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6 CHRISTOPHER S. WOODS

**Electronically
FILED**

by Superior Court of California
County of Los Angeles on

11/27/17

Sheri R. Carter, Executive Officer/Clerk

By  Deputy
Carlos Hidalgo

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF LOS ANGELES - CENTRAL UNLIMITED**

12
13 CHRISTOPHER S. WOODS, an)
individual,)
14)
Plaintiff,)
15)
16 vs.)
17 SEAN LEE SMITH, an individual; THE)
18 OAKLAND RAIDERS, a California)
Limited Partnership; and DOES 1 through)
19 50, inclusive,)
20 Defendants.)

Case No.: **BC684716**

COMPLAINT FOR DAMAGES FOR:
(1) **ASSAULT;**
(2) **BATTERY;**
(3) **INTENTIONAL INFLICTION OF**
EMOTIONAL DISTRESS;
(4) **NEGLIGENT INFLICTION OF**
EMOTIONAL DISTRESS; and
(5) **NEGLIGENCE – VICARIOUS**
LIABILITY.

DEMAND FOR JURY TRIAL

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IRVINE, CALIFORNIA 92612

FSC:05/13/19 TRIAL: 05/28/19 OSC : 11/30/20

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TO THIS HONORABLE COURT AND ALL INTERESTED PARTIES:

COMES NOW, Plaintiff CHRISTOPHER S. WOODS, an individual, for causes of action against SEAN LEE SMITH, an individual, THE OAKLAND RAIDERS, a California Limited Partnership, and DOES 1 through 50, inclusive, upon information and belief as follows:

THE PARTIES

1. At all relevant times, Plaintiff CHRISTOPHER S. WOODS (hereinafter referred to as “Plaintiff or “Mr. Woods”) is and was a resident of the City of Atlanta, State of Georgia. On or about July 4, 2017, Plaintiff suffered extensive personal injuries as described herein during a brutal assault by Defendant SEAN LEE SMITH and DOES 1 through 40, in Pasadena, California.

2. Plaintiff is informed and believes, and thereon alleges, that Defendant SEAN LEE SMITH (hereinafter referred to as “Defendant” or “SMITH”) is an individual who resides in the City of Oakland, State of California. SMITH was the assailant who viciously beat Plaintiff during the July 4, 2017 assault. SMITH currently plays in the National Football League (“NFL”) for The Oakland Raiders.

3. Plaintiff is informed and believes, and thereon alleges, that Defendant THE OAKLAND RAIDERS (hereinafter referred to as “Defendant Raiders” or “OAKLAND RAIDERS”) is a California Limited Partnership whose principal place of business is 1220 Harbor Bay Parkway, in the City of Alameda, State of California. At all relevant times referred to herein SMITH was employed by, and acted as an agent for, the OAKLAND RAIDERS.

4. Defendants SMITH, OAKLAND RAIDERS and DOES 1 through 50 are hereinafter collectively referred to as the “Defendants.”

5. The full extent of the facts linking the fictitiously designated defendants with each cause of action alleged herein is unknown to Plaintiff at this time. The true names or capacities, whether individual, plural, corporate, partnership, associate or otherwise, of Defendant and DOES 1 through 50, inclusive, and each of them, are also

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1 unknown to Plaintiff. Plaintiff therefore sues said Defendants by such fictitious
 2 names. Plaintiff is informed and believes and thereon alleges that each of the Defendants
 3 designated herein as a DOE is negligently, recklessly, tortiously and unlawfully
 4 responsible in some manner for the events and happenings herein referred to and
 5 negligently, tortiously, and unlawfully proximately caused the injuries and damages
 6 thereby to Plaintiff as herein alleged. Plaintiff will hereinafter seek leave of Court to
 7 amend this Complaint to show said Defendants' true names and capacities after the same
 8 have been ascertained. Plaintiff is alleging causes of action against each DOE Defendant
 9 under every theory of recovery set forth herein.

10 6. Plaintiff is informed and believes and thereon alleges that at all times herein
 11 mentioned, each of the Defendants sued herein was the employee, director, officer,
 12 partner, parent, subsidiary, joint venturer, successor, predecessor and/or agent of the other
 13 co-Defendants, and each of them. Plaintiff is further informed and believes and thereon
 14 alleges, that in doing the things herein alleged, each of the Defendants sued herein acted
 15 within the scope of such agency and with the permission and consent of the other co-
 16 Defendants, and each of them, and/or directly and/or indirectly assisted, aided, or
 17 conspired in the acts, occurrences, practices, omissions, and/or misconduct herein alleged.

18
 19 **JURISDICTION AND VENUE**

20 7. This Court has jurisdiction over this action pursuant to California *Code of*
 21 *Civil Procedure* §410.10, *et seq.* Moreover, this Court has personal jurisdiction over the
 22 Defendants, and each of them, because they reside or have their principal place of
 23 business in the State of California. The damages sought to be recovered herein are well in
 24 excess of the jurisdictional minimum for this Court.

25 8. Venue is proper in the Los Angeles County Court, Central District, pursuant
 26 to California *Code of Civil Procedure* §395, since Plaintiff's injuries occurred in this
 27 jurisdiction.
 28

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GENERAL ALLEGATIONS

1
2 9. Plaintiff is informed and believes and thereon alleges that at all times herein
3 mentioned, SMITH was employed by the OAKLAND RAIDERS as a highly trained
4 professional football player.

5 10. Plaintiff is informed and believes and thereon alleges that the OAKLAND
6 RAIDERS required as part of SMITH’s employment to participate in aggressive strength
7 and agility training programs. Plaintiff is further informed and believes and thereon
8 alleges that the OAKLAND RAIDERS trained SMITH to use his size, strength and
9 certain offensive techniques as a weapon, encouraging and training SMITH to use
10 whatever means necessary to harm, injure and disable those that he perceived to stand in
11 his way, including supplementing his strength training with performance enhancing
12 substances. Plaintiff further alleges that SMITH was not provided any training by the
13 OAKLAND RAIDERS to control his rage and anger off the football field.

14 11. Plaintiff is informed and believes and thereon alleges that prior to July 3,
15 2017, the OAKLAND RAIDERS knew of SMITH’s violent propensities as alleged
16 herein.

17 12. On or about July 4, 2017, Mr. Woods was brutally assaulted by Defendant
18 SMITH, in Old Town Pasadena, California (the “Assault and Battery”). Following an
19 extensive investigation by the Pasadena Police department, SMITH was arrested and
20 charged with felony aggravated assault with great bodily injury, California *Penal Code*
21 245(a)(4) and 243(d), Los Angeles Superior Court Criminal case number GA101651.

22 13. Mr. Woods is a 28-year-old social worker born and raised in Los Angeles,
23 California.

24 14. Prior to the Assault and Battery, Mr. Woods was in his final year of his
25 Master’s program at Clark Atlanta University for a Masters of Social Work degree.

26 15. Prior to the Assault and Battery, Mr. Woods had been dating Rayna Smith
27 (“Rayna”), the sister of Defendant SMITH, for approximately 2 years. On July 3, 2017,
28 Mr. Woods and Rayna were in Los Angeles visiting Mr. Woods’ mother.

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1 16. On July 3, 2017, SMITH was in Pasadena, representing the OAKLAND
2 RAIDERS as their star cornerback promoting the upcoming football season, using his
3 status as a team member of the OAKLAND RAIDERS to receive preferential treatment
4 and entrance to various establishments in and around Pasadena.

5 17. During the afternoon and evening of July 3, 2017, SMITH and several
6 friends were drinking alcohol at Barney's Beanery in Pasadena, California. SMITH
7 purchased round after round of tequila shots and other assorted alcohol for himself and his
8 group.

9 18. Later in the evening Mr. Woods and Rayna joined SMITH and his group of
10 friends at Barney's Beanery. This was the first time Mr. Woods would meet SMITH, and
11 he was especially excited to meet someone he had admired and respected, particularly
12 because he was Rayna's brother.

13 19. After several hours, the group left Barney's Beanery and walked down the
14 street to iX Tapa Cantina. SMITH walked to the front of the line and approached the
15 doorman at iX Cantina, demanding to skip the line and to be let in immediately,
16 attempting to leverage his status as a star player for the OAKLAND RAIDERS for
17 preferential treatment. The doorman refused to allow SMITH to enter stating that SMITH
18 was obviously intoxicated and overly aggressive, and turned SMITH away.

19 20. After being refused entrance to iX Tapa Cantina, SMITH and Rayna got
20 into a verbal argument, and SMITH's anger quickly turned to rage and violence.
21 Suddenly, and without provocation, SMITH attacked Mr. Woods, striking him in the head
22 and other parts of his body, knocking him to the ground and rendering him unconscious.
23 With Mr. Woods near death SMITH fled the scene leaving Mr. Woods helpless,
24 unconscious and bleeding, on a public sidewalk. These egregious acts were done in front
25 of multiple witnesses.

26 21. A short while later, SMITH returned to the scene of the crime where Mr.
27 Woods remained unconscious, bleeding and lying on the ground on his stomach with his
28 face to the side. As a final blow to the already severe injuries suffered by Mr. Woods,

1 SMITH violently and repeatedly stomped on defenseless Mr. Woods’ face, fracturing it in
2 five different places, causing Mr. Woods brain damage and even greater pain and
3 suffering.

4 22. Following the vicious Assault and Battery of Mr. Woods, SMITH fled the
5 scene of the crime, leaving an unconscious Mr. Woods on the ground, bleeding profusely
6 and struggling for breath.

7 23. Thankfully, a witness to the senseless Assault and Battery called 9-1-1. A
8 short while later SMITH’s mother, Barbara Smith (herein “Mrs. Smith”) who lives in
9 Pasadena, arrived at the scene of the crime and attempted to pull Mr. Woods, who was
10 then still unconscious and unresponsive, into her car. The police and paramedics arrived
11 shortly after Mrs. Smith and emergency medical personnel then transported Mr. Woods to
12 the local emergency room.

13 24. Upon arrival to the emergency room Mr. Woods was immediately intubated
14 due to his low Glasgow Coma Scale and because he was vomiting blood. At the hands
15 and stomping foot of SMITH, Mr. Woods suffered a severe traumatic brain injury as well
16 as severe oral/facial trauma and several orbital fractures during the attack. Mr. Woods also
17 suffered hematomas to the left and right side of his head with lacerations, as well as a tear
18 to his left anterior crucial ligament and other severe injuries to his body. Additionally,
19 Mr. Woods’ eyes were injured during the attack, thereby causing permanent damage to his
20 vision. The trauma to Mr. Woods’ face was so severe, he has required extensive facial and
21 reconstructive surgery, necessitating a metal plate and screws to repair the facial fractures
22 – with additional reconstructive surgeries likely to be required in the future.

23 25. Following the Assault and Battery, SMITH informed the OAKLAND
24 RAIDERS of the Assault and Battery of Plaintiff during his marketing trip to Pasadena,
25 yet the OAKLAND RAIDERS took no corrective action and continued to train SMITH to
26 use whatever means necessary to harm, injure and disable those that he perceives to stand
27 in his way, both on and off the playing field, ratifying the wrongful conduct of SMITH.
28

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FIRST CAUSE OF ACTION

ASSAULT

(Against Defendant SMITH, and DOES 1 through 40, inclusive)

26. Plaintiff realleges and incorporates herein Paragraphs 1 through 25 inclusive, and by this reference incorporates the same herein as though set forth in full.

27. While in the course and scope of his agency and employment with the OAKLAND RAIDERS, SMITH, and each of them, attacked Mr. Woods, striking him in the head and body knocking him to the ground, and rendering him unconscious, intending to cause a harmful or offensive contact with Plaintiff. As a final blow to the already severe injuries suffered by Mr. Woods, SMITH violently and repeatedly stomped on defenseless Mr. Woods' face, fracturing it in five different places, causing Mr. Woods brain damage and even greater pain and suffering. In so doing, Defendant SMITH and DOES 1-40 acted without legal justification, and with an intent to cause injury to Plaintiff, in that Defendant SMITH and DOES 1-40 knew to a substantial certainty that injury would occur as a result of their actions.

28. Plaintiff reasonably believed that he was about to be touched in harmful or offensive manner.

29. Plaintiff did not consent to SMITH striking his face, stomping on his head, nor the other assaults on his person by SMITH.

30. A reasonable person in Plaintiff's situation would have been offended by SMITH's striking of the face and stomping of the head.

31. As an actual, direct, legal and proximate result of SMITH and DOES 1-40 assault of Plaintiff, Plaintiff was hurt and injured in his health, strength, and activity, sustaining injuries to his face and body, all of which caused and continue to cause Plaintiff to endure great mental, physical, and nervous pain and suffering. Plaintiff is informed and believes and thereon alleges that said injuries have and will result in a permanent disability to Plaintiff, all to Plaintiff's general damage in an amount in excess of the minimum jurisdictional limits of this Court.

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1 32. The conduct of Defendant SMITH, and upon information and belief, the
2 conduct of DOES 1-40, was a substantial factor in causing harm to Plaintiff.

3 33. As an actual, direct, legal and proximate result of the intentional conduct of
4 Defendant SMITH, and upon information and belief, the conduct of DOES 1-40, Plaintiff
5 has been compelled to incur and will continue to incur medical and related expenses, all to
6 Plaintiff's monetary damage, the exact nature and extent of which are unknown to
7 Plaintiff at this time. Plaintiff will ask leave of the Court to amend the Complaint in this
8 regard when the same are ascertained.

9 34. As a further direct, legal and proximate result of the conduct of Defendant
10 SMITH and, upon information and belief, the conduct of DOES 1-40, and each of them,
11 Plaintiff has incurred in the past, and will incur in the future, expenses including but not
12 limited to, hospital, surgical, x-ray/CT/MRI, medical, nursing, prescription drug and
13 sundry expenses in the examination, care, and treatment of Plaintiff's injuries, the exact
14 nature and extent of which are unknown to Plaintiff at this time, and Plaintiff will ask
15 leave of the Court to amend the Complaint in this regard when the same are ascertained.

16 35. That as a further direct, legal and proximate result of the intentional conduct
17 of Defendant SMITH and DOES 1-40, and each of them, Plaintiff will be unable to pursue
18 his vocation and has suffered in the past and will therefore suffer a future loss of earnings
19 and earning capacity, the exact amount of which is unknown to Plaintiff at this time, and
20 Plaintiff will ask leave of Court to amend the Complaint according to proof when the
21 same are ascertained at trial.

22 36. The aforementioned intentional acts of Defendant SMITH and DOES 1-40,
23 were despicable, willful, wanton, malicious, intentional, reckless and/or oppressive.
24 Defendant SMITH and DOES 1-40, and each of them, at all times mentioned herein, were
25 aware that their conduct was outrageous, and/or in conscious disregard for the safety of
26 Plaintiff. By reason of the conduct of Defendant SMITH and DOES 1-40, and each of
27 them, which directly and proximately caused the mental and physical injuries described
28 above, Plaintiff is entitled to, and hereby does, request an award of exemplary and

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1 punitive damages from Defendant SMITH and DOES 1-40.

2 37. Plaintiff is informed and believes and such basis alleges that the
3 OAKLAND RAIDERS, and DOES 41-50, had knowledge of the unfitness of its employee
4 SMITH and employed him with a conscious disregard of the rights and safety of others, or
5 authorized or ratified the wrongful conduct of SMITH. Such advance knowledge and
6 conscious disregard, authorization, ratification, was done by officers, directors, employees
7 or agents of the OAKLAND RAIDERS.

8
9 **SECOND CAUSE OF ACTION**

10 **BATTERY**

11 **(Against Defendant SMITH, and DOES 1 through 40, inclusive)**

12 38. Plaintiff realleges and incorporates herein Paragraphs 1 through 37
13 inclusive, and by this reference incorporates the same herein as though set forth in full.

14 39. While in the course and scope of his agency and employment with the
15 OAKLAND RAIDERS, Defendant SMITH and DOES 1-40, and each of them, struck and
16 stomped on Plaintiff's face, head and body with the intent to harm or offend him as
17 described herein. In so doing, Defendants acted without legal justification, and with an
18 intent to cause injury to Plaintiff, in that Defendant SMITH and DOES 1-40 knew to a
19 substantial certainty that injury would occur as a result of their actions.

20 40. Plaintiff did not consent to Defendant SMITH's striking his face, or
21 stomping on his head.

22 41. As an actual, direct, legal and proximate result of Defendant SMITH and
23 DOES 1-40 assault of Plaintiff, Plaintiff was hurt and injured in his health, strength, and
24 activity, sustaining injuries to his face and body, all of which caused and continue to cause
25 Plaintiff to endure great mental, physical, and nervous pain and suffering. Plaintiff is
26 informed and believes and thereon alleges that said injuries have and will result in a
27 permanent disability to Plaintiff, all to Plaintiff's general damage in an amount in excess
28 of the minimum jurisdictional limits of this Court.

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1 42. A reasonable person in Plaintiff’s situation would have been offended by
2 SMITH’s striking of the face and stomping of the head.

3 43. As an actual, direct, legal and proximate result of the intentional conduct of
4 Defendant SMITH, and upon information and belief, the conduct of DOES 1-40, Plaintiff
5 has been compelled to incur and will continue to incur medical and related expenses, all to
6 Plaintiff’s monetary damage, the exact nature and extent of which are unknown to
7 Plaintiff at this time. Plaintiff will ask leave of the Court to amend the Complaint in this
8 regard when the same are ascertained.

9 44. As a further direct, legal and proximate result of the conduct of Defendant
10 SMITH and, upon information and belief, the conduct of DOES 1-40, and each of them,
11 Plaintiff has incurred in the past, and will incur in the future, expenses including but not
12 limited to, hospital, surgical, x-ray/CT/MRI, medical, nursing, prescription drug and
13 sundry expenses in the examination, care, and treatment of Plaintiff’s injuries, the exact
14 nature and extent of which are unknown to Plaintiff at this time, and Plaintiff will ask
15 leave of the Court to amend the Complaint in this regard when the same are ascertained.

16 45. That as a further direct, legal and proximate result of the intentional conduct
17 of Defendant SMITH and DOES 1-40, and each of them, Plaintiff will be unable to pursue
18 his vocation and has suffered in the past and will therefore suffer a future loss of earnings
19 and earning capacity, the exact amount of which is unknown to Plaintiff at this time, and
20 Plaintiff will ask leave of Court to amend the Complaint according to proof when the
21 same are ascertained at trial.

22 46. The aforementioned intentional acts of Defendant SMITH and DOES 1-40,
23 were despicable, willful, wanton, malicious, intentional, reckless and/or oppressive.
24 Defendant SMITH and DOES 1-40, and each of them, at all times mentioned herein, were
25 aware that their conduct was outrageous, and/or in conscious disregard for the safety of
26 Plaintiff. By reason of the conduct of Defendant SMITH and DOES 1-40, and each of
27 them, which directly and proximately caused the mental and physical injuries described
28 above, Plaintiff is entitled to, and hereby does, request an award of exemplary and

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1 punitive damages from Defendant SMITH and DOES 1-40.

2 47. Plaintiff is informed and believes and such basis alleges that the
3 OAKLAND RAIDERS, and DOES 41-50, had knowledge of the unfitness of its employee
4 SMITH and employed him with a conscious disregard of the rights and safety of others, or
5 authorized or ratified the wrongful conduct of SMITH. Such advance knowledge and
6 conscious disregard, authorization, ratification, was done by officers, directors, employees
7 or agents of the OAKLAND RAIDERS.

8
9 **THIRD CAUSE OF ACTION**

10 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

11 **(Against Defendant SMITH, and DOES 1 through 40, inclusive)**

12 48. Plaintiff realleges and incorporates herein Paragraphs 1 through 47
13 inclusive, and by this reference incorporates the same herein as though set forth in full.

14 49. That the aforementioned intentional acts of Defendant SMITH and DOES 1-
15 40, were outrageous, despicable, willful, wanton, malicious, intentional, reckless and/or
16 oppressive.

17 50. Defendant SMITH, and, upon information and belief DOES 1-40, and each
18 of them, intended to cause Plaintiff severe emotional distress, or acted with reckless
19 disregard of the probability that Plaintiff would suffer emotional distress as the victim of
20 Defendant SMITH's assault and battery and described herein.

21 51. Plaintiff suffered, and continues to suffer, severe emotional distress.

22 52. As an actual, direct, legal and proximate result of Defendant SMITH and,
23 upon information and belief DOES 1-40, and each of them, assault of Plaintiff, Plaintiff
24 was hurt and injured in his health, strength, and activity, sustaining injuries to his face and
25 body, all of which caused and continue to cause Plaintiff to endure great mental, physical,
26 and nervous pain and suffering. Plaintiff is informed and believes and thereon alleges that
27 said injuries have and will result in a permanent disability to Plaintiff, all to Plaintiff's
28 general damage in an amount in excess of the minimum jurisdictional limits of this Court.

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1 53. Defendant SMITH and DOES 1-40's conduct was a substantial factor in
2 causing Plaintiff's severe emotional distress.

3 54. As an actual, direct, legal and proximate result of the intentional conduct of
4 Defendant SMITH, and upon information and belief, the conduct of DOES 1-40, Plaintiff
5 has been compelled to incur and will continue to incur medical and related expenses, all to
6 Plaintiff's monetary damage, the exact nature and extent of which are unknown to
7 Plaintiff at this time. Plaintiff will ask leave of the Court to amend the Complaint in this
8 regard when the same are ascertained.

9 55. As a further direct, legal and proximate result of the conduct of Defendant
10 SMITH and, upon information and belief, the conduct of DOES 1-40, and each of them,
11 Plaintiff has incurred in the past, and will incur in the future, expenses including but not
12 limited to, hospital, surgical, x-ray/CT/MRI, medical, nursing, prescription drug and
13 sundry expenses in the examination, care, and treatment of Plaintiff's injuries, the exact
14 nature and extent of which are unknown to Plaintiff at this time, and Plaintiff will ask
15 leave of the Court to amend the Complaint in this regard when the same are ascertained.

16 56. That as a further direct, legal and proximate result of the intentional conduct
17 of Defendant SMITH and DOES 1-40, and each of them, Plaintiff will be unable to pursue
18 his vocation and has suffered in the past and will therefore suffer a future loss of earnings
19 and earning capacity, the exact amount of which is unknown to Plaintiff at this time, and
20 Plaintiff will ask leave of Court to amend the Complaint according to proof when the
21 same are ascertained at trial.

22 57. The aforementioned intentional acts of Defendant SMITH and DOES 1-40,
23 were despicable, willful, wanton, malicious, intentional, reckless and/or oppressive.
24 Defendant SMITH and DOES 1-40, and each of them, at all times mentioned herein, were
25 aware that their conduct was outrageous, and/or in conscious disregard for the safety of
26 Plaintiff. By reason of the conduct of Defendant SMITH and DOES 1-40, and each of
27 them, which directly and proximately caused the mental and physical injuries described
28 above, Plaintiff is entitled to, and hereby does, request an award of exemplary and

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1 punitive damages from Defendant SMITH and DOES 1-40.

2 58. Plaintiff is informed and believes and such basis alleges that the
3 OAKLAND RAIDERS, and DOES 41-50, had knowledge of the unfitness of its employee
4 SMITH and employed him with a conscious disregard of the rights and safety of others, or
5 authorized or ratified the wrongful conduct of SMITH. Such advance knowledge and
6 conscious disregard, authorization, ratification, was done by officers, directors, employees
7 or agents of the OAKLAND RAIDERS.

8
9 **FOURTH CAUSE OF ACTION**

10 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

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

12 59. Plaintiff realleges and incorporates herein Paragraphs 1 through 47
13 inclusive, and by this reference incorporates the same herein as though set forth in full.

14 60. That the aforementioned acts of Defendant SMITH and DOES 1-40, were
15 outrageous, despicable, willful, wanton, malicious, reckless and/or oppressive.

16 61. While in the course and scope of his agency and employment with the
17 OAKLAND RAIDERS, Defendant SMITH and DOES 1-40 negligently caused Plaintiff
18 severe emotional distress, or acted with reckless disregard of the probability that Plaintiff
19 would suffer emotional distress as the victim of Defendant SMITH's assault and battery
20 and described herein.

21 62. Plaintiff suffered, and continues to suffer, severe emotional distress.

22 63. As an actual, direct, legal and proximate result of Defendant SMITH and
23 DOES 1-40 assault of Plaintiff, Plaintiff was hurt and injured in his health, strength, and
24 activity, sustaining injuries to his face and body, all of which caused and continue to cause
25 Plaintiff to endure great mental, physical, and nervous pain and suffering. Plaintiff is
26 informed and believes and thereon alleges that said injuries have and will result in a
27 permanent disability to Plaintiff, all to Plaintiff's general damage in an amount in excess
28 of the minimum jurisdictional limits of this Court.

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1 64. Defendant SMITH and DOES 1-40 conduct were a substantial factor in
2 causing Plaintiff's severe emotional distress.

3 65. As an actual, direct, legal and proximate result of the intentional conduct of
4 Defendant SMITH, and upon information and belief, the conduct of DOES 1-40, Plaintiff
5 has been compelled to incur and will continue to incur medical and related expenses, all to
6 Plaintiff's monetary damage, the exact nature and extent of which are unknown to
7 Plaintiff at this time. Plaintiff will ask leave of the Court to amend the Complaint in this
8 regard when the same are ascertained.

9 66. As a further direct, legal and proximate result of the conduct of Defendant
10 SMITH and, upon information and belief, the conduct of DOES 1-40, and each of them,
11 Plaintiff has incurred in the past, and will incur in the future, expenses including but not
12 limited to, hospital, surgical, x-ray/CT/MRI, medical, nursing, prescription drug and
13 sundry expenses in the examination, care, and treatment of Plaintiff's injuries, the exact
14 nature and extent of which are unknown to Plaintiff at this time, and Plaintiff will ask
15 leave of the Court to amend the Complaint in this regard when the same are ascertained.

16 67. That as a further direct, legal and proximate result of the intentional conduct
17 of Defendant SMITH and DOES 1-40, and each of them, Plaintiff will be unable to pursue
18 his vocation and has suffered in the past and will therefore suffer a future loss of earnings
19 and earning capacity, the exact amount of which is unknown to Plaintiff at this time, and
20 Plaintiff will ask leave of Court to amend the Complaint according to proof when the
21 same are ascertained at trial.

22 68. Plaintiff is informed and believes and such basis alleges that the
23 OAKLAND RAIDERS, and DOES 41-50, had knowledge of the unfitness of its employee
24 SMITH and employed him with a conscious disregard of the rights and safety of others, or
25 authorized or ratified the wrongful conduct of SMITH. Such advance knowledge and
26 conscious disregard, authorization, ratification, was done by officers, directors, employees
27 or agents of the OAKLAND RAIDERS.
28

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IRVINE, CALIFORNIA 92612

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FIFTH CAUSE OF ACTION

NEGLIGENCE – VICARIOUS LIABILITY

(Against Defendant OAKLAND RAIDERS and DOES 41 through 50, inclusive)

69. Plaintiff realleges and incorporates herein Paragraphs 1 through 47 and 59 through 68, inclusive, and by this reference incorporates the same herein as though set forth in full.

70. Defendant SMITH and DOES 41-50 negligently caused Plaintiff severe emotional distress, or acted with reckless disregard of the probability that Plaintiff would suffer emotional distress as the victim of Defendant SMITH’s Assault and Battery and described herein.

71. Plaintiff suffered, and continues to suffer, severe emotional distress, physical harm, injuries and severe emotional distress as a result of the Assault and Battery.

72. As an actual, direct, legal and proximate result of Defendant SMITH and DOES 41-50 assault of Plaintiff, Plaintiff was hurt and injured in his health, strength, and activity, sustaining injuries to his face and body, all of which caused and continue to cause Plaintiff to endure great mental, physical, and nervous pain and suffering. Plaintiff is informed and believes and thereon alleges that said injuries have and will result in a permanent disability to Plaintiff, all to Plaintiff’s general damage in an amount in excess of the minimum jurisdictional limits of this Court.

73. The OAKLAND RAIDERS’s negligence in hiring, supervising, training and/or retaining SMITH was a substantial factor in causing Plaintiff’s harm.

74. At all times mentioned herein, Defendant SMITH was an employee and agent of Defendant OAKLAND RAIDERS, acting within the scope of his agency and employment when Defendants assaulted Plaintiff.

75. Plaintiff is informed and believes and such basis alleges that the OAKLAND RAIDERS, and DOES 41-50, had knowledge of the unfitness of its employee SMITH and employed him with a conscious disregard of the rights and safety of others, or

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1 authorized or ratified the wrongful conduct of SMITH. Such advance knowledge and
2 conscious disregard, authorization, ratification, was done by officers, directors, employees
3 or agents of the OAKLAND RAIDERS.

4 76. As an actual, direct, legal and proximate result of the intentional conduct of
5 Defendant SMITH, and upon information and belief, the conduct of DOES 1-40, Plaintiff
6 has been compelled to incur and will continue to incur medical and related expenses, all to
7 Plaintiff's monetary damage, the exact nature and extent of which are unknown to
8 Plaintiff at this time. Plaintiff will ask leave of the Court to amend the Complaint in this
9 regard when the same are ascertained.

10 77. As a further direct, legal and proximate result of the conduct of Defendant
11 SMITH and, upon information and belief, the conduct of DOES 1-40, and each of them,
12 Plaintiff has incurred in the past, and will incur in the future, expenses including but not
13 limited to, hospital, surgical, x-ray/CT/MRI, medical, nursing, prescription drug and
14 sundry expenses in the examination, care, and treatment of Plaintiff's injuries, the exact
15 nature and extent of which are unknown to Plaintiff at this time, and Plaintiff will ask
16 leave of the Court to amend the Complaint in this regard when the same are ascertained.

17 78. That as a further direct, legal and proximate result of the intentional conduct
18 of Defendant SMITH and DOES 1-40, and each of them, Plaintiff will be unable to pursue
19 his vocation and has suffered in the past and will therefore suffer a future loss of earnings
20 and earning capacity, the exact amount of which is unknown to Plaintiff at this time, and
21 Plaintiff will ask leave of Court to amend the Complaint according to proof when the
22 same are ascertained at trial.

23
24 **DEMAND FOR JURY TRIAL**

25 79. Plaintiff demands a trial by jury.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff CHRISTOPHER S. WOODS prays for judgment against Defendant SEAN LEE SMITH, the OAKLAND RAIDERS and DOES 1-50, and each of them, as follows:

CAUSES OF ACTION ONE THROUGH THREE:

(1) For general damages for physical injuries, pain and suffering, mental and emotional trauma, and for the loss of enjoyment of the activities of life, according to proof;

(2) For special damages for past and future medical expenses, life care, therapeutic and pharmaceutical costs, and related expenses according to proof;

(3) For special damages for past and future loss of wages and earning capacity, according to proof;

(4) For punitive damages, according to proof;

(5) For costs of suit, according to proof;

(6) For prejudgment interest at the highest allowable rate from the earliest date allowable by law, according to proof;

(7) For attorneys' fees, if allowable by law, according to proof; and

(8) For such other and further relief as the Court deems just and proper.

CAUSES OF ACTION FOUR AND FIVE:

(9) For general damages for physical injuries, pain and suffering, mental and emotional trauma, and for the loss of enjoyment of the activities of life, according to proof;

(10) For special damages for past and future medical expenses, life care, therapeutic and pharmaceutical costs, and related expenses according to proof;

(11) For special damages for past and future loss of wages and earning capacity, according to proof;

(12) For costs of suit, according to proof;

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1 (13) For prejudgment interest at the highest allowable rate from the earliest date
2 allowable by law, according to proof; and

3 (14) For such other and further relief as the Court deems just and proper.
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7 Dated: November 27, 2017

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10 By:

JONATHAN S. DENNIS, ESQ.
Attorneys for Plaintiff,
CHRISTOPHER S. WOODS

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