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BY *[Signature]*  
DEPUTY

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9 ANDRES RAMIREZ

10 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN #43500  
11 STOCKTON BRANCH

12 ANDRES RAMIREZ,

13 Plaintiff,

14 vs.

15 DENNY'S, INC, YADAV, INC, GABRIEL  
16 REITHKNECHT-LOPEZ and DOES 1 to  
17 10,

18 Defendants.

Case No.:

STK-CV-~~UNPI~~-2018-12637

COMPLAINT

THIS CASE HAS BEEN ASSIGNED TO  
JUDGE M. MULVHILL IN  
DEPARTMENT 10C FOR ALL PURPOSES,  
INCLUDING TRIAL

19 I. GENERAL ALLEGATIONS – NEGLIGENCE AS AGAINST ALL DEFENDANTS

20 1. Defendant Gabriel Reithknecht-Lopez is an individual who was an  
21 employee of Denny's located at 4747 Pacific Avenue, Stockton, California.

22 2. Plaintiff ANDRES RAMIREZ is an individual, who is of Hispanic descent,  
23 and was at all times hereto a resident of the County of San Joaquin.

24 3. Yadav, Inc is a corporation organized pursuant to California law with  
25 principle place of business located at 4747 Pacific Ave, Stockton, California. Yadav, Inc.  
26 conducts business as a Denny's franchise.  
27  
28

1           4.     Denny's, Inc is a corporation with home office in Spartanburg, South  
2 Carolina. Denny's, Inc is authorized to do business in California.

3           5.     DOES 1 through 10 are fictitiously named defendants whose identity  
4 Plaintiff is ignorant of. Plaintiff is informed and believes, and based on such belief,  
5 alleges that such Defendants are in some fashion liable for acts and failures to act as  
6 hereinafter alleged. Plaintiff prays leave to amend his complaint with appropriate  
7 charging allegations upon ascertaining the true identity, capacity, and basis of liability of  
8 such fictitiously named defendants.  
9

10           6.     At all relevant times all defendants were acting within the scope and  
11 agency of every other defendant and all defendants were agents for every other  
12 individual defendant were jointly employed by Defendant Yadav, Inc.  
13

14           7.     DOES 1 to 2 work together to own, manage, control, and operate a  
15 Denny's restaurant located at 4747 Pacific Avenue, Stockton, California as will be  
16 shown according to proof. .  
17

18           8.     All relevant times, Yadav, Inc, Denny's Inc, and DOES 1 and 2 were  
19 responsible for the management, training, selection of employees, supervision of  
20 employees, training of employees, and education of employees as will be shown  
21 according to proof.  
22

23           9.     On December 8, 2016, Plaintiff and three other individuals who were  
24 friends of Plaintiff came in to consume food at the Denny's restaurant located at 4747  
25 Pacific Ave, Stockton, California.  
26  
27  
28

1           10.    At that point, Gabriel Reithknecht-Lopez was irritated by something that  
2 was said or done by one of the Plaintiff's friends and/or by the Plaintiff himself and a  
3 verbal dispute commenced. Plaintiff walked to the bathroom.  
4

5           11.    When Plaintiff returned from the bathroom Gabriel Reithknecht-Lopez, and  
6 one of Plaintiff's friends were in a verbal disagreement.

7           12.    Gabriel Reithknecht-Lopez thereupon pulled a knife and stabbed Plaintiff  
8 causing the knife to penetrate into Plaintiff's bodily organs which almost resulted in his  
9 death.  
10

11          13.    As a direct and proximate result of said injury, Plaintiff almost died and  
12 has been disabled ever since. The stabbing of Plaintiff was done either maliciously and  
13 with intent to injure or negligently as will be shown according to proof.

14          14.    Plaintiff is informed and believes that Gabriel Reithknecht-Lopez received  
15 inadequate training not suitable for a job of this type by virtue of his demeanor and  
16 disposition.  
17

18          15.    As a direct and proximate result of the negligent actions of Defendants,  
19 and each of them, Plaintiff suffered physical injuries and the following damages:  
20

- 21           A.    Past and future medical care expenses for medical care providers  
22                as will be shown according to proof;
- 23           B.    Loss of income and earning potential as will be shown according to  
24                proof;
- 25           C.    Pain and suffering, emotional distress, and loss of enjoyment of life  
26                as will be shown according to proof;  
27  
28

1 D. Pursuant to Section 52 of the Civil Code, Plaintiff is entitled to  
2 actual damages and exemplary damages as will be shown  
3 according to proof and, further, is entitled to \$25,000.00 civil  
4 penalty as will be shown according to proof.  
5

6 16. Plaintiff has used the services of Michael F. Babitzke, Attorney-at-Law,  
7 and will be billed for reasonable attorney's expenses and is seeking compensation for  
8 those expenses.  
9

10 WHEREFORE Plaintiff prays for relief as set forth below.

11 **II. FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS**

12 **VIOLATION OF UNRUH CIVIL RIGHTS ACT**

13 17. Plaintiff incorporates the general allegations as fully as if set forth herein.

14 18. As a direct and proximate result, Section 51 of the Civil Code, commonly  
15 known as the Unruh Civil Rights Act, was violated by all defendants as will be shown  
16 according to proof.  
17

18 WHEREFORE Plaintiff prays for relief as set forth below.

19 **II. SECOND CAUSE OF ACTION**

20 **VIOLATION OF SECTION 51.7 OF THE CIVIL CODE**

21 19. Plaintiff incorporates by reference the general allegations and the entire  
22 first cause and the second cause of action as fully as if set forth herein.  
23

24 20. As set forth above, Plaintiff was injured by a violent act of Defendants,  
25 while attempting to use a public accommodation.  
26

27 21. Section 51.7 of the Civil Code prohibits violence and provides that every  
28 citizen in this state is to be free from violent actions by business persons or those

1 working on behalf of businesses. Accordingly, defendants violated Civil Code Section  
2 51.7.

3 WHEREFORE Plaintiff prays for relief as fully as if set forth herein.  
4

5 **III. THIRD CAUSE OF ACTION**

6 **NEGLIGENCE AS TO ALL DEFENDANTS**

7 22. Plaintiff incorporates the general allegations, first cause of action, and  
8 second cause of action as fully as if set forth herein.

9 23. In doing the acts and/or failing to do the acts hereinafter alleged, the  
10 Defendants and each of them failed to comply with the standard of care for operating  
11 regional restaurant facilities such as Denny's located at 4747 Pacific Ave Stockton,  
12 California.  
13

14 24. As a direct and proximate cause, Plaintiff was significantly injured as  
15 alleged above and as will be shown according to proof.  
16

17 WHEREFORE Plaintiff prays for relief as set forth below.

18 **IV. FOURTH CAUSE OF ACTION**

19 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

20 25. Plaintiff incorporates by reference all of the allegations set forth above. In  
21 doing the as alleged herein defendants acted intentionally and with malice and with  
22 intent to injure and harm.  
23

24 26. As a result of such behavior, Plaintiff is entitled to exemplary damages.

25 ///  
26 ///  
27 ///  
28 ///

1 **V. FIFTH CAUSE OF ACTION**

2 **NEGLIGENT EMPLOYMENT**

3 27. Plaintiff incorporated by reference in paragraphs 1 to 26 as set forth  
4 above.

5  
6 28. In the recruitment and hiring employees, Yadav, Inc and Denny's, Inc  
7 failed to exercise reasonable care in the selection of Gabriel Reithknecht-Lopez as an  
8 employee.

9  
10 29. As a direct and proximate result of such negligence, Plaintiff was  
11 damaged as set forth above.

12 **VI. SIXTH CAUSE OF ACTION**

13 **NEGLIGENT TRAINING**

14 30. Plaintiff incorporates paragraphs 1 to 26 as fully as if set forth above.

15  
16 31. Defendants Yadav, Inc and Denny's Inc failed to train Gabriel Reithknecht-  
17 Lopez in accordance with proper standards and accordingly fell below the standard care  
18 for training.

19 32. As a direct and proximate result, Plaintiff was injured and damaged as set  
20 forth above.

21  
22 WHEREFORE Plaintiff prays for relief as set forth below.

23 **VII. SEVENTH CAUSE OF ACTION**

24 **NEGLIGENT SUPERVISION**

25 33. Plaintiff incorporates paragraphs 1 to 34 as fully as if set forth above.

26  
27 34. Defendants Yadav, Inc. and Denny's Inc failed to supervise Gabriel  
28 Reithknecht-Lopez, the assailant, in a reasonable fashion

