

San Francisco Superior Courts
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Case Number: CGC-03-419538

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COMPLAINT

CHRISTIAN CROSIER VS. SNO-DRIFT DANCE CLUB et al

001C00666965

Instructions:

Please place this sheet on top of the document to be scanned.

SHORT TITLE: CROSIER v. SNO-DRIFT	CASE NUMBER:
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4. Plaintiff (*name*):
 is doing business under the fictitious name (*specify*):
 and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person
 a. **except** defendant (*name*): SNO-DRIFT DANCE CLUB

- (1) a business organization, form unknown
- (2) a corporation
- (3) an unincorporated entity (*describe*):
- (4) a public entity (*describe*):
- (5) other (*specify*):

c. **except** defendant (*name*):

- (1) a business organization, form unknown
- (2) a corporation
- (3) an unincorporated entity (*describe*):
- (4) a public entity (*describe*):
- (5) other (*specify*):

b. **except** defendant (*name*):

- (1) a business organization, form unknown
- (2) a corporation
- (3) an unincorporated entity (*describe*):
- (4) a public entity (*describe*):
- (5) other (*specify*):

d. **except** defendant (*name*):

- (1) a business organization, form unknown
- (2) a corporation
- (3) an unincorporated entity (*describe*):
- (4) a public entity (*describe*):
- (5) other (*specify*):

Information about additional defendants who are not natural persons is contained in Complaint — Attachment 5.

6. The true names and capacities of defendants sued as Does are unknown to plaintiff.

7. Defendants who are joined pursuant to Code of Civil Procedure section 382 are (*names*):

8. This court is the proper court because

- a. at least one defendant now resides in its jurisdictional area.
- b. the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
- c. injury to person or damage to personal property occurred in its jurisdictional area.
- d. other (*specify*):

9. Plaintiff is required to comply with a claims statute, and
 a. plaintiff has complied with applicable claims statutes, or
 b. plaintiff is excused from complying because (*specify*):

10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. Motor Vehicle
- b. General Negligence
- c. Intentional Tort
- d. Products Liability
- e. Premises Liability
- f. Other (*specify*): Negligent Infliction of Emotional Distress; False Imprisonment; Exemplary Damages

11. Plaintiff has suffered

- a. wage loss
- b. loss of use of property
- c. hospital and medical expenses
- d. general damage
- e. property damage
- f. loss of earning capacity
- g. other damage (*specify*):

12. The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. listed in Complaint — Attachment 12.
- b. as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

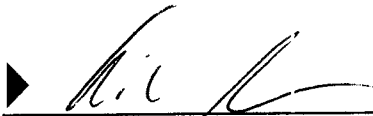
14. **PLAINTIFF PRAYS** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) compensatory damages
- (2) punitive damages
- b. The amount of damages is (*you must check (1) in cases for personal injury or wrongful death*):
 - (1) according to proof
 - (2) in the amount of: \$

15. The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: April 16, 2003

Daniel R. Shinoff/Gil Abed
(TYPE OR PRINT NAME)


(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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FIRST
(number)

CAUSE OF ACTION - General Negligence

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ATTACHMENT TO Complaint Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): CHRISTIAN CROSIER

alleges that defendant (name): SNO-DRIFT DANCE CLUB

Does 1 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff
on (date): April 28, 2002
at (place): SNO-DRIFT DANCE CLUB, located at 1830 Third Street, San Francisco, California
(description of reasons for liability):

Defendants negligently hired, employed, and trained their bouncer and security guard. while Plaintiff was a paid patron at the SNO-DRIFT, an employee working within the course and scope of his employment for Defendant SNO-DRIFT jumped Plaintiff from behind, placed him in a choke hold where Plaintiff lost consciousness, and dragged Plaintiff to the outside of the bar, throwing him on the pavement face first, severely injuring Plaintiff. This act by the employee of Defendant SNO-DRIFT was a non-provoked and unjustified excessive use of force against Plaintiff, who at no time had engaged in any unlawful activity.

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SECOND

(number)

CAUSE OF ACTION - NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS Page 5

ATTACHMENT TO Complaint Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): CHRISTIAN CROSIER

alleges that defendant (name): SNO-DRIFT DANCE CLUB

Does 1 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): April 28, 2002

at (place): SNO-DRIFT DANCE CLUB, located at 1830 Third Street, San Francisco, California

(description of reasons for liability):

See paragraph GN-1, First Cause of Action, the allegations of which are incorporated by reference herein.

Defendants negligently and unreasonably detained Plaintiff, placed him in a choke hold, restrained his movements, dragged him, and threw him on the pavement when, in fact, Defendants knew, or in the exercise of ordinary care should have known, that Plaintiff was harmless and did not engage in any unlawful activity. As a result of Defendants' conduct, Plaintiff has suffered, and will continue to suffer, severe emotional distress, anxiety, shock, nervousness, worry, humiliation, and physical pain and suffering.

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CASE NUMBER:

THIRD

(number)

CAUSE OF ACTION - Intentional Tort

Page 6

ATTACHMENT TO Complaint Cross-Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): CHRISTIAN CROSIER

alleges that defendant (name): SNO-DRIFT DANCE CLUB

Does 1 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff

on (date): April 28, 2002

at (place): SNO-DRIFT DANCE CLUB, located at 1830 Third Street, San Francisco, California

(description of reasons for liability):

See Paragraph GN-1, First Cause of Action, the allegations of which are incorporated by reference herein.

Defendants' employee, acting in the course and scope of his agency and employment, did intentionally strike, hit, tackle, choke, and otherwise engage in violent physical conduct with Plaintiff, without legal excuse, justification, or cause. Plaintiff at no time consented to the unlawful, harmful and offensive conduct by Defendants.

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FOURTH
(number)

CAUSE OF ACTION - FALSE IMPRISONMENT

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ATTACHMENT TO Complaint Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): CHRISTIAN CROSIER

alleges that defendant (name): SNO-DRIFT DANCE CLUB

Does 1 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff
on (date): April 28, 2002
at (place): SNO-DRIFT DANCE CLUB, located at 1830 Third Avenue, San Francisco, California
(description of reasons for liability):

See Paragraph GN-1, First Cause of Action, the allegations of which are incorporated by reference herein.

Defendants' employee, working in the course and scope of his agency and employment by Defendant SNO-DRIFT, did intentionally and against Plaintiff's will, confine and restrain Plaintiff, placing him in a choke hold using bodily force, and restrained his movement, without probable cause or other legal justification.

Exemplary Damages AttachmentPage 8ATTACHMENT TO Complaint Cross-ComplaintEX-1. As additional damages against defendant (*name*): SNO-DRIFT DANCE CLUB

Plaintiff alleges defendant was guilty of

 malice fraud oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

Defendant SNO-DRIFT engaged in intentional conduct (battery, false imprisonment). SNO-DRIFT was the employer and principal of the bouncer/security guard whose acts were authorized and committed under the instruction and express or implied approval of management of SNO-DRIFT. Further, all of the wrongful acts of the bouncer/security guard alleged in the complaint were subsequently ratified and approved by Defendant SNO-DRIFT, in that Defendant SNO-DRIFT continued to employ their bouncer/security guard after the acts alleged herein were committed.

EX-3. The amount of exemplary damages sought is

a. not shown, pursuant to Code of Civil Procedure section 425.10.b. \$