

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO**

**Document Scanning Lead Sheet**

Jan-31-2018 2:25 pm

Case Number: CGC-18-563997

Filing Date: Jan-31-2018 2:22

Filed by: NEYL WEBB

Image: 06200517

COMPLAINT

FRED GLICK ET AL VS. AIRBNB ET AL

001C06200517

**Instructions:**

Please place this sheet on top of the document to be scanned.

SUMMONS (CITACION JUDICIAL) BY FAX

FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO): AIRBnB; Katia De La Pena; and and Does 1 through 100 inclusive

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE): Fred Glick and Jonitha Glick

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro.

The name and address of the court is: (El nombre y dirección de la corte es): SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

400 McAllister Street, San Francisco, CA 94102

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es): Steven H. Schultz, Esq. (Bar # 163543) Fax No.: (916) 922-1921 Phone No.: (916) 922-2310

701 Howe Avenue, Suite A3, Sacramento, CA 95825

DATE: (Fecha) JAN 31 2018 Clerk of the Court Clerk, by (Secretario) Deputy (Adjunto)

CASE (Número de Caso): CCC-18-563997

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).) (Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

NEYL WEBB



NOTICE TO THE PERSON SERVED: You are served

- 1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
other (specify):
4. by personal delivery on (date):

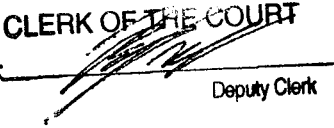
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**LAW OFFICE OF STEVEN H. SCHULTZ**  
STEVEN H. SCHULTZ, Esq., State Bar No. 163543  
701 Howe Avenue, Suite A-3  
Sacramento, California 95825  
Telephone: (916) 922-2310  
Facsimile: (916)922-1921

Attorney for Plaintiff's

**FILED**  
San Francisco County Superior Court

JAN 31 2018

CLERK OF THE COURT  
BY:  Deputy Clerk

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO**

FRED GLICK and JONITHA GLICK,  
  
Plaintiff,  
  
vs.  
  
AIRBnB; KATIA DE LA PENA; and  
DOES 1 through 100 inclusive,  
  
Defendants.

CASE NO. **CGC - 18 - 563997**  
  
**COMPLAINT FOR DAMAGES  
(GENERAL NEGLIGENCE; PREMISE  
LIABILITY; DANGEROUS CONDITION  
OF PROPERTY; and LOSS OF  
CONSORTIUM)**  
  
[AMOUNT EXCEEDS \$25,000]

**BY FAX**

**FIRST CAUSE OF ACTION**  
***(GENERAL NEGLIGENCE; PREMISE LIABILITY; DANGEROUS CONDITION OF  
PUBLIC PROPERTY)***

COMES NOW plaintiff's FRED GLICK and JONITHA GLICK and allege as and for a first cause of action against defendants, AIRBnB; KATIA DE LA PENA; and DOES 1 through 100, inclusive, and each of them as follows:

1. At all times mentioned herein plaintiff's were residents of the County of Santa Clara, State of California.
2. At all times mentioned herein, defendants AIRBnB; and DOES 1 through 100, inclusive, were public entities, business entities and/or corporations, doing business in the State of

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California, County of San Francisco.

3. The true names and capacities of defendants, and each of them, sued herein as DOES 1 through 100, inclusive, are presently unknown to plaintiffs who therefore sues said defendants by such fictitious names, pursuant to Code of Civil Procedure §474.

Plaintiff's are informed and believe and thereon allege that the fictitiously named defendants, and each of them, are negligently or in some manner legally responsible to plaintiff's for the events and happenings herein referred to and proximately caused damages to plaintiff's as set forth herein. Plaintiff's will seek leave of court to amend this complaint to insert the true names and capacities of said fictitiously named defendants, and each of them, when the same have been ascertained.

4. Plaintiff's are informed and believe and thereon allege that each of the defendants was the agent, partner, joint venturer, co-conspirator, lessor, lessee, and/or employee of each of the remaining defendants, and others named herein as DOE defendants, and in doing the acts or things alleged herein were acting within the course and scope of said agency, employment and/or other relationship stated herein.

5. The Plaintiff's rented a home through defendant AIRBNB owned by defendant KATIA DE LA PENA, in Cortegena, Columbia from 2/19/16-2/23/16. The Plaintiff's used the defendant's website, and relied on the defendant's selection of properties to be safe and free of dangers/defects.

6. On or about 2/20/2016, plaintiff's were on vacation in Cartagena, Columbia, in the home they rented from the defendants. At this property there was an unmarked sunlight on the roof, in the area of a roof top lounge/seating area. The Plaintiff while taking pictures from the roof top, did not see this sunlight, and stepped onto this area which later was

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found to be plexiglass, and fell through this section 3 stories onto a chest of drawers and then a marble floor, causing him, serious and permanent injuries and damages.

7. Defendants, and each of them, owed a duty to plaintiff to make the subject property safe, for ordinary and foreseeable use, and to make sure no dangerous, unmarked areas existed, and/or to screen/inspect that the rental was in a safe condition for tenants and/or visitors and not dangerous.

8. Defendant's, and each of them, knew and/or should have known that the subject rental had an unmarked area that was actually an opening/hole in the roof, for an extended time and/or was in an unsafe and dangerous condition. Defendant's and each of them also failed to use due diligence in inspecting and maintaining the subject rental home; ensuring the home was safe for customers; and/or providing warnings regarding the subject property.

9. At all times mentioned herein, defendants, and each of them, did so negligently, carelessly and wrongfully place, position, manage, maintain, and/or provide warnings for said property, so as to make the rental home dangerous and defective, all of which caused injuries and/or damages to the plaintiff as set forth below.

10. As a proximate result of the negligence, carelessness and wrongdoing of defendants, and each of them plaintiff FRED GLICK, was injured in his health, strength and activity and sustained grievous injury to his body and profound shock and injury to his person and nervous system, and numerous other physical injuries, all of which injuries resulted in great mental, physical and nervous pain and suffering. Said injuries will result in some permanent disability to plaintiff, all to his general damage in a sum as yet uncertain, in excess of the minimum jurisdiction of this court. Plaintiff will seek leave of court to

1 plead and prove their general damages, according to proof at time of trial, together with  
2 interest and/or prejudgment interest thereon at the legal lawful rate.

3 11. As a further direct and proximate result of the negligence, carelessness and wrongdoing  
4 of defendants, and each of them, plaintiff FRED GLICK, has been in the past, and will  
5 be required in the future, to employ physicians, surgeons and other treaters to examine,  
6 treat, and care for him. The exact amount of said expenses are unknown to plaintiff and  
7 plaintiff will seek leave of court to plead and prove the exact amount of said expenses  
8 at time of trial, according to proof.

9 12. As a further direct and proximate result of the negligence, carelessness and wrongdoing  
10 of defendants, and each of them, plaintiff has been prevented from attending to his usual  
11 occupation, and/or has had his capacity to engage in gainful employment diminished, all  
12 to his damages in an unknown amount at this time. Plaintiff will seek leave of court to  
13 plead and prove the amount of lost income according to proof at time of trial.

14 13. As a further direct and proximate result of the negligence, carelessness and wrongdoing  
15 of defendants, and each of them, plaintiff has incurred incidental and/or consequential  
16 damages, all in an amount unknown at this time. Plaintiff will seek leave of court to  
17 plead and prove the amount of lost income according to proof at trial, together with  
18 interest and/or pre-judgment interest thereon at the legal lawful rate.

19 14. Plaintiff will further seek pre-judgment interest on all items of damages, including  
20 economic and non-economic damages. These will include, but are not limited to, past  
21 future medical expenses, any lost wages, and any and all incidental expenses and  
22 compensatory damages as permitted by law.

23 **WHEREFORE,** plaintiff's pray for judgment against defendants, and each of them, as  
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1 hereinafter set forth.

2 **SECOND CAUSE OF ACTION**  
3 ***(Loss of Consortium)***

4 **COMES NOW** plaintiff JONITHA GLICK, and alleges as and for a Second Cause of  
5 Action, against all defendants, and each of them, as hereinafter set forth.

6 14. Plaintiff's refer to and incorporates by reference each and every paragraph of the  
7 First Cause of Action, as though fully set forth herein.

8 15. At all times relevant herein, FRED GLICK and JONITHA GLICK, plaintiffs herein,  
9 were legally married and were husband and wife.

10 16. As a further direct and proximate result of said wrongful conduct of defendants, and each  
11 of them, JONITHA GLICK has been, and will continue to be deprived of her husband's  
12 comfort, society and consortium, as a result of the injuries sustained as a direct and  
13 proximate conduct of the defendants, and each of them, as herein above set forth. The  
14 full nature and extent of damages for said loss are at this time uncertain, and therefore  
15 plaintiffs will seek leave of court to plead and prove the same when ascertained, together  
16 with prejudgment interest thereon at the legal, lawful rate.

17 WHEREFORE plaintiff's pray for judgment against defendants AIRBnB; DOE OWNER;  
18 and DOES 1 through 100, and each of them, as follows:

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- 20 1. General damages in excess of the minimum jurisdiction of this court, according  
21 to proof at trial;
  - 22 2. Medical expenses, past and future, home health care expenses past and future,  
23 and incidental expenses, according to proof at trial;
  - 24 3. Loss of past and future income and/or earning capacity, according to proof at  
25 trial;
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- trial;
- 4. Incidental expenses incurred as a result of the above incident, according to proof at trial;
- 5. Interest and/or prejudgment interest on all damages sought and/or incurred herein, at the legal lawful rate;
- 6. For all costs of suit incurred herein;
- 7. For such other and further relief as allowed by law.

DATED: January 11, 2018

LAW OFFICE OF STEVEN H. SCHULTZ

BY: \_\_\_\_\_

STEVEN H. SCHULTZ  
Attorney for Plaintiff's



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**PROOF OF SERVICE (CCP Section 1013A)**

I am a citizen of the United States, and employed in the County of Sacramento. I am over the age of eighteen (18) years, and not a party to the within above-entitled action. My business address is 701 Howe Avenue, Suite A-3, Sacramento, CA 95825. I served:

CIVIL CASE COVER SHEET; SUMMONS and COMPLAINT

on each party listed herein below, via the following method:


**Via U.S. Postal Service and E-Mail.** By depositing for collection and mailing, following ordinary business practices (I am familiar with the business practices of the Law Office of Steven H. Schultz for collecting and processing mail, and know that the mail in said office is collected and processed so that this piece of mail was deposited with the United States Postal Service on the same date indicated herein below), a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid.

**Via Overnight Mail Service.** By causing a true copy thereof, enclosed in a sealed envelope, to be delivered via the following overnight mail courier service: Federal Express

**Via Facsimile.** Pursuant to agreement of the parties named herein below, transmitting from facsimile machine number 916-442-4118 to the facsimile numbers listed herein below, at approximately \_\_\_\_\_ am/pm, on the date indicated herein below. A transmission report was properly issued by the sending facsimile machine, and the transmission was reported as complete and without error. (CRC 2008.)

**Via Personal Delivery.** By having personally delivered by office messenger a true copy thereof enclosed in a sealed envelope, on the date indicated herein below.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on January 20, 2018, at Sacramento, California.

  
\_\_\_\_\_  
Tina M Echols

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state Bar number, and address):

Steven H. Schultz, Esq. (Bar # 163543)
Law Office of Steven H. Schultz
701 Howe Avenue, Suite A3
Sacramento, CA 95825

TELEPHONE NO.: (916) 922-2310

FAX NO.: (916) 922-1921

ATTORNEY FOR (Name): Fred Glick and Jonitha Glick, Plaintiffs

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

STREET ADDRESS: 400 McAllister Street

MAILING ADDRESS:

CITY AND ZIP CODE: San Francisco 94102

BRANCH NAME:

CASE NAME:

Glick vs. AIRBnB, et al.

FILED
San Francisco County Superior Court

JAN 31 2018

CLERK OF THE COURT

BY:

Deputy Clerk

CASE NUMBER: 090 18-563997

JUDGE:

DEPT:

CIVIL CASE COVER SHEET

Unlimited (Amount demanded exceeds \$25,000)
Limited (Amount demanded is \$25,000 or less)

Complex Case Designation

Counter Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

- Auto Tort, Contract, Provisionally Complex Civil Litigation, Other PI/PD/WD, Real Property, Unlawful Detainer, Judicial Review, Non-PI/PD/WD, Employment, Enforcement of Judgment, Miscellaneous Civil Complaint, Miscellaneous Civil Petition

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties
b. Extensive motion practice raising difficult or novel issues
c. Substantial amount of documentary evidence
d. Large number of witnesses
e. Coordination with related actions pending in one or more courts
f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): TWO (2)

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015)

Date: 1/30/18

Steven H. Schultz, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding...
File this cover sheet in addition to any cover sheet required by local court rule.
If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

BY FAX

**INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET**

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

**CASE TYPES AND EXAMPLES**

**Auto Tort**

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

- Asbestos (04)
  - Asbestos Property Damage
  - Asbestos Personal Injury/Wrongful Death
- Product Liability *(not asbestos or toxic/environmental)* (24)
- Medical Malpractice (45)
  - Medical Malpractice—Physicians & Surgeons
  - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
  - Premises Liability (e.g., slip and fall)
  - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
  - Intentional Infliction of Emotional Distress
  - Negligent Infliction of Emotional Distress
  - Other PI/PD/WD

**Non-PI/PD/WD (Other) Tort**

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
  - Legal Malpractice
  - Other Professional Malpractice *(not medical or legal)*
- Other Non-PI/PD/WD Tort (35)

**Employment**

- Wrongful Termination (36)
- Other Employment (15)

**Contract**

- Breach of Contract/Warranty (06)
  - Breach of Rental/Lease Contract *(not unlawful detainer or wrongful eviction)*
- Contract/Warranty Breach—Seller Plaintiff *(not fraud or negligence)*
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
  - Collection Case—Seller Plaintiff
  - Other Promissory Note/Collections Case
- Insurance Coverage *(not provisionally complex)* (18)
  - Auto Subrogation
  - Other Coverage
- Other Contract (37)
  - Contractual Fraud
  - Other Contract Dispute

**Real Property**

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
  - Writ of Possession of Real Property
  - Mortgage Foreclosure
  - Quiet Title
  - Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

**Unlawful Detainer**

- Commercial (31)
- Residential (32)
- Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

**Judicial Review**

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
  - Writ—Administrative Mandamus
  - Writ—Mandamus on Limited Court Case Matter
  - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
  - Review of Health Officer Order
  - Notice of Appeal—Labor Commissioner Appeals

**Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)**

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

**Enforcement of Judgment**

- Enforcement of Judgment (20)
  - Abstract of Judgment (Out of County)
  - Confession of Judgment *(non-domestic relations)*
  - Sister State Judgment
  - Administrative Agency Award *(not unpaid taxes)*
  - Petition/Certification of Entry of Judgment on Unpaid Taxes
  - Other Enforcement of Judgment Case

**Miscellaneous Civil Complaint**

- RICO (27)
- Other Complaint *(not specified above)* (42)
  - Declaratory Relief Only
  - Injunctive Relief Only *(non-harassment)*
  - Mechanics Lien
  - Other Commercial Complaint Case *(non-tort/non-complex)*
  - Other Civil Complaint *(non-tort/non-complex)*

**Miscellaneous Civil Petition**

- Partnership and Corporate Governance (21)
- Other Petition *(not specified above)* (43)
  - Civil Harassment
  - Workplace Violence
  - Elder/Dependent Adult Abuse
  - Election Contest
  - Petition for Name Change
  - Petition for Relief From Late Claim
  - Other Civil Petition