



1 **COM**
2 MARC C. NARON, ESQ.
3 Nevada Bar No. 11665
4 D.R. PATTI & ASSOCIATES
5 720 S. Seventh Street, Third Floor
6 Las Vegas, Nevada 89101
7 Telephone: (702) 331-3391
8 Facsimile: (702) 385-9557
9 mnaron@drpfirm.com
10 *Attorneys for Plaintiff*

CASE NO: A-20-813465-C
Department 19

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DISTRICT COURT
CLARK COUNTY, NEVADA

KRYSTAL WARNER, an individual,

CASE NO.:

Plaintiff,

DEPT. NO.:

vs.

WAYNE NEWTON, an individual; CSD
LLC, a Nevada Corporation; DOE
HANDLER I; DOES II through XV; and
ROE Corporations I through X, inclusive,

Defendants.

COMPLAINT

COMES NOW the Plaintiff, KRYSTAL WARNER, by and through her attorney of record, MARC C. NARON, ESQ., of the law firm of D.R. PATTI & ASSOCIATES, and for causes of action against the Defendants, WAYNE NEWTON, CSD LLC, DOE HANDLER I, DOES II through XV, and ROE CORPORATIONS I through X, inclusive, and jointly and severally, alleges as follows:

1 **GENERAL ALLEGATIONS**

2 1. At all times relevant hereto, Plaintiff KRYSTAL WARNER was and is a resident
3 of Clark County, State of Nevada.

4 2. Upon information and belief, at all times relevant hereto, Defendant WAYNE
5 NEWTON (“Mr. Newton”) was and is a resident of Clark County, State of Nevada, and the
6 events as described herein occurred in Clark County, Nevada.

7 3. Upon information and belief, at all times relevant hereto, Defendant CSD LLC
8 (“CSD”) was and is a Nevada Corporation, duly registered and licensed to do business in the
9 State of Nevada.

10 4. The true names or capacities, whether individual, corporate, associate, or
11 otherwise, of Defendants DOE HANDLER I, DOES II through XV and ROE CORPORATIONS
12 I through X are unknown to Plaintiff, who therefore sues said Defendants by such fictitious
13 names.

14 5. Plaintiff is informed and believes, and therefore alleges, that each of the
15 Defendants designated herein as DOE or ROE is responsible in some manner for the events and
16 happenings referred to herein, and caused damages proximately to the Plaintiff as herein alleged,
17 and Plaintiff will ask leave of this Court to amend her Complaint to insert the true names and
18 capacities of DOE HANDLER I, DOES II through XV, and ROE CORPORATIONS I through
19 X, when the same have been ascertained and to join such Defendants in this action.

20 **FACTS COMMON TO ALL CAUSES OF ACTION**

21 6. Plaintiff realleges and incorporates by reference herein all prior paragraphs of this
22 Complaint.
23

1 to closely supervise and contain the monkey in the residence where invited visitors would be
2 present and allowing the monkey to escape control and cause injury to Plaintiff.

3 16. Upon information and belief, Defendants knew, or should have known, that the
4 monkey had a propensity for viciousness and/or a propensity to bite and/or attack. Despite this
5 knowledge, and with conscious disregard for the safety and welfare of persons such as Plaintiff,
6 Defendants willfully, recklessly and deliberately chose to not to closely supervise and/or contain
7 or confine the monkey, thereby endangering Plaintiff.

8 17. As a direct and proximate result of the negligence, carelessness, recklessness,
9 wantonness, and willfulness of Defendants, Plaintiff required medical care to treat injuries
10 sustained in this incident and may require future treatment, the cost of which exceeds \$15,000.00.

11 18. Since the accident, Plaintiff has experienced pain, suffering, and loss of
12 enjoyment of life, all contributing to general damages in excess of \$15,000.00.

13 19. Plaintiff has been required to retain the services of the law firm of D.R. PATTI
14 & ASSOCIATES to prosecute this action, and is entitled to reasonable attorney's fees and costs.

15 **SECOND CAUSE OF ACTION: RESPONDEAT SUPERIOR/VICARIOUS LIABILITY**

16 20. Plaintiff realleges and incorporates by reference herein all prior Paragraphs of this
17 Complaint.

18 21. Defendants, and each of them, owed a duty of care to Plaintiff.

19 22. DOE HANDLER I was in the course and scope of his employment with either
20 Mr. Newton and/or CSD at the time of the subject incident.

21 23. As pled above, the negligent actions and/or failure(s) to act of DOE HANDLER
22 I were the proximate cause of the subject incident.

1 24. Pursuant to established law, the employer of DOE HANDLER I is liable for the
2 negligent actions of DOE HANDLER I in the subject incident.

3 25. As a direct and proximate result of the negligence, carelessness, recklessness,
4 wantonness, and willfulness of Defendants, Plaintiff suffered personal injuries to the body, all
5 or some of which may be permanent and disabling in nature.

6 26. Since the accident, Plaintiff has experienced pain, suffering, and loss of
7 enjoyment of life, all contributing to general damages in excess of \$15,000.00.

8 27. Plaintiff has been required to retain the services of the law firm of D.R. PATTI
9 & ASSOCIATES to prosecute this action, and is entitled to reasonable attorney's fees and costs.

10 **THIRD CAUSE OF ACTION: NEGLIGENT HIRING/RETENTION**

11 28. Plaintiff realleges and incorporates by reference herein all prior Paragraphs of this
12 Complaint.

13 29. Upon information and belief, Mr. Newton, CSD, or both jointly, hired Defendant
14 DOE HANDLER I with one of the tasks of his/her employment to handle the monkey "Boo."

15 30. Defendants had a duty to exercise ordinary reasonable care in hiring employee(s)
16 that were qualified and suitable to perform the duties of handling "Boo" in a manner that would
17 ensure the safety of other persons present at the subject property, and thereafter to provide such
18 employee(s) with proper supervision to ensure that these job duties were being carried out in a
19 reasonably safe and effective manner.

20 31. Defendants breached this duty by hiring and retaining DOE HANDLER I, whom
21 Defendants knew or reasonably should have known was unqualified and unable to handle the
22 monkey "Boo" in a safe and reasonable manner.

