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8 Attorneys for Plaintiff  
9 HOLDEN ALLEN POSTHUMUS

10 SUPERIOR COURT OF CALIFORNIA  
11 COUNTY OF SAN DIEGO

12 HOLDEN ALLEN POSTHUMUS, an  
13 individual.

14 Plaintiff,

15 v.

16 HANKEY'S TOYS, unknown entity;  
17 SAFEWAYZ, LLC, a California corporation;  
18 and DOES 1-50, inclusive.

19 Defendants.

Case No.:

**COMPLAINT FOR DAMAGES**

1. STRICT PRODUCT LIABILITY
2. NEGLIGENCE

[JURY DEMANDED]

20 Plaintiff HOLDEN ALLEN POSTHUMUS ("Plaintiff") alleges as follows:

- 21 1. Plaintiff HOLDEN ALLEN POSTHUMUS is an individual residing in Anne  
22 Arundel County, Maryland.
- 23 2. Plaintiff is informed and believes, and based upon such information and belief alleges  
24 that at all times relevant hereto Defendants HANKEY'S TOYS, unknown entity;  
25 SAFEWAYZ, LLC, a California corporation; and DOES 1-50, inclusive, are, and at all times  
26 herein mentioned where individuals, corporations, sole proprietors, shareholders,  
27 associations, partners and partnerships, joint venturers, and/or business entities unknown,  
28 primarily residing and doing business in the County of San Diego, State of California.

1 3. At all times mentioned in this Complaint, Defendants HANKEY'S TOYS, unknown  
2 entity; SAFEWAYZ, LLC, a California corporation; and DOES 1-50, inclusive, distributed  
3 the subject dildo (The Boss Hogg) for sale to the general public for consumer and  
4 commercial use.

5 4. At all times mentioned in this Complaint, Defendants HANKEY'S TOYS, unknown  
6 entity; SAFEWAYZ, LLC, a California corporation; and DOES 1-50, inclusive were  
7 engaged in the business of manufacturing, sale, development, testing, inspecting, packaging,  
8 labeling, advertising, merchandising, and distribution of dildo (The Boss Hogg).

9 5. Plaintiff is informed and believes and thereupon alleges, that at all times herein  
10 relevant, Defendants and DOES 1 through 50 ("DOES"), and each of them, were the agents,  
11 partners, joint venturers, joint employers, representatives, servants, employees, successors-in-  
12 interest, alter egos, co-conspirators and assigns, each of the other, and at all times relevant  
13 hereto were acting with the authority and ratification of one another and within the course  
14 and scope of their authority as such agents, partners, joint venturers, representatives,  
15 servants, employees, successors, co-conspirators and/or assigns, alter egos, and all acts or  
16 omissions alleged herein were duly committed with the ratification, knowledge, permission,  
17 encouragement, authorization and/or consent of each Defendant designated as a DOE herein.

18 6. Plaintiff is informed and believes and thereupon alleges, that at all times herein  
19 relevant, Defendants and DOES 1 through 50, and each of them, were the distributors,  
20 manufacturers, and/or sellers of the dildo (The Boss Hogg) that Defendants HANKEY'S  
21 TOYS, unknown entity; SAFEWAYZ, LLC, a California corporation; and DOES 1-50,  
22 inclusive, sold to Plaintiff and the public who are in some manner liable for the damages  
23 complained of herein.

24 7. Defendants and DOES 1 through 50, and each of them, were the designers,  
25 manufacturers, suppliers, installers, inspectors, repairers of the dildo (The Boss Hogg) that  
26 Defendants HANKEY'S TOYS, unknown entity; SAFEWAYZ, LLC, a California  
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1 corporation; and DOES 1-50, inclusive, sold to Plaintiff and the public who are in some  
2 manner liable for the damages complained of herein.

3 8. The true names and capacities, whether corporate, associate, individual or otherwise,  
4 of DOES 1 through 50, inclusive, are unknown to Plaintiff who sues said DOE Defendants  
5 by such fictitious names. Plaintiff is informed and believes, and based on that information  
6 and belief alleges, that each of the Defendants designated as a DOE are legally responsible  
7 for the events and happenings referred to in this Complaint, and unlawfully caused the  
8 injuries and damages to Plaintiff as alleged in this Complaint. Plaintiff will seek leave of  
9 court to amend this Complaint to show the true names and capacities when the same have  
10 been ascertained.

11 **JURISDICTION AND VENUE**

12 9. Plaintiff is informed and believes, and based upon such information and belief alleges  
13 that at all times relevant hereto Defendants HANKEY'S TOYS, unknown entity;  
14 SAFEWAYZ, LLC, a California corporation; and DOES 1-50, inclusive, are, and at all times  
15 herein mentioned were individuals, corporations, sole proprietors, shareholders, associations,  
16 partners and partnerships, joint venturers, and/or business entities unknown, primarily  
17 residing and doing business in the County of San Diego, and with SAFEWAYZ, LLC's  
18 principal place of business being located at 2525 Southport Way, Suite O, National City, CA  
19 91950.

20 10. Defendants HANKEY'S TOYS, unknown entity; SAFEWAYZ, LLC, a California  
21 corporation; and DOES 1-50, inclusive, and each of them, have certain minimum contacts  
22 with the state of California and purposefully directed their activities, such as conducting  
23 business, sales, transfers, distribution, and exchange of products and goods, within the state  
24 of California. Plaintiff's injuries within the state of California are related to Defendants  
25 HANKEY'S TOYS, unknown entity; SAFEWAYZ, LLC, a California corporation; and  
26 DOES 1-50, inclusive, and each of their activities within the state, such that, a nexus between  
27 the Defendants HANKEY'S TOYS, unknown entity; SAFEWAYZ, LLC, a California  
28

1 corporation; and DOES 1-50, inclusive, and each of them, the state of California and  
2 Plaintiff's injuries exists.

3 **GENERAL ALLEGATIONS**

4 11. Plaintiff hereby incorporates by reference paragraphs 1 through 10 as though fully set  
5 forth herein.

6 12. At all times mentioned herein, Defendants, and each of them, were engaged in the  
7 business of manufacturing, fabricating, designing, packaging, assembling, distributing,  
8 leasing, buying, selling, inspecting, servicing, installing, repairing, marketing, warranting,  
9 supervising and providing the subject product to the general public for purchase.

10 13. On August 15, 2022, Plaintiff was injured as he used a dildo (The Boss Hogg)  
11 distributed, deployed and/or manufactured by Defendants. As Plaintiff extracted the subject  
12 dildo from his anus, it broke and a portion of the dildo remained inside Plaintiff's anus,  
13 thereby causing Plaintiff to endure severe injury and pain.

14 14. Plaintiff immediately experienced substantial pain and injury throughout his body.  
15 Plaintiff has received and continues to receive medical treatment and care.

16 15. On information and belief, Defendants HANKEY'S TOYS, unknown entity;  
17 SAFEWAYZ, LLC, a California corporation; and DOES 1-50, inclusive, dildos (The Boss  
18 Hogg) are improperly designed and/or manufactured for their intended use and do not  
19 contain adequate instructions and/or warnings regarding these hazards and dangers.  
20

21 **FIRST CAUSE OF ACTION**

22 **(STRICT PRODUCT LIABILITY)**

23 **(Against All Defendants and DOES 1-50)**

24 16. Paragraphs 1 through 15 are realleged and incorporated by this reference.

25 17. Plaintiff is informed and believes, and thereupon alleges, that at all times herein  
26 mentioned, Defendants HANKEY'S TOYS, unknown entity; SAFEWAYZ, LLC, a  
27 California corporation; and DOES 1-50, inclusive, and each of them, designed, developed,  
28 tested, manufactured, fabricated, assembled distributed, bought, sold, inspected, marketed,

1 warranted, supplied, modified, and/or provided the subject dildo (The Boss Hogg), which  
2 was purchased by Plaintiff and used by Plaintiff as intended.

3 18. Plaintiff is informed and believes, and thereupon alleges, that at all times herein  
4 mentioned, Defendants HANKEY'S TOYS, unknown entity; SAFEWAYZ, LLC, a  
5 California corporation; and DOES 1-50, inclusive, and each of them, knew or should have  
6 known that the subject dildo (The Boss Hogg) had dangerous features, characteristics,  
7 operating instructions, and propensities.

8 19. Plaintiff is informed and believes, and thereupon allege, that at all times herein  
9 mentioned, Defendants HANKEY'S TOYS, unknown entity; SAFEWAYZ, LLC, a  
10 California corporation; and DOES 1-50, inclusive, and each of them, breached their duties  
11 and failed to act reasonably by deliberately marketing and advertising the subject dildo (The  
12 Boss Hogg) without making sure that the subject dildo (The Boss Hogg) was in a safe and  
13 operable condition without defects.

14 20. Plaintiff HOLDEN ALLEN POSTHUMUS was harmed by a product, the subject  
15 dildo (The Boss Hogg) that was distributed, manufactured, and/or sold by Defendants. The  
16 subject dildo (The Boss Hogg) contained a manufacturing defect, design defect, and did not  
17 include sufficient instructions and/or warnings of potential safety hazards.

18 21. On information and belief, the subject dildo (The Boss Hogg) contained a  
19 manufacturing defect when it left each Defendants' possession and the defect was a  
20 substantial factor in causing Plaintiff's harm.

21 22. On information and belief, the subject dildo (The Boss Hogg) was defective because  
22 it differed from the manufacturer's design or specifications and/or from other typical units of  
23 the same product line.

24 23. On information and belief, the subject dildo (The Boss Hogg) was defective because  
25 the brakes did not perform as safely as an ordinary consumer would have expected them to  
26 perform when used or misused in an intended or reasonably foreseeable way and this defect  
27 was a substantial factor in causing Plaintiff's harm.  
28

1 24. On information and belief, the subject dildo (The Boss Hogg) had potential risks that  
2 were known and/or knowable in light of the knowledge that was generally accepted in the  
3 community at the time of the dildo (The Boss Hogg)'s manufacture, distribution, and/or sale.

4 25. On information and belief, the potential risks presented a substantial danger when the  
5 subject dildo (The Boss Hogg) is used or misused in an intended or reasonably foreseeable  
6 way.

7 26. On information and belief, the ordinary consumers would not have recognized the  
8 potential risks.

9 27. On information and belief, Defendants failed to adequately warn or instruct of the  
10 potential risks.

11 28. On information and belief, the lack of sufficient instructions or warnings was a  
12 substantial factor in causing Plaintiff's harm.

13 29. As a direct and proximate result of the above described acts and/or omissions of  
14 Defendants, Plaintiff has suffered special damages, economic damages, consequential  
15 damages, incidental damages, and general damages including, but not limited to, severe  
16 physical, mental, and emotional injuries, emotional distress, pain and suffering, resulting in  
17 substantial expenses, medical expenses, loss of use and enjoyment of life, and lost earnings  
18 and earnings capacity, the exact amount of which is unknown to Plaintiff at this time, but  
19 subject to proof at time of trial.

20 30. The defects described herein was a substantial factor and the legal and proximate  
21 cause of the injuries, damages, and pain suffered by Plaintiff complained herein.

22 31. As a result of the defective, negligent, careless, and/or reckless design, testing,  
23 development, manufacture, fabrication, assembly, distribution, buying, selling, marketing,  
24 warranting, supplying, modifying, and/or providing of the subject dildo (The Boss Hogg),  
25 and the instructions and/or warnings pertaining to the subject dildo (The Boss Hogg),  
26 Plaintiff sustained severe, great, and traumatic personal injuries.  
27  
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1 32. As a legal, direct, and proximate result of the above-mentioned conduct of  
2 Defendants HANKEY'S TOYS, unknown entity; SAFEWAYZ, LLC, a California  
3 corporation; and DOES 1-50, inclusive, and each of them, Plaintiff was injured in his health,  
4 strength and activity, sustaining injury to his body, and shock and injury to his person, all of  
5 which have caused and continue to cause great physical, mental, and emotional pain and  
6 suffering all to her general damages, the exact amount of such to be stated according to  
7 proof.

8 33. As a legal, direct, and proximate result of the above-mentioned conduct of  
9 Defendants HANKEY'S TOYS, unknown entity; SAFEWAYZ, LLC, a California  
10 corporation; and DOES 1-50, inclusive, and each of them, Plaintiff was compelled to and did  
11 employ the services of hospitals, physicians, surgeons, nurses and the like, to care for and  
12 treat him, and did incur hospital, medical, professional and incidental expenses, the exact  
13 amount of such to be stated according to proof.

14 34. As a legal, direct, and proximate result of the above-mentioned conduct of  
15 Defendants HANKEY'S TOYS, unknown entity; SAFEWAYZ, LLC, a California  
16 corporation; and DOES 1-50, inclusive, and each of them, Plaintiff will necessarily incur  
17 additional like expenses for an indefinite period of time in the future, the exact amount of  
18 such to be stated according to proof.

19 35. As a direct and proximate result of the negligence, carelessness, and violation of the  
20 law by Defendants HANKEY'S TOYS, unknown entity; SAFEWAYZ, LLC, a California  
21 corporation; and DOES 1-50, inclusive, and each of them, Plaintiff has and will incur a loss  
22 of earnings and/or loss of earning capacity, which will be stated according to proof, pursuant  
23 to California Code of Civil Procedure section 425.10.  
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**SECOND CAUSE OF ACTION**

**(NEGLIGENCE)**

**(Against All Defendants and DOES 1 through 50, inclusive)**

36. Paragraphs 1 through 35 are realleged and incorporated by this reference.

37. Plaintiff believes and alleges that at all times mentioned herein, Defendants owed duties of care to Plaintiff and others to act reasonably, prudently, and safely so as to avoid subjecting Plaintiff and others to any unnecessary threat, risk or injury.

38. On information and belief, Defendants were negligent in designing, manufacturing, supplying, and/or selling the subject dildo (The Boss Hogg). Defendants failed to use the amount of care in designing, manufacturing, supplying, and/or selling the subject dildo (The Boss Hogg) that a reasonably careful designer, manufacturer, supplier, and/or seller would have used in similar circumstances to avoid exposing Plaintiff to a foreseeable risk of harm. Defendants knew or should have known about the likelihood and severity of potential harm from the product which could have been avoided by taking safety measures to reduce or avoid the harm.

39. Defendants knew or reasonably should have known that the subject dildo (The Boss Hogg) were dangerous or were likely to be dangerous when used or misused in a reasonably foreseeable manner. Defendants knew or reasonably should have known that users would not realize the danger. Defendants failed to adequately warn of the danger or instruct on the safe use of the subject dildo (The Boss Hogg). A reasonable manufacturer, distributor, and/or seller under the same or similar circumstances would have warned of the danger or instructed on the safe use of the subject dildo (The Boss Hogg).

40. The negligence of Defendants, and each of them including their failure to warn or instruct, is and was a substantial factor in causing Plaintiff's harm.

41. As a direct and proximate result of the above described acts and/or omissions of Defendants, Plaintiff has suffered special damages, economic damages, consequential damages, incidental damages, and general damages including, but not limited to, severe



1 physical, mental, and emotional injuries, emotional distress, pain and suffering, resulting in  
2 substantial expenses, medical expenses, loss of use and enjoyment of life, and lost earnings  
3 and earnings capacity, the exact amount of which is unknown to Plaintiff at this time, but  
4 subject to proof at time of trial.

5 42. As a further proximate result of the negligence of Defendants, and each of them,  
6 Plaintiff has suffered and will continue to suffer general damages in an amount presently  
7 unknown but which will be proven at the time of trial.

8 43. As a further proximate result of the negligence of Defendants, and each of them,  
9 Plaintiff has suffered and will continue to suffer economic damages and loss of earnings in  
10 an amount presently unknown but which will be proven at the time of trial.

11 44. As a further proximate result of the negligence of Defendants, and each of them,  
12 Plaintiff has suffered and will continue to suffer, a loss of earning capacity in an amount  
13 presently unknown but which will be proven at the time of trial.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff prays for judgment against Defendants HANKEY'S TOYS,  
16 unknown entity; SAFEWAYZ, LLC, a California corporation; and DOES 1-50, inclusive, as  
17 follows:

18 **FIRST AND SECOND CAUSES OF ACTION**

19 1. For special damages including medical expenses, both past and future, and all other  
20 related special damages incurred by and on behalf of Plaintiff HOLDEN ALLEN

21 POSTHUMUS in an amount to be proven at trial;

22 2. For general damages including for personal injury and pain and suffering and  
23 emotional distress by Plaintiff in an amount in excess of the minimum subject matter  
24 jurisdiction of this Court;

25 3. For loss of earnings and earning capacity both past and future, and all other related  
26 special damages incurred by and on behalf of Plaintiff HOLDEN ALLEN POSTHUMUS ;

27 4. For pre- and post-judgment interest and costs of suit incurred herein;  
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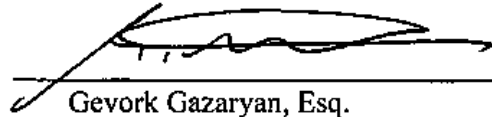
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5. For such other and further relief as this Court may deem just and proper.

DATED: November 15, 2022

**DOWNTOWN L.A. LAW GROUP**



\_\_\_\_\_  
Gevork Gazaryan, Esq.  
Attorney for Plaintiff,  
HOLDEN ALLEN POSTHUMUS

**DEMAND FOR JURY TRIAL**

Plaintiff demands trial by jury of all issues so triable.

DATED: November 15, 2022

**DOWNTOWN L.A. LAW GROUP**



\_\_\_\_\_  
Gevork Gazaryan, Esq.  
Attorney for Plaintiff,  
HOLDEN ALLEN POSTHUMUS