

1 SWEET JAMES, LLP
2 ASKHAHN MOHAMADI, State Bar No. 299029
3 ashkahn@sweetjames.com
4 4220 Von Karman Avenue
5 Suite 200
6 Newport Beach, CA 92660
7 Telephone: (949) 644-1000
8 Facsimile: (949) 644-1005

9 Attorneys for Plaintiff Thomas Pham

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
11/24/2020 at 11:33:38 AM
Clerk of the Superior Court
By Carolina Miranda, Deputy Clerk

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

THOMAS PHAM, an individual,

Plaintiff,

v.

JASON MOHNEY, an individual; TREVER SHAMSHOIAN, an individual; THOMAS HAZELBAKER, an individual; COURTNEY THOMAS, an individual; THE PACERS SHOWGIRLS INTERNATIONAL CHARITABLE FOUNDATION, a California Corporation; MIDWAY VENTURE, LLC, a California Limited Liability Company; BETTY J. BOGOSIAN, as an individual and as a trustee of the BETTY JO BOGOSIAN TRUST, a California Trust; and DOES 1 through 100, inclusive,

Defendants.

Case No. 37-2020-00043172-CU-PO-CTL

**PLAINTIFF THOMAS PHAM'S
COMPLAINT FOR DAMAGES**

1. **NEGLIGENCE**
2. **NEGLIGENCE: PREMISES LIABILITY**
3. **NEGLIGENT HIRING, SUPERVISION, AND RETENTION**
4. **BATTERY**

DEMAND FOR JURY TRIAL

1 COMES NOW, Plaintiff THOMAS PHAM, an individual, (hereinafter referred to as
2 “PLAINTIFF”), who alleges causes of action against Defendants JASON MOHNEY, an
3 individual; TREVER SHAMSHOIAN, an individual; THOMAS HAZELBAKER, an individual;
4 COURTNEY THOMAS, an individual; THE PACERS SHOWGIRLS INTERNATIONAL
5 CHARITABLE FOUNDATION, a California Corporation; MIDWAY VENTURE, LLC, a
6 California Limited Liability Company; BETTY J. BOGOSIAN, as an individual and as a trustee
7 of the BETTY JO BOGOSIAN TRUST, a California Trust; and DOES 1 through 100, inclusive,
8 and each of them, (hereinafter referred to as "DEFENDANTS") as follows:

9 **I. FACTUAL SUMMARY**

10 1. On or about October 11, 2020, Plaintiff THOMAS PHAM was lawfully on the
11 premises of Pacers Showgirls International at 3334 Midway Dr, San Diego, CA 92110
12 (“SUBJECT PREMISES”), as a customer and patron of that business.

13 2. Defendants JASON MOHNEY, THE PACERS SHOWGIRLS INTERNATIONAL
14 CHARITABLE FOUNDATION, MIDWAY VENTURE, LLC, BETTY J. BOGOSIAN, as an
15 individual and as a trustee of the BETTY JO BOGOSIAN TRUST, and DOES 1-10 own, control
16 and operate the SUBJECT PREMISES currently, and did so at the time of the SUBJECT
17 INCIDENT.

18 3. Defendants JASON MOHNEY, TREVER SHAMSHOIAN, THOMAS
19 HAZELBAKER, COURTNEY THOMAS, and DOES 11-20, are, and were at all times mentioned
20 herein, employees of THE PACERS SHOWGIRLS INTERNATIONAL CHARITABLE
21 FOUNDATION, MIDWAY VENTURE, LLC, and DOES 1-10, acting within the course and
22 scope of their employment. In particular, COURTNEY THOMAS and DOES 11-15 had control
23 over the SUBJECT PREMISES as they were private security for the SUBJECT PREMISES.

24 4. At that place and time, Plaintiff was a customer and patron, inside the Pacers
25 Showgirls International business at the SUBJECT PREMISES.

26 5. At that place and time, a fight began on the parking lot of the SUBJECT
27 PREMISES involving DOES 21-40, DOES 11-20, TREVER SHAMSHOIAN, THOMAS
28 HAZELBAKER, and COURTNEY THOMAS. This fight was a predictable risk of the ongoing

1 interactions between DOES 21-40, and DOES 11-20 and TREVER SHAMSHOIAN, THOMAS
2 HAZELBAKER, and COURTNEY THOMAS, arising from TREVER SHAMSHOIAN,
3 THOMAS HAZELBAKER, COURTNEY THOMAS and DOES 11-20's employment.

4 6. This fight was also induced by the conduct of DOES 11-20 and TREVER
5 SHAMSHOIAN, THOMAS HAZELBAKER, and COURTNEY THOMAS, increasing the peril
6 to Plaintiff.

7 7. As a result of the fight in the parking lot, Plaintiff could not leave the SUBJECT
8 PREMISES and was trapped inside the business.

9 8. After a significant amount of time had passed, the fight in the parking lot was still
10 ongoing. Defendants JASON MOHNEY, TREVER SHAMSHOIAN, THOMAS HAZELBAKER,
11 COURTNEY THOMAS, and DOES 11-20 had failed to contact law enforcement or take any
12 reasonable measures to mitigate or protect Plaintiff against the risk. Instead, TREVER
13 SHAMSHOIAN, THOMAS HAZELBAKER, COURTNEY THOMAS, and DOES 11-20
14 escalated the risk by participating in the fight and antagonizing DOES 21-40.

15 9. After a significant amount of time had passed, Plaintiff could no longer wait and
16 attempted to exit the SUBJECT PREMISES.

17 10. Plaintiff exited the building and walked toward the valet stand to get his car and
18 leave the SUBJECT PREMISES. At this time, the fight was still ongoing and had grown both in
19 terms of number of participants and risk of harm.

20 11. While on the SUBJECT PREMISES, attempting to leave, Plaintiff was attacked by
21 DOES 21-40 and stabbed by them in the back, without any provocation ("SUBJECT
22 INCIDENT"). As a result, Plaintiff has suffered catastrophic injuries, which have and will
23 continue to cause him significant economic damage, including but not limited to his earning
24 capacity as an elite professional baseball player.

25 12. The SUBJECT INCIDENT was foreseeable due to the nature of the business taking
26 place on the subject premises, namely a night club which serves alcohol. Moreover, incidents of
27 violence by third parties had occurred previously at the SUBJECT PREMISES, further
28 contributing to the foreseeability of the SUBJECT INCIDENT.

1 **II. PARTIES**

2 13. PLAINTIFF THOMAS PHAM is an individual residing in the County of San
3 Diego, California.

4 14. DEFENDANT JASON MOHNEY is an individual residing in Michigan.

5 15. DEFENDANT TREVER SHAMSHOIAN is an individual residing in the County
6 of San Diego, California.

7 16. DEFENDANT THOMAS HAZELBAKER is an individual residing in the County
8 of San Diego, California.

9 17. DEFENDANT COURTNEY THOMAS is an individual residing in the County of
10 San Diego, California.

11 18. DEFENDANT THE PACERS SHOWGIRLS INTERNATIONAL CHARITABLE
12 FOUNDATION, is, and was at all relevant times herein, a California Corporation.

13 19. DEFENDANT MIDWAY VENTURE, LLC, is, and was at all relevant times
14 herein, a California limited liability company.

15 20. DEFENDANT BETTY J. BOGOSIAN, as an individual and as a trustee of the
16 BETTY JO BOGOSIAN TRUST, a California Trust, is an individual residing in the County of
17 San Diego, California.

18 21. The true names and/or capacities, whether individual, corporate, associate or
19 otherwise, of Defendant DOES 1 through 100, inclusive, and each of them, are unknown to
20 PLAINTIFF, who therefore sues said defendants by such fictitious names. PLAINTIFF is
21 informed and believes, and upon such information and belief alleges, that each of the defendants
22 fictitiously named herein as a DOE is legally responsible, negligently or in some other actionable
23 manner, for the events and happenings hereinafter referred to, and proximately caused the injuries
24 and damages to PLAINTIFF hereinafter alleged. PLAINTIFF will seek leave of Court to amend
25 this Complaint to assert the true names and/or capacities of such fictitiously named defendants
26 when the same have been ascertained.

27 22. PLAINTIFF is informed and believes, and thereupon alleges, that at all times
28 mentioned herein, DEFENDANTS, and each of them, including DOES 1 through 100, were the

1 agents, servants, employees and/or joint ventures of their co-Defendants, and were, as such, acting
2 within the course, scope and authority of said agency, employment and/or joint venture, and that
3 each and every Defendant, as aforesaid, when acting as a principal, was negligent in the selection
4 and hiring of each and every Defendant as an agent, employee and/or joint venturer.

5 **III. JURISDICTION AND VENUE**

6 23. This Court has jurisdiction over this matter because DEFENDANTS TREVER
7 SHAMSHOIAN, THOMAS HAZELBAKER, COURTNEY THOMAS, THE PACERS
8 SHOWGIRLS INTERNATIONAL CHARITABLE FOUNDATION, MIDWAY VENTURE,
9 LLC, and BETTY J. BOGOSIAN, as an individual and as a trustee of the BETTY JO
10 BOGOSIAN TRUST, are domiciled in California.

11 24. Venue is proper because the SUBJECT INCIDENT took place in the County of
12 San Diego.

13 **FIRST CAUSE OF ACTION**

14 **NEGLIGENCE**

15 **(By Plaintiff Against Defendants JASON MOHNEY, TREVER SHAMSHOIAN, THOMAS**
16 **HAZELBAKER, COURTNEY THOMAS, THE PACERS SHOWGIRLS**
17 **INTERNATIONAL CHARITABLE FOUNDATION, MIDWAY VENTURE, LLC, BETTY**
18 **J. BOGOSIAN, as an individual and as a trustee of the BETTY JO BOGOSIAN TRUST,**
19 **and DOES 1 through 20)**

20 25. PLAINTIFF THOMAS PHAM incorporates by reference all paragraphs of this
21 complaint, and repeats all allegations of said paragraphs, as though set forth here in full.

22 26. Defendants JASON MOHNEY, THE PACERS SHOWGIRLS INTERNATIONAL
23 CHARITABLE FOUNDATION, MIDWAY VENTURE, LLC, BETTY J. BOGOSIAN, as an
24 individual and as a trustee of the BETTY JO BOGOSIAN TRUST, TREVER SHAMSHOIAN
25 and DOES 1-20 owed an affirmative duty to take reasonable steps to secure their premises, as well
26 as adjacent common areas within their control (e.g., parking lots), against reasonably foreseeable
27 criminal acts of third parties.

28 27. Defendants JASON MOHNEY, THE PACERS SHOWGIRLS INTERNATIONAL

1 CHARITABLE FOUNDATION, MIDWAY VENTURE, LLC, BETTY J. BOGOSIAN, as an
2 individual and as a trustee of the BETTY JO BOGOSIAN TRUST, TREVER SHAMSHOIAN,
3 THOMAS HAZELBAKER, COURTNEY THOMAS and DOES 1-20 owed a nondelegable duty
4 to put and maintain the premises in reasonably safe condition.

5 28. Defendants JASON MOHNEY, THE PACERS SHOWGIRLS INTERNATIONAL
6 CHARITABLE FOUNDATION, MIDWAY VENTURE, LLC, BETTY J. BOGOSIAN, as an
7 individual and as a trustee of the BETTY JO BOGOSIAN TRUST, TREVER SHAMSHOIAN,
8 THOMAS HAZELBAKER, COURTNEY THOMAS, and DOES 1-20 owed a duty to warn of
9 and control the conduct of DOES 21-40, as well as respond to it immediately and contact law
10 enforcement.

11 29. Safe maintenance at the SUBJECT PREMISES requires attention to foreseeable
12 third party crime.

13 30. PLAINTIFF is informed and believes, and thereon alleges, that Defendants JASON
14 MOHNEY, THE PACERS SHOWGIRLS INTERNATIONAL CHARITABLE FOUNDATION,
15 MIDWAY VENTURE, LLC, BETTY J. BOGOSIAN, as an individual and as a trustee of the
16 BETTY JO BOGOSIAN TRUST, TREVER SHAMSHOIAN, THOMAS HAZELBAKER,
17 COURTNEY THOMAS and DOES 1-20 acted negligently in the following ways:

- 18 a. Failing to properly maintain the SUBJECT PREMISES in a safe manner;
- 19 b. Failing to adequately supervise the SUBJECT PREMISES;
- 20 c. Failing to keep the SUBJECT PREMISES free of any hazards;
- 21 d. Failing to adequately respond to and mitigate a known safety hazard at the

22 SUBJECT PREMISES.

23 31. Defendants JASON MOHNEY, THE PACERS SHOWGIRLS INTERNATIONAL
24 CHARITABLE FOUNDATION, MIDWAY VENTURE, LLC, BETTY J. BOGOSIAN, as an
25 individual and as a trustee of the BETTY JO BOGOSIAN TRUST, TREVER SHAMSHOIAN,
26 THOMAS HAZELBAKER, COURTNEY THOMAS and DOES 1-20 owed a duty of reasonable
27 care to prevent harm to PLAINTIFF.

28 32. As a direct and proximate result of Defendants JASON MOHNEY, THE PACERS

1 SHOWGIRLS INTERNATIONAL CHARITABLE FOUNDATION, MIDWAY VENTURE,
2 LLC, BETTY J. BOGOSIAN, as an individual and as a trustee of the BETTY JO BOGOSIAN
3 TRUST, TREVER SHAMSHOIAN, THOMAS HAZELBAKER, COURTNEY THOMAS and
4 DOES 1-20's negligence, PLAINTIFF has suffered economic and noneconomic damages and
5 harm.

6 **SECOND CAUSE OF ACTION**

7 **NEGLIGENCE: PREMISES LIABILITY**

8 **(By Plaintiff Against Defendants JASON MOHNEY, TREVER SHAMSHOIAN, THOMAS**
9 **HAZELBAKER, COURTNEY THOMAS, THE PACERS SHOWGIRLS**
10 **INTERNATIONAL CHARITABLE FOUNDATION, MIDWAY VENTURE, LLC, BETTY**
11 **J. BOGOSIAN, as an individual and as a trustee of the BETTY JO BOGOSIAN TRUST,**
12 **and DOES 1 through 20)**

13 33. PLAINTIFF THOMAS PHAM incorporates by reference all paragraphs of this
14 complaint, and repeats all allegations of said paragraphs, as though set forth here in full.

15 34. Defendants JASON MOHNEY, THE PACERS SHOWGIRLS INTERNATIONAL
16 CHARITABLE FOUNDATION, MIDWAY VENTURE, LLC, BETTY J. BOGOSIAN, as an
17 individual and as a trustee of the BETTY JO BOGOSIAN TRUST, TREVER SHAMSHOIAN,
18 THOMAS HAZELBAKER, COURTNEY THOMAS and DOES 1-20 owed an affirmative duty to
19 take reasonable steps to secure their premises, as well as adjacent common areas within their
20 control (e.g., parking lots), against reasonably foreseeable criminal acts of third parties.

21 35. Defendants JASON MOHNEY, THE PACERS SHOWGIRLS INTERNATIONAL
22 CHARITABLE FOUNDATION, MIDWAY VENTURE, LLC, BETTY J. BOGOSIAN, as an
23 individual and as a trustee of the BETTY JO BOGOSIAN TRUST, TREVER SHAMSHOIAN,
24 THOMAS HAZELBAKER, COURTNEY THOMAS and DOES 1-20 owed a nondelegable duty
25 to put and maintain the premises in reasonably safe condition.

26 36. Defendants JASON MOHNEY, THE PACERS SHOWGIRLS INTERNATIONAL
27 CHARITABLE FOUNDATION, MIDWAY VENTURE, LLC, BETTY J. BOGOSIAN, as an
28 individual and as a trustee of the BETTY JO BOGOSIAN TRUST, TREVER SHAMSHOIAN,

1 THOMAS HAZELBAKER, COURTNEY THOMAS and DOES 1-20 owed a duty to warn of and
2 control the conduct of DOES 21-40, as well as respond to it immediately and contact law
3 enforcement.

4 37. Safe maintenance at the SUBJECT PREMISES requires attention to foreseeable
5 third party crime.

6 38. PLAINTIFF is informed and believes, and thereon alleges, that Defendants JASON
7 MOHNEY, THE PACERS SHOWGIRLS INTERNATIONAL CHARITABLE FOUNDATION,
8 MIDWAY VENTURE, LLC, BETTY J. BOGOSIAN, as an individual and as a trustee of the
9 BETTY JO BOGOSIAN TRUST, TREVER SHAMSHOIAN, THOMAS HAZELBAKER,
10 COURTNEY THOMAS and DOES 1-20 acted negligently in the following ways:

- 11 a. Failing to properly maintain the SUBJECT PREMISES in a safe manner;
- 12 b. Failing to adequately supervise the SUBJECT PREMISES;
- 13 c. Failing to keep the SUBJECT PREMISES free of any hazards;
- 14 d. Failing to adequately respond to and mitigate a known safety hazard at the
15 SUBJECT PREMISES.

16 39. Defendants JASON MOHNEY, THE PACERS SHOWGIRLS INTERNATIONAL
17 CHARITABLE FOUNDATION, MIDWAY VENTURE, LLC, BETTY J. BOGOSIAN, as an
18 individual and as a trustee of the BETTY JO BOGOSIAN TRUST, TREVER SHAMSHOIAN,
19 THOMAS HAZELBAKER, COURTNEY THOMAS and DOES 1-20 owed a duty of reasonable
20 care to prevent harm to PLAINTIFF.

21 40. As a direct and proximate result of Defendants JASON MOHNEY, THE PACERS
22 SHOWGIRLS INTERNATIONAL CHARITABLE FOUNDATION, MIDWAY VENTURE,
23 LLC, BETTY J. BOGOSIAN, as an individual and as a trustee of the BETTY JO BOGOSIAN
24 TRUST, TREVER SHAMSHOIAN, THOMAS HAZELBAKER, COURTNEY THOMAS and
25 DOES 1-20's negligence, PLAINTIFF has suffered economic and noneconomic damages and
26 harm.

27 41. PLAINTIFF is informed and believes, and thereon alleges, that at all times
28 mentioned herein, Defendants JASON MOHNEY, THE PACERS SHOWGIRLS

1 INTERNATIONAL CHARITABLE FOUNDATION, MIDWAY VENTURE, LLC, BETTY J.
2 BOGOSIAN, as an individual and as a trustee of the BETTY JO BOGOSIAN TRUST, TREVER
3 SHAMSHOIAN, THOMAS HAZELBAKER, COURTNEY THOMAS and DOES 1-20 owned
4 and/or controlled the SUBJECT PREMISES where the SUBJECT INCIDENT occurred during the
5 relevant time period and were responsible for the maintenance of the SUBJECT PREMISES.

6 42. Defendants JASON MOHNEY, THE PACERS SHOWGIRLS INTERNATIONAL
7 CHARITABLE FOUNDATION, MIDWAY VENTURE, LLC, BETTY J. BOGOSIAN, as an
8 individual and as a trustee of the BETTY JO BOGOSIAN TRUST, TREVER SHAMSHOIAN,
9 THOMAS HAZELBAKER, COURTNEY THOMAS and DOES 1-20 so negligently and
10 carelessly owned, possessed, maintained, operated, supervised, managed, and controlled the
11 aforesaid premises, as to cause or to permit the said area to be in a dangerous, defective, unsafe,
12 and hazardous condition, thereby causing the SUBJECT INCIDENT at the SUBJECT
13 PREMISES, and proximately causing PLAINTIFF's injuries.

14 43. PLAINTIFF was harmed as a direct and proximate result of Defendants JASON
15 MOHNEY, THE PACERS SHOWGIRLS INTERNATIONAL CHARITABLE FOUNDATION,
16 MIDWAY VENTURE, LLC, BETTY J. BOGOSIAN, as an individual and as a trustee of the
17 BETTY JO BOGOSIAN TRUST, TREVER SHAMSHOIAN, THOMAS HAZELBAKER,
18 COURTNEY THOMAS and DOES 1-20's negligent use and maintenance of the SUBJECT
19 PREMISES as described above.

20 44. Defendants JASON MOHNEY, THE PACERS SHOWGIRLS INTERNATIONAL
21 CHARITABLE FOUNDATION, MIDWAY VENTURE, LLC, BETTY J. BOGOSIAN, as an
22 individual and as a trustee of the BETTY JO BOGOSIAN TRUST, TREVER SHAMSHOIAN,
23 THOMAS HAZELBAKER, COURTNEY THOMAS and DOES 1-20 failed to use reasonable
24 care in keeping the SUBJECT PREMISES in a reasonably safe condition, and that
25 DEFENDANTS failed to use reasonable care to discover any unsafe conditions and repair,
26 replace, or give adequate warning of anything that could be reasonably expected to harm others.

27 45. A condition on Defendants JASON MOHNEY, THE PACERS SHOWGIRLS
28 INTERNATIONAL CHARITABLE FOUNDATION, MIDWAY VENTURE, LLC, BETTY J.

1 BOGOSIAN, as an individual and as a trustee of the BETTY JO BOGOSIAN TRUST, TREVER
2 SHAMSHOIAN, THOMAS HAZELBAKER, COURTNEY THOMAS and DOES 1-20's
3 property created an unreasonable risk of harm, Defendants JASON MOHNEY, THE PACERS
4 SHOWGIRLS INTERNATIONAL CHARITABLE FOUNDATION, MIDWAY VENTURE,
5 LLC, BETTY J. BOGOSIAN, as an individual and as a trustee of the BETTY JO BOGOSIAN
6 TRUST, TREVER SHAMSHOIAN, THOMAS HAZELBAKER, COURTNEY THOMAS and
7 DOES 1-20 created the dangerous condition, and/or knew or, through exercise of reasonable care,
8 should have known about the condition, and Defendants JASON MOHNEY, THE PACERS
9 SHOWGIRLS INTERNATIONAL CHARITABLE FOUNDATION, MIDWAY VENTURE,
10 LLC, BETTY J. BOGOSIAN, as an individual and as a trustee of the BETTY JO BOGOSIAN
11 TRUST, TREVER SHAMSHOIAN, THOMAS HAZELBAKER, COURTNEY THOMAS and
12 DOES 1-20 failed to repair the condition, protect against harm from the condition, and/or give
13 adequate warning of the condition.

14 46. Defendants JASON MOHNEY, THE PACERS SHOWGIRLS INTERNATIONAL
15 CHARITABLE FOUNDATION, MIDWAY VENTURE, LLC, BETTY J. BOGOSIAN, as an
16 individual and as a trustee of the BETTY JO BOGOSIAN TRUST, TREVER SHAMSHOIAN,
17 THOMAS HAZELBAKER, COURTNEY THOMAS and DOES 1-20 had sufficient time to
18 discover the unsafe condition, repair the condition, protect against harm from the condition, and/or
19 adequately warn of the condition.

20 47. The dangerous condition of the SUBJECT PREMISES on property owned and
21 controlled by Defendants JASON MOHNEY, THE PACERS SHOWGIRLS INTERNATIONAL
22 CHARITABLE FOUNDATION, MIDWAY VENTURE, LLC, BETTY J. BOGOSIAN, as an
23 individual and as a trustee of the BETTY JO BOGOSIAN TRUST, TREVER SHAMSHOIAN,
24 THOMAS HAZELBAKER, COURTNEY THOMAS and DOES 1-20 was a substantial factor in
25 causing PLAINTIFF's harm.

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1 **THIRD CAUSE OF ACTION**

2 **NEGLIGENT HIRING, SUPERVISION, AND RETENTION**

3 **(By Plaintiff Against Defendants JASON MOHNEY, THE PACERS SHOWGIRLS**
4 **INTERNATIONAL CHARITABLE FOUNDATION, MIDWAY VENTURE, LLC, BETTY**
5 **J. BOGOSIAN, as an individual and as a trustee of the BETTY JO BOGOSIAN TRUST,**
6 **and DOES 1 through 20)**

7 48. PLAINTIFF THOMAS PHAM incorporates by reference all paragraphs of this
8 complaint, and repeats all allegations of said paragraphs, as though set forth here in full.

9 49. At all times mentioned herein, Defendants TREVER SHAMSHOIAN, THOMAS
10 HAZELBAKER, COURTNEY THOMAS and DOES 11-20, were independent contractors
11 performing services on behalf of Defendants JASON MOHNEY, THE PACERS SHOWGIRLS
12 INTERNATIONAL CHARITABLE FOUNDATION, MIDWAY VENTURE, LLC, BETTY J.
13 BOGOSIAN, as an individual and as a trustee of the BETTY JO BOGOSIAN TRUST, and DOES
14 1-10.

15 50. At all times mentioned herein, Defendants TREVER SHAMSHOIAN, THOMAS
16 HAZELBAKER, COURTNEY THOMAS and DOES 11-20 were hired, retained, and/or
17 supervised by Defendants JASON MOHNEY, THE PACERS SHOWGIRLS INTERNATIONAL
18 CHARITABLE FOUNDATION, MIDWAY VENTURE, LLC, BETTY J. BOGOSIAN, as an
19 individual and as a trustee of the BETTY JO BOGOSIAN TRUST, and DOES 1-10.

20 51. Defendants JASON MOHNEY, THE PACERS SHOWGIRLS INTERNATIONAL
21 CHARITABLE FOUNDATION, MIDWAY VENTURE, LLC, BETTY J. BOGOSIAN, as an
22 individual and as a trustee of the BETTY JO BOGOSIAN TRUST, and DOES 1-10, failed to
23 exercise reasonable care in employing a competent and careful contractor in Defendants TREVER
24 SHAMSHOIAN, THOMAS HAZELBAKER, COURTNEY THOMAS and DOES 11-20, to do
25 work that involves a risk of physical harm unless it is skillfully and carefully done.

26 52. Defendants JASON MOHNEY, THE PACERS SHOWGIRLS INTERNATIONAL
27 CHARITABLE FOUNDATION, MIDWAY VENTURE, LLC, BETTY J. BOGOSIAN, as an
28 individual and as a trustee of the BETTY JO BOGOSIAN TRUST, and DOES 1-10, hired

1 Defendants TREVER SHAMSHOIAN, THOMAS HAZELBAKER, COURTNEY THOMAS and
2 DOES 11-20.

3 53. Defendants TREVER SHAMSHOIAN, THOMAS HAZELBAKER, COURTNEY
4 THOMAS and DOES 11-20 were unfit or incompetent to perform the work for which they were
5 hired.

6 54. Defendants JASON MOHNEY, THE PACERS SHOWGIRLS INTERNATIONAL
7 CHARITABLE FOUNDATION, MIDWAY VENTURE, LLC, BETTY J. BOGOSIAN, as an
8 individual and as a trustee of the BETTY JO BOGOSIAN TRUST, and DOES 1-10, knew or
9 should have known that Defendants TREVER SHAMSHOIAN, THOMAS HAZELBAKER,
10 COURTNEY THOMAS and DOES 11-20 were unfit or incompetent to perform the work for
11 which they were hired, and this unfitness or incompetence created a risk of harm to others.

12 55. Defendants TREVER SHAMSHOIAN, THOMAS HAZELBAKER, COURTNEY
13 THOMAS and DOES 11-20's unfitness or incompetence harmed PLAINTIFF.

14 56. Defendants JASON MOHNEY, THE PACERS SHOWGIRLS INTERNATIONAL
15 CHARITABLE FOUNDATION, MIDWAY VENTURE, LLC, BETTY J. BOGOSIAN, as an
16 individual and as a trustee of the BETTY JO BOGOSIAN TRUST, and DOES 1-10's negligence
17 in hiring, retaining, or supervising Defendants TREVER SHAMSHOIAN, THOMAS
18 HAZELBAKER, COURTNEY THOMAS and DOES 11-20, was a substantial factor in causing
19 PLAINTIFF's harm.

20 **FOURTH CAUSE OF ACTION**

21 **BATTERY**

22 **(By Plaintiff Against Defendants DOES 21 through 40)**

23 57. PLAINTIFF THOMAS PHAM incorporates by reference all paragraphs of this
24 complaint, and repeats all allegations of said paragraphs, as though set forth here in full.

25 58. Defendants DOES 21 through 40 touched PLAINTIFF with the intent to harm or
26 offend him.

27 59. PLAINTIFF did not consent to the touching.

28 60. PLAINTIFF was harmed by Defendants DOES 21 through 40's conduct.

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PRAYER FOR RELIEF

Wherefore, PLAINTIFF THOMAS PHAM, prays for judgment against DEFENDANTS JASON MOHNEY, an individual; TREVER SHAMSHOIAN, an individual; THOMAS HAZELBAKER, an individual; COURTNEY THOMAS, an individual; THE PACERS SHOWGIRLS INTERNATIONAL CHARITABLE FOUNDATION, a California Corporation; MIDWAY VENTURE, LLC, a California Limited Liability Company; BETTY J. BOGOSIAN, as an individual and as a trustee of the BETTY JO BOGOSIAN TRUST, a California Trust; and DOES 1 through 100, inclusive, and each of them, as follows:

- 1. For compensatory and general damages;
- 2. For past, current, and future medical expenses;
- 3. For costs of suit herein incurred;
- 4. For economic losses, in an amount according to proof at trial;
- 5. For special and incidental damages according to proof at trial;
- 6. For interest upon any judgment entered as provided by law; and
- 7. For such other and further relief as the Court may deem proper.

Wherefore, PLAINTIFF THOMAS PHAM, prays for judgment against DEFENDANTS DOES 21 through 40, inclusive, and each of them, as follows:

- 8. Punitive damages.

DATED: November 24, 2020

SWEET JAMES, LLP

BY: *Ashkahn Mohamadi*
ASHKAHN MOHAMADI
Attorney for Plaintiff

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JURY DEMAND

PLAINTIFF hereby demands a trial by jury on all claims so triable.

DATED: November 24, 2020

SWEET JAMES, LLP

BY: *Ashkahn Mohamadi*
ASHKAHN MOHAMADI
Attorney for Plaintiff