

EXHIBIT A -- COMPLAINT

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number, and address):

JOSEPH J. WENINGER, ESQ. (058605)

THE CROW LAW FIRM
700 E Street

Sacramento, CA 95814

TELEPHONE NO: (916) 441-2980

FAX NO. (Optional): (916) 441-3846

E-MAIL ADDRESS (Optional): jweninger@crowlaw.com

ATTORNEY FOR (Name): Thomas Leslie

FOR COURT USE ONLY

FILED

SUPERIOR COURT OF CALIFORNIA
PLACER COUNTY

JUL 29 2010

EXECUTIVE OFFICER & CLERK
By M. Anderson, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Placer

STREET ADDRESS: 10820 Justice Center Drive

MAILING ADDRESS:

CITY AND ZIP CODE: Roseville, CA 95678

BRANCH NAME:

PLAINTIFF: Thomas Leslie

DEFENDANT: Corporate Coach of America, Inc., Union
Pacific Railroad Company, and☒ DOES 1 TO 30

COMPLAINT—Personal Injury, Property Damage, Wrongful Death

☐ AMENDED (Number):

Type (check all that apply):

☐ MOTOR VEHICLE☒ OTHER (specify): FELA☐ Property Damage☐ Wrongful Death☒ Personal Injury☐ Other Damages (specify):

Jurisdiction (check all that apply):

☐ ACTION IS A LIMITED CIVIL CASE

Amount demanded

☐ does not exceed \$10,000☐ exceeds \$10,000, but does not exceed \$25,000☒ ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)☐ ACTION IS RECLASSIFIED by this amended complaint☐ from limited to unlimited☐ from unlimited to limited

CASE NUMBER:

S CV 27541

1. Plaintiff (name or names): Thomas Leslie

alleges causes of action against defendant (name or names): Corporate Coach of America, Inc., et al.

2. This pleading, including attachments and exhibits, consists of the following number of pages: FIVE (5)

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: Leslie v. Corporate Coach of America, Inc., et al.

CASE NUMBER:

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): Corporate Coach of America, Inc.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):(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): Union Pacific Railroad Companyd. ☐ **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):(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 to 15 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): 16 to 30 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, anda. ☐ has complied with applicable claims statutes, orb. ☐ is excused from complying because (specify):

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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*): prejudgment interest

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

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

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*):
GN-1

Date: 7/28/10

Joseph J. Weninger
(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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CASE NUMBER:

First CAUSE OF ACTION—General Negligence
(number)

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ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

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

GN-1. Plaintiff (name): Thomas Leslie

alleges that defendant (name): Corporate Coach of America, Inc., et al.

☒ Does 1 to 30

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): 11/3/08

at (place): Lathrop, California

(description of reasons for liability):

Plaintiff alleges that defendant CORPORATE COACH OF AMERICA, INC. failed to provide a safe vehicle to transport plaintiff and his fellow workers; failed to have the van properly equipped; did not provide a large enough vehicle to transport plaintiff, his fellow workers, and their gear; and did not provide a cargo net to prevent the gear from falling out of the back of the van.

Plaintiff, a locomotive engineer for defendant UNION PACIFIC RAILROAD COMPANY, is filing this matter, in part, pursuant to the Federal Employers' Liability Act, 45 U.S.C. 51, et seq. and further alleges that defendant UNION PACIFIC RAILROAD COMPANY had a nondelegable duty to provide plaintiff with a reasonably safe place to work; that they hired co-defendant to transport UPRR employees along with their gear; did not make sure that the van was adequate for the transport for people and gear; and did not make sure that there was a cargo net in the back of the van to prevent the gear from falling out and injuring plaintiff.

As a proximate result of the aforementioned negligence on the part of defendants, and each of them, plaintiff has sustained personal injuries and damages.