

SUM-110

**SUMMONS**  
**Cross-Complaint**  
**(CITACION JUDICIAL-CONTRADEMANDA)**

**NOTICE TO CROSS-DEFENDANT:**

**(AVISO AL CONTRA-DEMANDADO):**

RAYMONDO McDONALD, an individual; AHMAD BROOKS, an individual; and Roes 1 through 20

**YOU ARE BEING SUED BY CROSS-COMPLAINANT:**

**(LO ESTÁ DEMANDANDO EL CONTRADEMANDANTE):**

KEILEY WOLFF, an individual

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**FILED**

2015 MAY -5 P 3:08

David H. Yamasaki, Clerk of the Superior Court  
County of Santa Clara, California  
By: S. ACKARD Deputy Clerk

FILED BY FAX

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the cross-complainant. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

*Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al contrademandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.*

*Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), o oriéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.*

The name and address of the court is:

(El nombre y dirección de la corte es):

Santa Clara Superior Court  
191 N. First Street, San Jose, CA 95113

SHORT NAME OF CASE (from Complaint): (Nombre de Caso):

McDonald v. Wolff

CASE NUMBER: (Número del Caso):

1-15-cv-278108

The name, address, and telephone number of cross-complainant's attorney, or cross-complainant without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del contrademandante, o del contrademandante que no tiene abogado, es):

Gloria Allred (State Bar No. 65033) 323-653-6530  
Allred, Maroko & Goldberg, 6300 Wilshire Blvd., Suite 1500  
Los Angeles, CA 90048

DATE:

(Fecha)

MAY 05 2015

DAVID H. YAMASAKI

Chief Executive Officer, Clerk

Clerk, by

(Secretario)

S. ACKARD

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons (POS-010).)

[SEAL]



**NOTICE TO THE PERSON SERVED: You are served**

1. ☐ as an individual cross-defendant.

2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

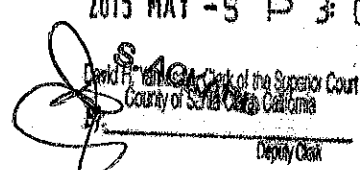
☐ other (specify):

4. ☐ by personal delivery on (date):

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>John C. Carpenter, SBN 155610</b> <b>Carpenter, Zuckerman &amp; Rowley, LLP</b> <b>8827 West Olympic Blvd.</b> <b>Beverly Hills, CA 90211</b> TELEPHONE NO.: <b>310-273-1230</b> FAX NO.: <b>310-858-1063</b> ATTORNEY FOR (Name): <b>Cross-Complainant Keiley Wolff</b>		FOR COURT USE ONLY  <b>FILED</b>  <b>2015 MAY -5 P 3:07</b>  Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>Santa Clara</b> STREET ADDRESS: <b>191 North First Street</b> MAILING ADDRESS: <b>191 North First Street</b> CITY AND ZIP CODE: <b>Santa Clara, CA 95113</b> BRANCH NAME: <b>Downtown</b>		
CASE NAME: <b>Wolff v. McDonald</b>		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less) <b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		CASE NUMBER: <b>1-15-cv-278108</b>  JUDGE: <b>Lucas</b> DEPT: <b>02</b>

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other P/IPD/W/D (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input checked="" type="checkbox"/> Other P/IPD/W/D (23) <b>Non-P/IPD/W/D (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/IPD/W/D tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a. ☒ monetary     b. ☐ nonmonetary; declaratory or injunctive relief     c. ☒ punitive
4. Number of causes of action (specify): **4**
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: May 5, 2015  
 John C. Carpenter

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

## NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

## Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (48) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

## Other PIPD/WVD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability *(not asbestos or toxic/environmental)* (24)  
Medical Malpractice (45)  
Medical Malpractice—  
Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PIPD/WVD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PIPD/WVD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PIPD/WVD

## Non-PIPD/WVD (Other) Tort

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice *(not medical or legal)*  
Other Non-PIPD/WVD Tort (35)  
Employment  
Wrongful Termination (36)  
Other Employment (15)

## Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract *(not unlawful detainer or wrongful eviction)*  
Contract/Warranty Breach—Seller  
Plaintiff *(not fraud or negligence)*  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage *(not provisionally complex)* (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

## Real Property

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

## Unlawful Detainer

Commercial (31)  
Residential (32)  
Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

## Judicial Review

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor Commissioner Appeals

## Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

## Enforcement of Judgment

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment *(non-domestic relations)*  
Sister State Judgment  
Administrative Agency Award *(not unpaid taxes)*  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

## Miscellaneous Civil Complaint

RICO (27)  
Other Complaint *(not specified above)* (42)  
Declaratory Relief Only  
Injunctive Relief Only *(non-harassment)*  
Mechanics Lien  
Other Commercial Complaint Case *(non-tort/non-complex)*  
Other Civil Complaint *(non-tort/non-complex)*

## Miscellaneous Civil Petition

Partnership and Corporate Governance (21)  
Other Petition *(not specified above)* (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim  
Other Civil Petition

UCS  
FILED

2015 MAY -5 P 3: 08

David H. Yamasaki, Clerk of the Superior Court  
County of Santa Clara, California  
D. S. ACKARD  
Deputy Clerk

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Attorneys for Defendant,  
Keiley Wolff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SANTA CLARA**

RAYMONDO McDONALD, an individual

Plaintiff,

vs.

KEILEY WOLFF aka KEILEY WOLFF, and  
Does I through X,

Defendants.

KEILEY WOLFF, an individual

Cross-Complainant,

vs.

RAYMONDO McDONALD, an individual;  
AHMAD BROOKS, an individual; and Roes I  
through 20,

Defendants.

CASE NO. 1-15-cv-278108

Action Filed: March 16, 2015  
Trial Date: Not set

**CROSS-COMPLAINANT KEILEY  
WOLFF'S CROSS-COMPLAINT  
FOR DAMAGES:**

1. ASSAULT AND BATTERY;
2. NEGLIGENCE;
3. INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS; AND
4. FALSE IMPRISONMENT

**\*\*DEMAND FOR JURY TRIAL\*\***

Department: 02  
Judge: Hon. Patricia M. Lucas

1 Cross-Complainant Keiley Wolff alleges:

2  
3 **PARTIES**

4 1. Cross-Complainant Keiley Wolff is an individual and is now, and at all times  
5 mentioned in this complaint was, a resident of California.

6 2. Cross-Defendant Raymondo McDonald was at all times mentioned in this  
7 complaint a resident of California and a member of the San Francisco 49ers professional football  
8 team. Mr. McDonald is currently a player for the Chicago Bears. His current residence is  
9 unknown.

10 3. Cross-Defendant Ahmad Brooks is an individual and is now, and at all times  
11 mentioned in this complaint was, a resident of California. Mr. Brooks is a player for the San  
12 Francisco 49ers, a professional football team.

13 4. The true names and capacities of the defendants sued herein as ROES 1 through  
14 20, are unknown to the cross-complainant, who therefore sues such defendants by such fictitious  
15 names pursuant to *Code of Civil Procedure* § 474. Cross-Complainant alleges that each  
16 fictitiously named defendant acted or failed to act in such a manner that each has caused the  
17 damages to the cross-complainant alleged herein. Cross-Complainant will seek leave to amend  
18 this complaint to set forth the true names of the fictitiously named defendants and their capacities  
19 when ascertained. Reference herein to any defendant shall include reference to all defendants,  
20 including all named and all fictitiously named cross-defendants.

21 5. At all times relevant herein, Cross-Defendant Raymondo McDonald owned  
22 maintained, controlled, and managed the residence at 2516 Bentley Ridge Drive, San Jose,  
23 California 95138 (hereinafter the "Subject Property").

24 6. The cross-complainant is informed and believes and thereon alleges that at all  
25 times mentioned in this complaint, all of the defendants – including ROES 1 through 20 – were  
26 the agents and employees of their co-defendants, and in doing the things alleged in this complaint  
27 were acting within the course and scope of that agency and employment and with the knowledge,  
28 permission, and consent of each of the co-defendants. Cross-Complainant is further informed

1 and believes and thereon alleges that each of the defendants designated ROE is responsible in  
2 some manner for the events and happenings herein referred to and thereby proximately caused  
3 injuries and damages to the cross-complainant as herein alleged.

4 7. The cross-complainant further alleges that each defendant ratified and approved of  
5 the acts of each of the other defendants and that each of the defendants participated in a common  
6 plan or scheme and wilfully agreed and conspired with each of the other defendants to do the acts  
7 and act in the manner herein alleged, and that in doing the acts herein alleged, each acted  
8 pursuant to and in furtherance of said common plan or scheme.

#### 9 10 GENERAL ALLEGATIONS

11 8. On or about December 14, 2014, the cross-complainant was invited by Cross-  
12 Defendant McDonald to visit his residence, the Subject Property. On that day, the cross-  
13 complainant did in fact visit the Subject Property.

14 9. Prior to that day, the cross-complainant was unaware that Defendant McDonald  
15 was a professional football player. Cross-complainant was further unaware that Defendant  
16 McDonald had been in the news for allegations of domestic violence.

17 10. Cross-complainant is informed and believes that surveillance video at the Subject  
18 Property shows the following, without limitation:

19 A. The cross-complainant slipped and fell on a negligently maintained,  
20 dangerously slippery deck near the swimming pool and struck her head. Cross-complainant is  
21 informed and believes that she suffered a traumatic brain injury, including a loss of  
22 consciousness for more than eight minutes.

23 B. Cross-complainant is informed and believes that while she was lying  
24 unconscious on the pool deck, Cross-Defendant McDonald erroneously believed her to be dead,  
25 did not call 911, and told others that he did not want a dead female to be found on his property.

26 C. Cross-complainant is informed and believes that she regained semi-  
27 consciousness, but then fell on additional occasions due to her altered state from the head injury  
28 and earlier consumption of alcohol.

1 D. Cross-complainant is informed and believes that while she was  
2 unconscious from a subsequent fall, Cross-Defendant Brooks groped her person in a sexual  
3 manner.

4 E. Cross-complainant is informed and believes that prior to regaining full  
5 consciousness and while she was unable to give consent, the cross-complainant was carried  
6 upstairs by Cross-Defendant McDonald to his bedroom.

7 11. Thereafter, Cross-Defendant McDonald removed the cross-complainant's clothes  
8 and then engaged in un-consented touching, restraint, and sex with the cross-complainant. At all  
9 times, the cross-complainant could not consent to the touching and did not consent.

10 12. Such un-consented touches continued through the following day.

11  
12 **FIRST CAUSE OF ACTION**

13 **(Assault and Battery against All Cross-Defendants )**

14 13. Cross-Complainant incorporates herein by reference as though set forth in full  
15 here at, paragraphs 1 through 12, inclusive of the Cross-Complaint herein as though set forth in  
16 full here.

17 14. On or about December 14, 2014, at the Subject Property, Cross-Defendants  
18 Brooks, McDonald, and Roes 1-20 intentionally caused harmful and offensive contact and force  
19 with the cross-complainant's person by his willful and intentional acts of harmful and offensive  
20 touching.

21 15. The cross-complainant did not consent to any of the offensive contact or  
22 attempted contacts with her person.

23 16. The cross-defendants threatened and instilled in the cross-complainant an  
24 apprehension, intimidation, and fear of immediate, offensive, violent and unlawful injury on her  
25 person, and actual injury on her person.

26 17. The cross-defendants' acts were authorized, approved, condoned and/or ratified  
27 by each of the defendants.

28 18. As a proximate result of the cross-defendants' acts as described above, the cross-

1 complainant was hurt in her health, strength, and activity, sustaining injury to her body and shock  
2 and injury to her nervous system, and person all of which injuries have caused and continue to  
3 cause the cross-complainant great physical, mental, and nervous pain and suffering all to her  
4 general damages in an amount to be proven at trial and incurred damages all to her general  
5 damages in an amount to be proven at trial.

6 19. As a further proximate result of Cross-Defendants acts' and each of them, as  
7 mentioned herein, and because of the injuries it was necessary for the cross-complainant to  
8 receive medical care and treatment and the cross-complainant did incur hospital, medical, and  
9 incidental expenses and will in the future be compelled to incur additional expenses in an amount  
10 unknown to the cross-complainant at the present time but to be proven at trial. As a further  
11 proximate result of the negligence of Defendants and each of them, the cross-complainant's  
12 earning capacity has been greatly impaired, both in the past and in the present in an amount  
13 according to proof.

14 20. The aforementioned acts of Cross-Defendants were despicable, willful, and  
15 malicious and were intended to oppress and cause injury to Cross-Complainant within the  
16 meaning of the *Civil Code* § 3294, and, therefore, the Cross-Complainant is entitled to an award  
17 of exemplary and punitive damages in an amount sufficient to punish Cross-Defendants, and to  
18 deter the Cross-Defendants from committing similar acts in the future.

## 19 20 SECOND CAUSE ACTION

21 (Negligence Against Cross-Defendants McDonald and Roes 1-20)

22 21. Cross-Complainant incorporates herein by reference as though set forth in full  
23 here at, paragraphs 1 through 20, inclusive of the Cross-Complaint herein as though set forth in  
24 full here.

25 22. On or about December 14, 2014, at the Subject Property, Cross-Complainant  
26 slipped and fell near the pool deck, causing the cross-complainant to sustain serious injuries and  
27 damages as described herein.

28 23. At the aforementioned time and place, the cross-defendants negligently



1 maintained, managed, controlled, installed, and operated the Subject Property, causing the cross-  
2 complainant to be injured. These cross-defendants, knew, or in the exercise of reasonable care  
3 should have known, the pool deck area constituted a dangerous condition and unreasonable risk  
4 of harm. These cross-defendants negligently, and in reckless disregard, failed to take steps to  
5 either make the condition safe, or warn the cross-complainant of the dangerous condition, all of  
6 which caused the cross-complainant to suffer the injuries and damages hereinafter described all  
7 of which were directly and proximately caused by the cross-defendants' negligence.

8         24. As a further direct and proximate result of the negligence of the cross-defendants  
9 as set forth above, the cross-complainant sustained the following serious injuries and damages:  
10 She was injured in her health, strength and activity, sustaining injury to her body and shock and  
11 injury to her nervous system, and person, and extreme and severe mental anguish and emotional  
12 distress all of which have caused and continue to cause the cross-complainant great physical,  
13 mental, and nervous pain and suffering all to her general damages in an amount to be proven at  
14 trial.

15         25. As a further proximate result of the negligence of the cross-defendants and each of  
16 them, as mentioned herein, and because of the injuries it was necessary for the cross-complainant  
17 to receive medical care and treatment and the cross-complainant did incur hospital, medical, and  
18 incidental expenses and will in the future be compelled to incur additional expenses in an amount  
19 unknown to the cross-complainant at the present time but to be proven at trial.

20         26. As a further proximate result of the negligence of the cross-defendants and each of  
21 them, the cross-complainant's earning capacity has been greatly impaired, both in the past and in  
22 the present in an amount according to proof.

### 23 24 THIRD CAUSE OF ACTION

25 **(For Intentional Infliction of Emotional Distress against all Cross-Defendants)**

26         27. Cross-Complainant incorporates herein by reference as though set forth in full  
27 here at, paragraphs 1 through 26, inclusive of the Cross-Complaint herein as though set forth in  
28 full here.

28. Through the outrageous conduct described above, Cross-Defendants, and each of them, acted with the intent to cause, or with reckless disregard for the probability of causing the Cross-Complainant to suffer severe emotional distress.

29. As a direct and proximate cause of action or inaction by the cross-defendants, the cross-complainant has suffered and will continue to suffer pain and suffering, loss of sleep, and extreme and severe mental anguish and emotional distress; she has incurred and will continue to incur medical expenses for treatment by psychotherapists and other health professionals, and for other incidental expenses; and she has suffered and will continue to suffer a loss of earnings and other employment benefits and job opportunities. The cross-complainant is thereby entitled to general and compensatory damages in amounts to be proven at trial.

30. The aforementioned acts of cross-defendants, were despicable, willful, and malicious and were intended to oppress and cause injury to cross-complainant within the meaning of the *Civil Code* section 3294, and, therefore, the cross-complainant is entitled to an award of exemplary and punitive damages in an amount sufficient to punish cross-defendants, and to deter the cross-defendants from committing similar acts in the future.

#### FOURTH CAUSE OF ACTION

**(False Imprisonment against All Cross-Defendants )**

31. The cross-complainant re-alleges each and every allegation contained in the above paragraphs 1 through 30, and by this reference incorporates said paragraphs as though fully set forth herein.

**32. On or about December 14, 2014, at the Subject Property, Cross-Defendants intentionally deprived the cross-complainant of her freedom of movement by use of physical force and unreasonable duress.**

33. The confinement and restraint of the cross-complainant compelled the cross-complainant to stay for an appreciable amount of time.

**34. The cross-complainant did not consent.**

**35. As a proximate result of the cross-defendants' acts as described above, the cross-**

1 complainant was hurt in her health, strength, and activity, sustaining injury to her body and shock  
2 and injury to her nervous system, and person all of which injuries have caused and continue to  
3 cause the cross-complainant great physical, mental, and nervous pain and suffering all to her  
4 general damages in an amount to be proven at trial and incurred damages all to her general  
5 damages in an amount to be proven at trial.

6 36. As a further proximate result of the cross-defendants acts' and each of them, as  
7 mentioned herein, and because of the injuries it was necessary for the cross-complainant to  
8 receive medical care and treatment and the cross-complainant did incur hospital, medical, and  
9 incidental expenses and will in the future be compelled to incur additional expenses in an amount  
10 unknown to the cross-complainant at the present time but to be proven at trial. As a further  
11 proximate result of the negligence of cross-defendants and each of them, the cross-complainant's  
12 earning capacity has been greatly impaired, both in the past and in the present in an amount  
13 according to proof.

14 37. The aforementioned acts of cross-defendants were despicable, willful, and  
15 malicious and were intended to oppress and cause injury to cross-complainant within the  
16 meaning of the *Civil Code* section 3294, and, therefore, the cross-complainant is entitled to an  
17 award of exemplary and punitive damages in an amount sufficient to punish cross-defendants,  
18 and to deter the cross-defendants from committing similar acts in the future.

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1 WHEREFORE Cross-Complainant prays judgment against the Defendants and each of  
2 them, as follows:

3 ALL CAUSES OF ACTION:

- 4 1. For general and compensatory damages according to proof;  
5 2. For all special medical and incidental expenses according to proof;  
6 3. For lost earning and lost earning capacity;  
7 4. Punitive and exemplary damages (except as to Cause of Action No. 2);  
8 5. Costs of suit; and  
9 6. For such other and further relief as to the Court may seem just and proper.


10  
11 DATED: May 5, 2015

Respectfully submitted,

12  
13 ALLRED, MAROKO & GOLDBERG

14   
15 Gloria Allred  
16 Attorneys for Cross-Complainant

17  
18 CARPENTER, ZUCKERMAN & ROWLEY, LLP

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20  
21 John C. Carpenter  
22 Attorneys for Cross-Complainant

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**DEMAND FOR JURY TRIAL**

The Cross-Complainant hereby demands a trial by jury on all causes of action.

DATED: May 5, 2015

Respectfully submitted,

ALLRED, MAROKO & GOLDBERG

  
Gloria Allred  
Attorneys for Cross-Complainant

CARPENTER, ZUCKERMAN & ROWLEY, LLP

  
John C. Carpenter  
Attorneys for Cross-Complainant

FILED

**PROOF OF SERVICE**

2015 MAY -5 P 3: 08

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 8827 West Olympic Blvd, Beverly Hills, California 90211.

On May 5, 2015, I served the attached document described as **CROSS-COMPLAINANT KEILEY WOLFF'S CROSS-COMPLAINT FOR DAMAGES** on all interested parties in this action

☐ by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.  
☒ by placing ☐ the original ☒ a true copy thereof enclosed in sealed envelopes addressed as follows:

Steve M. Defilippis, Esq.  
PICONE & DEFILIPPIS  
625 North First Street  
San Jose, California 9511  
(408) 292-0441 (Phone)  
(408) 287-6550 (Fax)  
Email: [flipsmd2005@yahoo.com](mailto:flipsmd2005@yahoo.com)

☒ BY U.S. MAIL

☐ I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

☒ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Beverly Hills, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ BY FAX to the Judicial Council, pursuant to CCP § 425.16(j)(1).

EXECUTED on May 5, 2015, at Beverly Hills, California.

☒ STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Robert Mendoza  
Type or Print Name

  
Signature