening to hurt Plaintiffs if they did not get out  
2 of the way; and, charging Plaintiffs while brandishing brass knuckles.

3 12. Defendant's vehicle had dealer's plates. Defendant was allowed to operate  
4 the vehicle on a suspended driver's license. The owner of the vehicle unreasonably  
5 entrusted it to Defendant.

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7 **IV. CLAIMS**

8 **FIRST CAUSE OF ACTION**  
9 **ASSAULT**

10 **By Plaintiffs And As Against All Defendants**

11 13. Plaintiff incorporates by reference all paragraphs in this Complaint as  
12 though fully set forth herein.

13 14. In doing the acts as alleged above, Defendant intended to place Plaintiffs  
14 in apprehension of great bodily harm.

15 15. As a result of Defendant's acts as alleged above, Plaintiffs, in fact, were  
16 placed in great apprehension of great bodily harm.

17 16. Defendant's conduct proximately caused Plaintiffs' harm and damage  
18 including anxiety, frustration, anger, vulnerability, loss of privacy, humiliation, sleep loss,  
19 inconvenience, grief and emotional distress.

20 17. Defendant engaged in despicable conduct with a willful and conscious  
21 disregard of Plaintiffs' rights and was therefore malicious. Defendant's despicable  
22 conduct subjected Plaintiffs to cruel and unjust hardship, and was therefore oppressive.  
23 These acts therefore justify the awarding of exemplary and/or punitive damages pursuant  
24 to Code of Civil Procedure §3294.  
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1 18. Plaintiffs are informed and believe and thereupon alleges that the fictitious  
2 Defendants named as DOES 1 through 100, inclusive, aided, abetted, incited, compelled,  
3 coerced or conspired to commit one or more of the acts alleged herein.

4 WHEREFORE, plaintiffs pray judgment against Defendants as hereinafter set forth.

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6 **SECOND CAUSE OF ACTION**  
7 **Battery**  
8 **By Plaintiffs And As Against All Defendants**

9 19. Plaintiff incorporates by reference all paragraphs in this Complaint as  
10 though fully set forth herein.

11 20. Defendant in fact struck Plaintiffs with his vehicle and/or person, causing  
12 great bodily injury and emotional distress.

13 21. Defendant's conduct proximately caused Plaintiffs' harm and damage  
14 including anxiety, frustration, anger, vulnerability, loss of privacy, humiliation, sleep loss,  
15 inconvenience, grief and emotional distress.

16 22. Defendant engaged in despicable conduct with a willful and conscious  
17 disregard of Plaintiffs' rights and was therefore malicious. Defendant's despicable  
18 conduct subjected Plaintiffs to cruel and unjust hardship, and was therefore oppressive.  
19 These acts therefore justify the awarding of exemplary and/or punitive damages pursuant  
20 to Code of Civil Procedure §3294.

21 23. Plaintiffs are informed and believe and thereupon alleges that the fictitious  
22 Defendants named as DOES 1 through 100, inclusive, aided, abetted, incited, compelled,  
23 coerced or conspired to commit one or more of the acts alleged herein.

24 WHEREFORE, plaintiffs pray judgment against Defendants as hereinafter set forth.

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**THIRD CAUSE OF ACTION**  
**Intentional Infliction of Emotional Distress**  
**By Plaintiffs And As Against All Defendants**

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3       24. Plaintiff incorporates by reference all paragraphs in this Complaint as  
4 though fully set forth herein.

5       25. The actions of Defendant were outrageous and intentional and done with  
6 malice and reckless disregard of the likelihood of causing the Plaintiffs to suffer severe  
7 emotional distress.

8       26. Defendant's conduct proximately caused Plaintiffs' harm and damage  
9 including anxiety, frustration, anger, vulnerability, loss of privacy, humiliation, sleep loss,  
10 inconvenience, grief and emotional distress.

11       27. Defendant engaged in despicable conduct with a willful and conscious  
12 disregard of Plaintiffs' rights and was therefore malicious. Defendant's despicable  
13 conduct subjected Plaintiffs to cruel and unjust hardship, and was therefore oppressive.  
14 These acts therefore justify the awarding of exemplary and/or punitive damages pursuant  
15 to Code of Civil Procedure §3294.

16       28. Plaintiffs are informed and believe and thereupon alleges that the fictitious  
17 Defendants named as DOES 1 through 100, inclusive, aided, abetted, incited, compelled,  
18 coerced or conspired to commit one or more of the acts alleged herein.

19 WHEREFORE, plaintiff prays judgment against defendants as hereinafter set forth.

**FOURTH CAUSE OF ACTION**  
**Negligent Entrustment of a Dangerous Instrumentality**  
**By Plaintiff And As Against All Defendants**

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24       29. Plaintiff incorporates by reference all paragraphs in this Complaint as  
25 though fully set forth herein.  
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SAN JOSE, CALIFORNIA 95128  
(408) 246-5500

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30. A motor vehicle is a dangerous instrumentality.

31. Brass Knuckles are a dangerous instrumentality, the possession of which is made illegal pursuant to California Penal Code section 21810, and are designated a nuisance pursuant to California Penal Code section 21890.

32. Defendants Does 1 through 100, and each of them, were the owners of said dangerous instrumentalities, who supplied, furnished, permitted access and/or entrusted said dangerous instrumentalities for use to Defendant who was known or should have been known by said Doe Defendants, to be incompetent by virtue of incapacity or legal impossibility, to safely operate or possess said instrumentalities, or in a manner that involved the unreasonable risk of harm to others.

33. Defendant's conduct proximately caused Plaintiffs' harm and damage including anxiety, frustration, anger, vulnerability, loss of privacy, humiliation, sleep loss, inconvenience, grief and emotional distress.

34. Defendant engaged in despicable conduct with a willful and conscious disregard of Plaintiffs' rights and was therefore malicious. Defendant's despicable conduct subjected Plaintiffs to cruel and unjust hardship, and was therefore oppressive. These acts therefore justify the awarding of exemplary and/or punitive damages pursuant to Code of Civil Procedure §3294.

35. Plaintiffs are informed and believe and thereupon alleges that the fictitious Defendants named as DOES 1 through 100, inclusive, aided, abetted, incited, compelled, coerced or conspired to commit one or more of the acts alleged herein.

WHEREFORE, plaintiff prays judgment against defendants as hereinafter set forth.

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V. DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiffs demand a jury trial in this action.

VI. PRAYER FOR RELIEF

WHEREFORE Plaintiffs prays judgment against Defendants, and each of them, as follows:

On All Causes of Action  
As Against All Defendants

1. For general damages in an amount according to proof;
2. For economic damages in an amount according to proof;
3. For exemplary or punitive damages, according to proof;
4. For prejudgment interest pursuant to California Civil Code section 3288;
5. For attorney fees pursuant to California Code of Civil Procedure section 1021.4;
6. For costs of suit;
7. For such other and further relief as the Court deems appropriate and just.

Dated: April 15, 2014

HINKLE, JACHIMOWICZ, POINTER & EMANUEL

By:



BRAID PEZZAGLIA

Attorneys for Plaintiffs

Marc Santos individually and as G.A.L. for Mark Antony Santos, Nadiah Santos, and Milania Santos, minors, and Angelica Cortez

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