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VENTURA SUPERIOR COURT

FEB 22 2017

PLD-PI-001

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Mary J. Edlund SBN 130052 Law Offices of Mary J. Edlund 5235 Mission Oaks Blvd., PMB 474 Camarillo, CA 93012</p> <p>TELEPHONE NO: (805) 484-9027 FAX NO. (Optional): (805) 987-4495 E-MAIL ADDRESS (Optional): mary.edlund@gmail.com ATTORNEY FOR (Name): Plaintiff KHACHIK SHAHINIAN</p>	<p>FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA STREET ADDRESS: 800 South Victoria Ave. MAILING ADDRESS: CITY AND ZIP CODE: Ventura, California 93009 BRANCH NAME: Main</p>	
<p>PLAINTIFF: KHACHIK SHAHINIAN</p> <p>DEFENDANT: COSTCO WHOLESALE CORPORATION, EKO USA, LLC, EKO DEVELOPMENT LTD.</p> <p><input checked="" type="checkbox"/> DOES 1 TO 100, Inclusive</p>	
<p>COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Products Liability <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):</p>	
<p>Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited</p>	<p>CASE NUMBER:</p>

1. Plaintiff (name or names): **KHACHIK SHAHINIAN**
 alleges causes of action against defendant (name or names):
COSTCO WHOLESALE CORPORATION, EKO USA, LLC, EKO DEVELOPMENT LTD.
2. This pleading, including attachments and exhibits, consists of the following number of pages: **4**
3. Each plaintiff named above is a competent adult
 - a. except plaintiff (name):
 - (1) a corporation qualified to do business in California
 - (2) an unincorporated entity (describe):
 - (3) a public entity (describe):
 - (4) a minor an adult
 - (a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) other (specify):
 - (5) other (specify):
 - b. except plaintiff (name):
 - (1) a corporation qualified to do business in California
 - (2) an unincorporated entity (describe):
 - (3) a public entity (describe):
 - (4) a minor an adult
 - (a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) other (specify):
 - (5) other (specify):

Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

BY FAX

SHORT TITLE: SHAHINIAN VS. COSTCO	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): **Costco Wholesale**
 (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): **EKO USA, LLC.**
 (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): **EKO Development Ltd.**
 (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 to 15 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): 1 to 15 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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SHAHINIAN VS. COSTCO

CASE NUMBER:

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):

Loss of consortium, mental and emotional pain and suffering.

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):

All.

Date: February 22, 2017

Mary J. Edlund

(TYPE OR PRINT NAME)

▶ *Mary J. Edlund*

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

BY FAX

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FIRST _____ CAUSE OF ACTION—Products Liability Page 4
(number) BY FAX

ATTACHMENT TO Complaint Cross - Complaint
(Use a separate cause of action form for each cause of action.)

Plaintiff (name): KHACHIK SHAHINIAN

Prod. L-1. On or about (date): February 27, 2015 plaintiff was injured by the following product:

A sensible EKO Living 80L/21G Motion Sensor Trashcan.

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):
EKO USA, LLC, EKO DEVELOPMENT LTD.

Does 10 to 70

- b. designed and manufactured component parts supplied to the manufacturer (names):
EKO USA, LLC, EKO DEVELOPMENT LTD.

Does 10 to 75

- c. sold the product to the public (names):
COSTCO WHOLESALE CORPORATION

Does 10 to 80

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

COSTCO WHOLESALE CORP., EKO USA, LLC, EKO DEVELOPMENT LTD.

Does 10 to 85

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

COSTCO WHOLESALE CORP, EKO USA, LLC, EKO DEVELOPMENT LTD.

Does 10 to 90

- 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:

Unknown at the present time. To be amended as Discovery unfolds.