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(SPACE BELOW FOR FILING STAMP ONLY)

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FILED
FRESNO SUPERIOR COURT

JAN 14 2016

Attorneys for **Plaintiffs**

BY _____ DEPUTY

SUPERIOR COURT OF CALIFORNIA

COUNTY OF FRESNO

BROOKE JUAREZ, Individually,
and as Successor In Interest
to the ESTATE OF KYLE JUAREZ;
BROOKE JUAREZ as Guardian ad Litem
for Minor Plaintiffs MACEY L.
JUAREZ and BRODY B. JUAREZ,

Plaintiffs,

vs.

ROGERS HELICOPTERS, INC.; and
DOES 1 through 50,

Defendants.

NO. **16 CE CG 00 116**
**COMPLAINT FOR WRONGFUL
DEATH**

PRELIMINARY ALLEGATIONS

1. That KYLE JUAREZ and BROOKE JUAREZ were legally married
on June 14, 2008, and were husband and wife prior to and as of the
date of the subject accident which occurred on December 10, 2015.

2. Plaintiffs BROOKE JUAREZ, MACEY L. JUAREZ and BRODY B.
JUAREZ are the sole heirs of decedent KYLE JUAREZ for the purposes
of bringing this wrongful death lawsuit.

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1 3. That prior to or coinciding with the commencement of this
2 action, BROOKE JUAREZ was appointed Guardian Ad Litem of Minor
3 Plaintiffs MACEY L. JUAREZ and BRODY B. JUAREZ by Order of the
4 above-entitled Court for the purpose of prosecuting this action.
5 That said Order has neither been modified nor vacated nor set aside
6 and that BROOKE JUAREZ is now the duly appointed, qualified and
7 acting Guardian Ad Litem of Plaintiffs MACEY L. JUAREZ and BRODY B.
8 JUAREZ.

9 4. Plaintiff BROOKE JUAREZ is Successor In Interest to the
10 ESTATE OF KYLE JUAREZ. Prior to or coincident with the commencement
11 of this action, Plaintiff BROOKE JUAREZ filed a Declaration as the
12 successor in interest of Decedent, KYLE JUAREZ, pursuant to C.C.P.
13 §377.32. Said Declaration accompanies and is served with this
14 Complaint. In such capacity, Plaintiff BROOKE JUAREZ brings this
15 claim for a Survival Cause of Action for Decedent pursuant to
16 California Code of Civil Procedure, Section 377.30 et seq.

17 5. The Defendants, and each of them, were the agents,
18 servants, representatives and employees of the remaining
19 defendants, and each of them, and were at all times herein acting
20 within the purpose and scope of said agency, service representation
21 and employment.

22 6. ~~Plaintiffs are unaware of the true names and capacities~~
23 of defendants DOES 1 through 50 and therefore plaintiffs sue said
24 defendants by such fictitious names and will move to amend to
25 insert the true names of said defendants when the true names
26 identities and acts giving rise to their liability in regard to the
27 above-entitled action, become known to plaintiffs. Plaintiffs are
28 informed and believe and therefore allege that each of the

1 defendants designated herein a DOE defendant is responsible in some
2 manner for the events and happenings referred to herein.

3 7. Defendant ROGERS HELICOPTERS, INC., was at all times and
4 places mentioned herein, and now is, either a co-partnership,
5 association or corporation, duly organized, formed, licensed to do
6 business and doing business under and by virtue of the laws of the
7 State of California, and in the State of California; or, was and
8 now is either a co-partnership, association or corporation, duly
9 organized, and existing under and by virtue of the laws of a
10 foreign jurisdiction and authorized to do business and doing
11 business in the State of California, under and by virtue of the
12 laws of the State of California, and was at all times and places
13 mentioned herein doing business in the State of California.

14 8. On December 10, 2015, plaintiffs' decedent KYLE JUAREZ
15 was a passenger in a Bell 407 helicopter owned and operated by
16 defendant ROGERS HELICOPTERS, INC. and DOES 1-50, on a Helicopter
17 Emergency Medical Services run en route to Memorial Hospital in
18 Bakersfield, California, when the said helicopter crashed into
19 terrain in a field approximately nine miles east of McFarland,
20 California, adjacent to State Route 65. All aboard were killed.

21 **FIRST CAUSE OF ACTION**

22 **WRONGFUL DEATH**
23 **NEGLIGENCE**

24 **[Defendant ROGERS HELICOPTERS, INC.]**

25 9. Plaintiffs restate and reiterate each and all of the
26 paragraphs and allegations set forth above, and make them part of
27 this cause of action as though fully set forth here.

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1 10. Defendant ROGERS HELICOPTERS, INC. and Does 1-50 so
2 negligently owned, leased, possessed, controlled, occupied,
3 maintained, managed and operated the Bell 407 helicopter described
4 herein above as to cause it to crash into terrain, causing the
5 death of plaintiffs' decedent. Defendants' conduct was negligent,
6 lacked reasonable due care, and was negligent per se in violation
7 of applicable laws, statutes, codes and regulations.

8 11. As a direct and proximate result of the acts, conduct and
9 omissions of defendant, plaintiffs' decedent, KYLE JUAREZ, suffered
10 severe and catastrophic injuries as well as great physical pain and
11 mental suffering and shock, ultimately causing his death on
12 December 10, 2015. Said decedent endured great physical pain and
13 mental suffering prior to his wrongful death, all to his economic
14 and non-economic damages according to proof.

15 12. As a further direct and proximate result of the acts,
16 conduct and omissions of the defendants, and each of them, and of
17 the negligence herein described, and of the accident of December
18 10, 2015, and on behalf of plaintiffs' decedent, KYLE JUAREZ,
19 plaintiffs were required to and did employ physicians, surgeons and
20 nurses to examine, treat and care for decedent prior to his death
21 and, due to such care, plaintiffs did incur medical and incidental
22 ~~expenses in an amount not now known to them.~~

23 13. As a further direct and proximate result of the wrongful
24 death of KYLE JUAREZ, plaintiffs have suffered financial loss and
25 loss of his service, love, companionship, comfort, affection,
26 society, solace, and moral support. These damages are in excess of
27 the minimum jurisdictional limits of this court.

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1 WHEREFORE, plaintiffs pray judgment against the defendants
2 named herein above, and each of them, as hereinafter set forth.

3 **SECOND CAUSE OF ACTION**

4 **SURVIVORS CAUSE OF ACTION**
5 **(C.C.P. §377.30)**

6 14. Plaintiffs restate and reiterate each and all of the
7 paragraphs and allegations set forth above, and make them part of
8 this cause of action as though fully set forth here.

9 15. BROOKE JUAREZ brings this cause of action as Successor In
10 Interest to the ESTATE OF KYLE JUAREZ.

11 16. That as a direct and legal result of the above-described
12 negligence, acts, conduct and omissions of the defendants, and each
13 of them, the Decedent, KYLE JUAREZ, suffered severe and painful
14 injuries, all of which resulted in damages incurred by Decedent,
15 KYLE JUAREZ, prior to his death, and in damages to plaintiffs as
16 alleged herein above and herein below.

17 17. That medical bills and funeral bills accrued at the time
18 of the death of KYLE JUAREZ and plaintiffs claim them as damages,
19 along with all other elements of damages pled, as a legal cause of
20 the negligence and conduct of the defendants as herein stated and
21 the wrongful death of decedent.

22 ~~WHEREFORE plaintiffs pray judgment against defendants ROGERS~~
23 ~~HELICOPTERS, INC.; and DOES 1-50, and each of them, as follows:~~

- 24 a. For general damages according to proof;
25 b. For special damages according to proof;
26 c. For costs of suit;

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- d. For prejudgment interest as allowed by law;
- e. For such other and further relief as the court may deem proper.

DATED: January 14, 2016

MILES, SEARS & EANNI

By: 
RICHARD C. WATTERS
Attorneys for Plaintiffs