

NOV 01 2018

1 Kevin P. Flahavan, Esq. - SBN 293270
2 Flahavan Law Office
3 960 S. Westlake Boulevard
4 Suite 202
5 Westlake Village, CA 91361
6 Telephone: (805) 230-9973
7 Fax: (805) 230-9972

8 Attorneys for Plaintiff,
9 JENNIFER HAYN-HITON

10 * SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF VENTURA

12 JENNIFER LYNN HAYN-HITON)

13 Plaintiff,)

14 vs.)

15 HEATHER LOCKLEAR and DOES 1 to)
16 100,)

17 Defendants.)

Case No.:

COMPLAINT FOR DAMAGES

- 1) ASSAULT AND BATTERY
- 2) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

18 Plaintiff, JENNIFER LYNN HAYN-HITON, alleges:

19 FIRST CAUSE OF ACTION

20 (JENNIFER LYNN HAYN-HITON Against Defendants HEATHER LOCKLEAR

21 and DOES 1 through 100, Inclusive)

22
23 1. Plaintiff, JENNIFER LYNN HAYN-HITON, is an adult and
24 at all times relevant herein was a resident in the County of
25 Ventura, State of California.

26
27 2. Plaintiff is informed and believes and based thereon
28 alleges that at all times relevant herein Defendant HEATHER

6p

S-100

1 LOCKLEAR is an adult and a resident of the County of Ventura,
2 State of California.

3 3. The true names and capacities, whether individual,
4 corporate, associate or otherwise, of Defendants DOES 1 through
5 100, inclusive, are unknown to Plaintiff at this time, who
6 therefore sues said DOE Defendants by such fictitious names, and
7 that when the true names and capacities of said Defendants are
8 ascertained, Plaintiff will ask leave to amend this Complaint to
9 show their true names and capacities.
10

11
12 4. Plaintiff is informed and believes and thereon alleges
13 that at all times material hereto, Defendants, and each of them,
14 and DOES 1 through 100, inclusive, were the agents, servants,
15 employees, co-venturers, hirelings, representatives and
16 associates of each of the remaining co-defendants, and at all
17 times material hereto were acting in the course and scope of
18 said agency, service and employment, with a mutual and common
19 purpose, for the direct and indirect benefit of each of their
20 several co-defendants, and in doing the acts and things
21 complained of herein, were acting with full knowledge, consent,
22 ratification and approval of each of their several co-
23 defendants.
24
25

26 5. Plaintiff is further informed and believes and thereon
27 alleges that each of the Defendants is the principal, agent,
28 employer, employee of each of the remaining Defendants and was

1 acting in the course and scope of such relationship in doing the
2 acts complained of herein.

3 6. Plaintiff, JENNIFER LYNN HAYN-HITON, at all times
4 relevant herein was a licensed Emergency Medical Technician
5 ("EMT"), and an employee of American Medical Response. On June
6 24, 2018, Plaintiff JENNIFER LYNN HAYN-HITON was on the premises
7 located at Defendant's place of residence in Westlake Village,
8 California ("the Premises") in response to a dispatch received
9 from the Ventura Sheriff's Department requesting assistance.
10 Upon arrival, Plaintiff undertook to provide services for and on
11 behalf of Defendant HEATHER LOCKLEAR. At that time Defendant
12 HEATHER LOCKLEAR became verbally and physically abusive.
13 Defendant HEATHER LOCKLEAR struck, kicked and battered Plaintiff
14 JENNIFER LYNN HAYN-HITON inflicting the injuries as described
15 herein.
16

17
18
19 7. As a proximate and direct result of the conduct of
20 Defendant HEATHER LOCKLEAR and DOES 1 through 100, Plaintiff
21 JENNIFER LYNN HAYN-HITON sustained, and in the future is certain
22 to sustain disabling, serious and permanent injuries, pain,
23 suffering and mental anguish in connection therewith, all to her
24 general damages in a sum according to proof at trial.
25

26 8. As a further, direct and proximate result of the
27 conduct of the Defendants, HEATHER LOCKLEAR and DOES 1 through
28 100, Plaintiff, JENNIFER LYNN HAYN-HITON, has incurred and will

1 in the future incur medical and sundry expenses in the
2 examination, care and treatment of her injuries, the exact
3 nature and extent of which are unknown to Plaintiff at this
4 time, and Plaintiff will ask leave of court to amend this
5 Complaint in this regard when the same is ascertained.
6

7 9. At the time of said injury, Plaintiff JENNIFER LYNN
8 HAYN-HITON was employed by American Medical Response. As a
9 further proximate result of the conduct of the Defendants,
10 HEATHER LOCKLEAR and DOES 1 through 100, and by reason of said
11 injuries suffered by her, Plaintiff was unable to attend her
12 occupation and thereby lost earnings, past and future, in an
13 amount which is currently unknown to Plaintiff, and Plaintiff
14 will amend this Complaint to state the full amount of such
15 damages when the same becomes known to her, or upon proof
16 thereof.
17
18

19 10. The aforementioned conduct of Defendants, and each of
20 them, was intended to cause injury to the Plaintiff, or, in the
21 alternative, was despicable conduct carried on with a willful
22 and conscious disregard of the rights and/or safety of others
23 and subject Plaintiff to a cruel and unjust hardship in
24 conscious disregard of Plaintiff's rights, so as to justify an
25 award of exemplary and punitive damages.
26

27 //

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SECOND CAUSE OF ACTION

(Intentional Infliction of Emotional Distress)

11. Plaintiff incorporates Paragraphs 1 through 10 above as though fully set forth in full herein.

12. Plaintiff JENNIFER LYNN HAYN-HITON is a single parent of three minor children. From Plaintiff's arrival at the Premises up to the time of delivery at Los Robles Hospital, Defendant HEATHER LOCKLEAR verbally attacked Plaintiff JENNIFER LYNN HAYN-HITON calling her vile names and wishing her terrible misfortune, at one point stating that she wished Plaintiff JENNIFER LYNN HAYN-HITON's children would all die of AIDS.

13. The conduct of Defendant HEATHER LOCKLEAR was outrageous and intended solely for the purpose and with the intent to inflict mental suffering upon the Plaintiff, JENNIFER LYNN HAYN-HITON. Defendant HEATHER LOCKLEAR's conduct was so extreme so as to exceed all bounds of human decency. Plaintiff was particularly susceptible to Defendant HEATHER LOCKLEAR's conduct in light of the fact that Plaintiff JENNIFER LYNN HAYN-HITON was duty bound to provide care to and absorb Defendant HEATHER LOCKLEAR's abusive conduct.

14. The aforementioned conduct of Defendant HEATHER LOCKLEAR was intended to cause injury to Plaintiff JENNIFER LYNN HAYN-HITON. Defendant HEATHER LOCKLEAR's conduct was extreme,

1 outrageous and should not be tolerated in a civilized society.
2 Defendant HEATHER LOCKLEAR's conduct was in conscious disregard
3 of Plaintiff JENNIFER LYNN HAYN-HITON's rights, so as to justify
4 an award of exemplary and punitive damages.
5

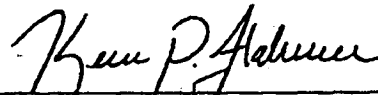
6 WHEREFORE, Plaintiff prays for judgment against the
7 Defendants, and each of them, as follows:

- 8 1. For special damages for medical and sundry expenses
9 according to proof;
- 10 2. For loss of earnings and earning capacity, according
11 to proof;
- 12 3. For general damages according to proof;
- 13 4. For punitive and exemplary damage according to proof;
- 14 5. For the costs of suit incurred herein; and
- 15 6. For such other and further relief as the Court may
16
17 deem just and proper.
18

19 DATED: November 1, 2018

FLAHAVAN LAW OFFICES

20
21 By



22 KEVIN P. FLAHAVAN

23 Attorney for Plaintiffs, MARK
24 MCKINSTRY and JULIA FAGIANI
25
26
27
28