

1 **BARRY P. GOLDBERG, ESQ. (SBN 115667)**  
2 **BARRY P. GOLDBERG, APLC**  
3 23586 Calabasas Road, Suite 200  
4 Calabasas, California 91302  
5 Tel: (818) 222-6994  
6 Fax: (818) 222-4995

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8 Attorney for Plaintiff **VANESSA INTERLICCHIA**

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF LOS ANGELES**

11 **VANESSA INTERLICCHIA,** ) Case No.:  
12 **Plaintiff,** ) [Unlimited]  
13 **vs.** ) **COMPLAINT FOR DAMAGES**  
14 **LOS ANGELES UNIFIED SCHOOL** ) [Gov. Code sec. 835 – Dangerous Condition of  
15 **DISTRICT, and DOES 1-100, Inclusive.** ) **Public Property]**  
16 **Defendants.** )  
17 \_\_\_\_\_ )

18 COMES NOW Plaintiff VANESSA INTERLICCHIA (“Plaintiff”) and alleges as  
19 follows:

20 1. At all times herein mentioned, Plaintiff VANESSA INTERLICCHIA is and was a  
21 resident of the County of Los Angeles, State of California.

22 2. At all times herein mentioned, Defendant LOS ANGELES UNIFIED SCHOOL  
23 DISTRICT (“LAUSD”), is and was a governmental public entity in the County of Los Angeles,  
24 State of California.

25 3. Plaintiff is informed and believes, and upon such information and belief alleges,  
26 that the acts and conduct of the Defendants, and each of them, hereinafter complained of,  
27 occurred in the County of Los Angeles, State of California.  
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1           4.       Plaintiff brings forth her complaint for damages pursuant to the Tort Claims Act  
2 under *Government Code* Section 835 for liability for dangerous condition of public property.  
3 Plaintiff properly filed her claim against Defendant LAUSD within six months of the date of  
4 accident, on April 23, 2007. A true and correct copy of Plaintiff's claim and its attachments are  
5 attached hereto as Exhibit "A".

6           5.       The true names and capacities, whether individual, corporate, associate or  
7 otherwise of Defendants DOES 1 through 100, Inclusive, are unknown to Plaintiff who,  
8 therefore, sues said Defendants by such fictitious names. Plaintiff is informed and believes and  
9 thereon alleges that each of the Defendants designated herein as a DOE is negligently  
10 responsible in some manner for the events and happenings herein referred to and negligently  
11 caused injury and damages proximately thereby to Plaintiff as herein alleged. Each reference in  
12 this complaint to "Defendant," "Defendants," or a specifically named Defendant refers also to all  
13 Defendants sued under fictitious names.

14           6.       At all times herein mentioned, each of the Defendants were the agents and  
15 employees of each of the remaining Defendants and, in doing the things hereinafter alleged, was  
16 at all times acting within the purpose, course and scope of said agency or employment with the  
17 knowledge, consent and permission of each of the other Defendants.

18           7.       Plaintiff is informed and believes, and thereon alleges, that at all times herein  
19 mentioned, Patrick Henry Middle School, located at 17340 San Jose Street, Granada Hills,  
20 California, 91344, is owned, operated, and governed by Defendant LAUSD, and was operating  
21 with the consent, permission and knowledge of Defendant LAUSD, and each of them.

22           8.       On or about December 7, 2006 at approximately 7:30 p.m., Plaintiff was walking  
23 on the campus of Patrick Henry Middle School when she tripped and fell off the south curb of  
24 the main campus driveway, Colonial Drive. The area of egress was pitch black and unlit even  
25 though there were two banks of flood lights on the north walls of the Girls' Lockerroom  
26 Building. Plaintiff stepped onto the edge of the south curb of the main campus driveway  
27 (Colonial Drive) roughly equidistant between the two banks of unlit flood lights. Plaintiff's  
28 ankle rolled off the top edge of the curb around where there is a defect in the curb joint. Plaintiff  
fell to the ground fracturing both ankles.

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**I.**

**FIRST CAUSE OF ACTION**

**(Government Code Sec. 835 – Dangerous Condition of Public Property)**

9. Plaintiff re-alleges paragraphs 1-8 as though fully set forth herein.

10. At all times herein mentioned, Plaintiff was a parent whose daughter attended Patrick Henry Middle School, and was lawfully on the campus watching her daughter's basketball game or practice. On or about December 7, 2006, at approximately 7:30 p.m., Plaintiff was exiting the gymnasium building towards the parking lot when she tripped and fell off the south curb of the main campus driveway, Colonial Drive. The area of egress between the gymnasium area and the parking lot was pitch black and unlit even though there were two banks of flood lights on the north walls of the Girls' Lockerroom Building adjacent to the gymnasium. Plaintiff stepped onto the edge of the south curb of the main campus driveway (Colonial Drive) roughly equidistant between the two banks of unlit flood lights. Plaintiff's ankle rolled off the top edge of the curb around where there is a defect in the curb joint, causing her to fall to the ground, fracturing both ankles.

11. *Government Code* Section 835 provides in pertinent part that:

“Except as provided by statute, a public entity is liable for injury caused by a dangerous condition of its property if the plaintiff establishes that the property was in a dangerous condition at the time of the injury, that the injury was proximately caused by the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred, and that either (a) a negligent or wrongful act or omission of an employee of the public entity within the scope of his employment created the dangerous condition; or (b) the public entity had actual or constructive notice of the dangerous condition under Section 835.2 a sufficient time prior to the injury to have taken measures to protect against the dangerous condition.”

12. Defendant LAUSD, and each of them, as a governmental public entity owning, operating and governing the school where Plaintiff was injured, owed a special duty of care to

1 maintain their campus in a reasonable and safe condition to prevent injury or harm to the  
2 students, parents, faculty, and the common public.

3 13. At the time of Plaintiff's fall, both banks of flood lights affixed to the north side  
4 of the Girls' Lockerroom Building adjacent to the gymnasium apparently designed to light the  
5 area of reasonable egress to the parking lot where Plaintiff fell, were either inoperable or turned  
6 off.

7 14. The negligent or wrongful acts or omissions of Defendant LAUSD, its agents or  
8 employees within the purpose, scope, or course of their employment, to maintain or replace  
9 these lights in an operable and safe condition to light this reasonable area of egress resulted in a  
10 breach of that duty and created a dangerous condition. The dangerously unlit means of egress  
11 between the exit and public way created a reasonably foreseeable risk of the kind of injury which  
12 Plaintiff suffered, and did suffer, because it prevented her from distinguishing the top edge of the  
13 south curb of the main campus driveway as she exited the gymnasium building to the parking lot.

14 15. As a direct and proximate result of the insufficient lighting and dangerous  
15 condition of this area, Plaintiff fell to the ground suffering serious, disabling injuries, including  
16 physical pain, nervous suffering and mental anguish. Plaintiff further alleges that all of these  
17 injuries will result in some future permanent disability, all to Plaintiff's damage in an amount  
18 which will be proven at the time of trial.

19 16. As a further, direct and proximate result of the dangerous condition, Plaintiff was  
20 required to and did employ physicians and surgeons and other medical personnel for the  
21 treatment and care of her injuries and has thereby incurred, and will in the future incur, medical  
22 expenses all to her damage in an amount which will be proven at the time of trial.

23 17. As a further, direct and proximate result of the dangerous condition, Plaintiff has  
24 suffered, and will in the future suffer, loss of earnings and earning capacity, the exact amount of  
25 which is unknown to Plaintiff at this time, all to her further damage in an amount which will be  
26 proven at the time of trial.

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