

1 PHILIP MAURIELLO
1450 MARKET ST.
2 SAN DIEGO/CA/92101
Tel: 973-876-5677
3 Attorney for ROBERT LOPEZ
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8 **UNITED STATES DISTRICT COURT FOR THE**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 ROBERT LOPEZ,
11 Plaintiff,
12 vs.

13 ADELANTO STADIUM INC,
14 California corporation;
and DOES 1 to 10,
15 Defendants.
16

Docket No.:

**COMPLAINT FOR
DAMAGES AND OTHER
EQUITABLE RELIEF**

DEMAND FOR JURY TRIAL

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18 Dated: 9/4/15
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1 fictitious names pursuant to U.S. Dist. Ct. Rules C.D.Cal., Local Civ Rule
2 19-1. Plaintiff is informed and believes that Doe defendants are California
3 entities or residents and that each is separately and severally liable for the
4 actions of the other defendants named in this action. Plaintiff will amend
5 this complaint to show their true names and capacities when they have
6 been determined.
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10 **STATEMENT OF FACTS**

11 8. On August 13, 2015, Robert Lopez was a spectator in the baseball
12 park owned and operated by defendant and was watching a High Desert
13 Mavericks' game in the executive club with his friends.
14

15 9. On that date, Mr. Lopez was struck in the face by a foul ball hit into
16 the executive club near the third base line.
17

18 10. Plaintiff is informed and believes, and on the basis of such
19 information and belief alleges there were no warnings or precautions for
20 foul balls in the executive club. Mr. Lopez also alleges there was no
21 protective netting in the area where he was watching the game.
22

23 11. Mr. Lopez suffered a severe injury to his face and specifically his
24 left eye. Mr. Lopez was unconscious and when he regained conscious
25 Robert Lopez was then transferred to a local hospital by friends for medical
26 attention.
27
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1 12. Mr. Lopez required surgery to his face and eye to repair the
2 damage done by the foul ball. Mr. Lopez missed a week of work due to the
3 treatment of his injuries. Mr. Lopez now requires the use of prescription
4 glasses for loss of vision as well decreased productivity at his job.
5

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7 **FIRST CLAIM FOR NEGLIGENT INJURY**

8 13. Mr. Lopez refers to and incorporates herein by reference
9 paragraphs 8 through 12 above, inclusive, as though fully set forth herein.
10

11 14. Defendant owes a duty of care to protect patrons from foul balls in
12 the area where it is well known that patrons are at greatest risk for these
13 injuries- down the foul lines.
14

15 15. Defendant owed plaintiff a duty to exercise reasonable care for his
16 safety.
17

18 16. Defendant was negligent in one or more of the following respects:
19

20 (a) Failed to have a protective screen at the location where Mr. Lopez
21 was standing although it knew or should have known that a spectator
22 standing at that location would be in danger of being struck by a foul
23 ball;
24

25 (b) Failed to provide a sufficient number of screened seats for
26 spectators, including Mr. Lopez, who might desire them;
27
28

1 (c) Failed to warn Mr. Lopez that his seat was in a place of danger
2 although defendant knew or should have known of prior injuries to
3 spectators from foul balls at that location; and
4

5 (d) Failed to exercise reasonable care to protect the plaintiff from the
6 danger of foul balls.
7

8 **SECOND CLAIM FOR PREMISES LIABILITY**
9

10 17. Mr. Lopez refers to and incorporates by reference paragraphs 8
11 through 12, inclusive, as though fully set forth here.
12

13 18. By virtue of the foregoing, Defendant was aware of the increased
14 risk of foul ball injuries behind home plate and failed to maintain Adelanto
15 Stadium in a safe condition by providing adequate netting to protect
16 patrons from being struck by foul balls in this area where there is the
17 greatest risk of injury.
18
19

20 19. Defendant also failed to warn patrons of the increased risk of foul
21 ball injuries occurring in this area behind home plate.
22

23 20. As a result of the actions of defendant and its agents and
24 employees, and Does One through Ten, Mr. Lopez has been injured and has
25 suffered damages as follows:
26

27 (a) He has lost wages while receiving treatment for his injuries;
28

1 (b) He has suffered a loss of vision and now requires the use of
2 prescription glasses.

3
4 (c) He has suffered from physical pain and emotional distress, and

5 (d) He has incurred medical expenses for treatment of her injuries.
6

7 **PRAYER FOR RELIEF**

8 WHEREFORE, plaintiff requests that this Court grant him relief as follows:
9

10 As to the First Claim for Relief;

11 1. A preliminary injunction for defendant to provide proper netting to
12 prevent the future injuries of spectators in the same area where Mr.
13 Lopez was injured.
14

15 As to the Second Claim for Relief

16 1. Damages for medical expenses, lost wages, earnings, and benefits
17 in the amount of, \$80,000,
18

19 2. Interest on damages for lost wages, earnings, and benefits at the
20 prevailing legal rate;
21

22 3. Compensatory and general damages for pain and suffering, mental
23 anguish and emotional distress, according to proof;
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25 4. Costs of suit; and Such other and further relief as the Court may
26 deem just and proper.
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1 Respectfully Submitted,

2 Dated: September 4, 2015
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8 Philip Mauriello Jr.

9
10 1450 Market St.

11 San Diego, CA 92101

12 mauriej@tjssl.edu

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14 973-876-5677
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1 **DEMAND FOR JURY TRIAL**

2 Plaintiff hereby demands a jury trial as provided by Rule 38(a) of the
3
4 Federal Rules of Civil Procedure.

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7 Dated: September 4, 2015

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10 *(signature of attorney)*

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13 *(printed name)*

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15 Attorneys for Plaintiff
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