

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): James R. Murphy, Jr. SBN 063410 John D. Barron SBN 283436 James R. Murphy, Jr. And John D. Barron, A Law Corporation 221 East Branch Street, Arroyo Grande, CA 93420 TELEPHONE NO: (805) 489-8929 FAX NO. (Optional): (805) 489-0663 E-MAIL ADDRESS (Optional): james@murphylawcorp.com/john@murphylawcorp.com ATTORNEY FOR (Name): Plaintiff NICHOLAS DREYFUS, et al.</p>	<p>FOR COURT USE ONLY</p> <p>ELECTRONICALLY FILED 6/3/2022 2:45 PM</p> <p>SAN LUIS OBISPO SUPERIOR COURT BY: <u>C.M. Kastner</u> C. M. Kastner, Deputy Clerk</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO</p> <p>STREET ADDRESS: 1050 Monterey Street 901 Park Street MAILING ADDRESS: 1035 Palm Street, Room 385 Paso Robles, CA 93446 CITY AND ZIP CODE: San Luis Obispo, CA 93408 Paso Robles Branch BRANCH NAME: Civil Branch</p>	
<p>PLAINTIFF: NICHOLAS DREYFUS, TYLER DREYFUS and JOHNNY WATSON DEFENDANT: ROBERT BETTENCOURT</p>	
<p><input checked="" type="checkbox"/> DOES 1 TO <u>100</u></p>	
<p>COMPLAINT—Personal Injury, Property Damage, Wrongful Death</p> <p><input type="checkbox"/> AMENDED (Number):</p> <p>Type (check all that apply):</p> <p><input type="checkbox"/> MOTOR VEHICLE <input type="checkbox"/> OTHER (specify):</p> <p><input type="checkbox"/> Property Damage <input checked="" type="checkbox"/> Wrongful Death</p> <p><input checked="" type="checkbox"/> Personal Injury <input checked="" type="checkbox"/> Other Damages (specify): GN, Prem. Liab.</p>	
<p>Jurisdiction (check all that apply):</p> <p><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</p> <p><input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)</p> <p><input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint</p> <p><input type="checkbox"/> from limited to unlimited</p> <p><input type="checkbox"/> from unlimited to limited</p>	<p>CASE NUMBER:</p> <p style="text-align: center; font-size: 1.2em;">22CVP-0148</p>

1. **Plaintiff (name or names):** Nicholas Dreyfus, Tyler Dreyfus and Johnny Watson
 alleges causes of action against **defendant (name or names):**
 Robert Bettencourt
2. This pleading, including attachments and exhibits, consists of the following number of pages: **6**
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.

SHORT TITLE: Dreyfus v. Bettencourt, et al.	CASE NUMBER: 22CVP-0148
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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): **DOE 1**
- (1) a business organization, form unknown
 - (2) a corporation
 - (3) an unincorporated entity (describe):
 - (4) a public entity (describe):
Municipality
 - (5) other (specify):

- c. 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):

- b. 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):

- 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): 1-20 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): 21-40 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):

SHORT TITLE: Dreyfus v. Bettencourt, et al.	CASE NUMBER: 22CVP-0148
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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):

12. The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. listed in Attachment 12.
- b. as follows:

Johnny Watson is the son of decedent James Watson who was murdered by decedent Mason Lira who was armed with weapons and ammunition negligently stored by Defendant Bettencourt.

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):

General Negligence 1:1-7; Premises Liability 1-5a.

Date: June 3, 2022

JOHN D. BARRON

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE: Dreyfus v. Bettencourt, et al.	CASE NUMBER: 22CVP-0148
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ATTACHMENT (Number): First COA GN

(This Attachment may be used with any Judicial Council form.)

[Continued from page 4]

4. Plaintiffs further contend that on the above date, Lira was observed walking with a handgun owned by Defendant Robert Bettencourt outside of the Paso Robles Police Station and shooting said handgun at the Paso Robles Police Station. It is alleged herein that police officers employed by Defendant DOE 1 were within the Paso Robles Police Department station at that time. It is further alleged that in dereliction of their sworn duties as law enforcement officers, these individuals elected to not confront Lira but instead called for outside law enforcement agencies to respond to the scene, thereby placing the public and the responding officers at risk of injury and death by allowing Lira to continue his public shooting spree. Plaintiffs contend that the police officers inside the station that night were inadequately trained and lacked appropriate supervision and that such lack of training and supervision was a direct and proximate cause of their failure to meet their obligations to the community. Plaintiffs further contend that DOE 1 does not maintain a basic policy that police officers are not to engage a suspect on a public shooting spree when they outnumber that subject and have superior weapons, communication devices, and tactical positioning.

5. Plaintiffs contend that DOE 1 is liable to Plaintiffs for Negligence pursuant to Government Code section 815.2. Plaintiffs contend that the police officers' negligent acts and negligent failures to act as described herein, occurred during the scope of their employment with DOE 1. Plaintiffs contend that the police officers' negligent acts and failures to act were the proximate cause of Plaintiffs' injuries and damages. Plaintiffs contend that the police officers' negligent acts and failures to act did not occur during the exercise of any of their discretionary duties because failing to engage a suspect who is on a public shooting spree when that subject is outnumbered by police officers and the police officers have superior weapons, communication devices, and tactical positioning, is not a basic policy of DOE 1. Furthermore, Plaintiffs contend that DOE 1 is liable to Plaintiffs for Negligence pursuant to Government Code section 815.2 on the grounds that the police officers' negligent acts and failures to act were proximately caused by employees of DOE 1 failing to properly train and supervise such officers.

6. Plaintiffs contend the negligence attributable to DOE 1 as outlined herein was a substantial factor in causing the subsequent injuries and damages suffered by Nicholas Dreyfus and Tyler Dreyfus and were a substantial factor in causing the death of James Watson which directly led to the damages suffered by Johnny Watson, as alleged herein in his claim for wrongful death. If not for the negligence of DOE 1, Lira would more likely than not have been stopped at the Paso Robles Police Station and would not have been afforded the opportunity to subsequently shoot Nicholas Dreyfus in face and kill James Watson.

7. For clarification, Plaintiffs are not specifically naming DOE 1 at this time as Plaintiffs are required to file a Petition with this Honorable Court for an Order for relief from what Plaintiffs contend to be DOE 1's incorrect rejections of Plaintiffs' timely tort claims. Plaintiffs' petition for relief will be timely filed with this Honorable Court. The present Complaint is being filed at this time in its current format in order to comply with the controlling statute of limitations of Plaintiffs' claims against Defendant Bettencourt.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 5 of 6

(Add pages as required)

SHORT TITLE: Dreyfus v. Bettencourt, et al.	CASE NUMBER: 22CVP-0148
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SECOND **CAUSE OF ACTION—Premises Liability** Page 6
 (number)

ATTACHMENT TO Complaint Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): DOE 1

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): June 10, 2020 plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):

At or about the intersection of 10th Street and Riverside Avenue in Paso Robles, California and along the train tracks near 800 Pine Street in Paso Robles, California.

Prem.L-2. **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):
 DOE 1

Does 1 to 40

Prem.L-3. **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names):

DOE 1

Does 1 to 40

Plaintiff, a recreational user, was an invited guest a paying guest.

Prem.L-4. **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names):

DOE 1

Does 1 to 40

a. The defendant public entity had actual constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.

b. The condition was created by employees of the defendant public entity.

Prem.L-5. a. **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):

DOE 1

Does 1 to 40

b. The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are described in attachment Prem.L-5.b as follows (names):