

SHORT TITLE: MARTINEZ v. AMERICAN INTERNATIONAL	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*): **American Inter. Inds.**

- (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 Attachment 5.

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

a. Doe defendants (*specify Doe numbers*): 1-10 were the agents or employees of other named defendants and acted within the scope of that agency or employment.

b. Doe defendants (*specify Doe numbers*): 11-20 are persons whose capacities are unknown to plaintiff.

7. Defendants who are joined under 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. has complied with applicable claims statutes, or
- b. is excused from complying because (*specify*):

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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*):

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 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
- The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):
- (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*):
- 5, 6, GN-1, L-4, L-5.

Date: March 5, 2010

Donald A. Green, Esq. _____
(TYPE OR PRINT NAME)

 _____
(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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FIRST _____ CAUSE OF ACTION—General Negligence Page 4
 (number)

ATTACHMENT TO Complaint Cross - Complaint

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

GN-1. Plaintiff (name): SYLVIA MARTINEZ

alleges that defendant (name): AMERICAN INTERNATIONAL INDUSTRIES

Does 1 to 20

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): or about 03/06/2008

at (place): plaintiff's residence in National City, CA

(description of reasons for liability):

Defendants owed consumers a duty of care to provide a product that was safe and not explosive when used according to the product's instructions. Defendants further owed plaintiff specifically as a purchaser of their product, "Gigi Brazilian Bikini Wax," a duty of care to warn of dangers associated with the use of their product.

Plaintiff purchased defendants' product and prepared it according to the enclosed instructions. Plaintiff was not provided any warning by defendants that the product may explode. Plaintiff prepared the product and the product exploded on plaintiff. Plaintiff alleges that the explosion of the product constituted a breach of the duty of care owed to plaintiff by defendants.

As a direct result of the negligence of defendants as alleged above, plaintiff suffered serious and permanent personal injuries, incurred medical expenses, and sustained pain and suffering in an amount according to proof.

SHORT TITLE:

MARTINEZ v. AMERICAN INTERNATIONAL

CASE NUMBER:

SECOND

(number)

CAUSE OF ACTION—Products Liability

Page 5

ATTACHMENT TO Complaint Cross - Complaint

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

Plaintiff (name): SYLVIA MARTINEZ

Prod. L-1. On or about (date): March 6, 2008 plaintiff was injured by the following product: Gigi Brazilian Bikini Wax

Prod. L-2. Each of the defendants knew the product would be purchased and used without inspection for defects. The product was defective when it left the control of each defendant. The product at the time of injury was being

used in the manner intended by the defendants.

used in the manner that was reasonably foreseeable by defendants as involving a substantial danger not readily apparent. Adequate warnings of the danger were not given.

Prod. L-3. Plaintiff was a

purchaser of the product.

user of the product.

bystander to the use of the product.

other (specify):

PLAINTIFF'S INJURY WAS THE LEGAL (PROXIMATE) RESULT OF THE FOLLOWING:

Prod. L-4. Count One—Strict liability of the following defendants who

a. manufactured or assembled the product (names):

American International Industries

Does 1 to 10

b. designed and manufactured component parts supplied to the manufacturer (names):

Does _____ to _____

c. sold the product to the public (names):

American International Industries

Does 11 to 20

Prod. L-5. Count Two—Negligence of the following defendants who owed a duty to plaintiff (names):

American International Industries

Does 1 to 10

Prod. L-6. Count Three—Breach of warranty by the following defendants (names):

Does _____ to _____

a. who breached an implied warranty

b. who breached an express warranty which was

written oral

Prod. L-7. The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are

listed in Attachment-Prod. L-7 as follows:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

STREET ADDRESS: 500 Third Avenue
MAILING ADDRESS: 500 Third Avenue
CITY AND ZIP CODE: Chula Vista, CA 91910-5649
BRANCH NAME: South County
TELEPHONE NUMBER: (619) 746-6071

PLAINTIFF(S) / PETITIONER(S): Sylvia Martinez

DEFENDANT(S) / RESPONDENT(S): American International Industries

MARTINEZ VS. AMERICAN INTERNATIONAL INDUSTRIES

NOTICE OF CASE ASSIGNMENT

CASE NUMBER:

37-2010-00075734-CU-PL-SC

Judge: William S. Cannon

Department: S-04

COMPLAINT/PETITION FILED: 03/05/2010

CASES ASSIGNED TO THE PROBATE DIVISION ARE NOT REQUIRED TO COMPLY WITH THE CIVIL REQUIREMENTS LISTED BELOW

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT).

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Small claims appeals, petitions, and unlawful detainers.

COMPLAINTS: Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE (SDSC CIV-345) filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document.

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.)

DEFAULT: If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service.

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT AND OTHER PROVIDERS. SEE ADR INFORMATION PACKET AND STIPULATION.

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION PURSUANT TO CCP 1141.10 AT THE CASE MANAGEMENT CONFERENCE. THE FEE FOR THESE SERVICES WILL BE PAID BY THE COURT IF ALL PARTIES HAVE APPEARED IN THE CASE AND THE COURT ORDERS THE CASE TO ARBITRATION PURSUANT TO CCP 1141.10. THE CASE MANAGEMENT CONFERENCE WILL BE CANCELLED IF YOU FILE FORM SDSC CIV-359 PRIOR TO THAT HEARING

**SUMMONS
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

AMERICAN INTERNATIONAL INDUSTRIES, DOES 1 to 20

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

SYLVIA MARTINEZ

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
SOUTH COUNTY
2010 MAR -5 PM 2:36
SAN DIEGO COUNTY, CA

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

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 plaintiff. 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), 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), the California Courts Online Self-Help Center (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. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

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 demandante. 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), 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), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose 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): Superior Court of County of San Diego
South County Regional Center, 500 Third Ave.,
Chula Vista, CA 91910

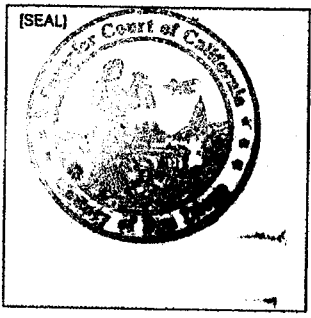
CASE NUMBER:
(Número del Caso):
37-2010-00075734-CU-PL-SC

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Donald A. Green, Esq., 5963 La Place Court, Ste. 111, Carlsbad, CA 92008, (760) 431-5290

DATE: MAR 05 2010
(Fecha)

Clerk, by V. Learned Deputy
(Secretario) (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)).



NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
- by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Donald A. Green, SBN 225171
Law Offices of Donald A. Green, APLC
5963 La Place Court, Suite 111
Carlsbad, CA 92008
TELEPHONE NO.: (760) 431-5290 FAX NO.: (760) 431-5295
ATTORNEY FOR (Name): Plaintiff, SYLVIA MARTINEZ

FOR COURT USE ONLY
FILED
SAN DIEGO COUNTY
2010 MAR -5 PM 2:36
SAN DIEGO COUNTY CLERK
SAN DIEGO, CALIFORNIA

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
STREET ADDRESS: 500 Third Ave.
MAILING ADDRESS:
CITY AND ZIP CODE: Chula Vista, CA 91910
BRANCH NAME: South County Regional Center

CASE NAME:
Martinez v. American International Industries, et al.

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000) Limited (Amount demanded is \$25,000 or less)
Complex Case Designation
 Counter Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER
37-2010-00075734-CU-PL-SC
JUDGE:
DEPT.:

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:
- | | | |
|--|---|---|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46) | Contract
<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) | Provisionally Complex Civil Litigation (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) |
| Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input checked="" type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/WD (23) | Real Property
<input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26) | Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20) |
| Non-PI/PD/WD (Other) Tort
<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-PI/PD/WD tort (35) | Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38) | Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42) |
| Employment
<input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | Judicial Review
<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) | Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |

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): TWO
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: March 5, 2010
Donald A. Green, Esq.



(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.