



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

SONNA KALIS and)
MICHAEL KALIS) C.A. No. _____
)
Plaintiffs,)
) JURY TRIAL DEMANDED
v.)
)
AIRBNB, INC., MALCOLM WEISS,)
and DEBORAH WEISS)
)
Defendants.)

COMPLAINT

1. Plaintiffs Sonna Kalis (“Ms. Kalis”), and Michael Kalis are residents of the state of Maryland.

2. Defendant Airbnb, Inc. (“Airbnb”) is a Delaware corporation with its principal place of business in Delaware. Upon information and belief, Airbnb, Inc. regularly solicits business in the State of Delaware and derives substantial revenue from goods, products and services used in the State of Delaware.

3. Defendant Malcolm Weiss (“Mr. Weiss”) is an individual who upon information and belief is a resident of the state of Delaware.

4. Defendant Deborah Weiss (“Ms. Weiss”) is an individual who upon information and belief is a resident of the state of Delaware.

FACTUAL BACKGROUND

5. At all relevant times Defendants owed a duty of care to Ms. Kalis to ensure that they did not conduct themselves in a manner that could lead to her suffering injury.

6. On or about August 4, 2017, Ms. Kalis was staying at an Airbnb property owned by Mr. and Ms. Weiss in Fenwick Island, Delaware. Ms. Kalis had arrived the day before and was planning to stay through August 8, 2017. Mr. and Ms. Weiss owned a dog that stayed at the house along with them and Ms. Kalis.

7. In the morning of August 4, 2017, at approximately 10:15 a.m., Ms. Weiss went out to the beauty parlor and left the dog with Ms. Kalis. Ms. Kalis walked out of the house on to the porch and the dog ran out between her legs. The gate dividing the property from the street was closed. Suddenly, the dog slipped through the slats in the fence and ended up across the street. Ms. Kalis opened the gate, walked across the street, and tried to tell the dog to come back with her. Although she tried to tell the dog to come back a number of times, the dog did not listen. Ms. Kalis then tried to put her hand on the dog's collar while telling the dog to come with her. The dog still did not listen. Then, as Ms. Kalis was backing away, the dog slowly turned to her, and without warning, assaulted her. The dog bit her hands and left her with 22 puncture wounds. Ms. Kalis was then taken to the hospital by ambulance to treat her injuries.

8. Ms. Kalis's injuries were caused by the negligence of Defendants.

COUNT I – STRICT LIABILITY

9. Plaintiffs adopt and incorporate by reference herein all preceding paragraphs.

10. Defendants Mr. and Ms. Weiss, as owners of the dog, are to be held strictly liable for the actions of the dog in causing injury to Ms. Kalis pursuant to the Delaware strict liability "dog bite statute," Del. Code Ann., tit. 16 § 3053F.

11. As a proximate cause of the aforementioned wrongful conduct of Defendants, Ms. Kalis suffered severe and permanent physical injuries, physical and mental pain and suffering, mental anguish and emotional distress, permanent scarring and disfigurement, inconvenience and discomfort, diminished enjoyment of life, and has incurred medical bills. Ms. Kalis seeks compensation for all general and special damages suffered/incurred permitted by law.

WHEREFORE, Plaintiff Sonna Kalis demands judgment against Defendants Malcolm and Deborah Weiss in an amount sufficient to compensate her for all her general and special damages, together with pre-judgment interest, post-judgment interest, and the costs of this action.

COUNT II – NEGLIGENCE

12. Plaintiffs adopt and incorporate by reference herein all preceding paragraphs.

13. The said negligence of Defendant Airbnb, Inc. is set forth as follows,

that it:

- a. failed to ensure that no Airbnb host owned or kept a dog on the property that could harm guests;
- b. failed to ensure that no Airbnb host owned or kept a dog on the property in a manner that could harm guests;
- c. created an unsafe and dangerous situation when it failed to prevent Mr. and Ms. Weiss, as Airbnb hosts, from owning and keeping their dog on the Airbnb host property while Ms. Kalis was staying on the property in a manner that could lead to harm to Ms. Kalis;
- d. failed to protect the Airbnb guest, Ms. Kalis, from being attacked by the dog owned by Mr. and Ms. Weiss and kept on the Airbnb host property.

14. Moreover, the said negligence of Defendants Mr. and Ms. Weiss is set

forth as follows, that they:

- a. failed to properly confine or restrain their dog that they kept on the Airbnb host property while an Airbnb guest was present;
- b. failed to put proper procedures in place for confining or restraining their dog that they kept on the Airbnb host property while an Airbnb guest was present;
- c. failed to put proper procedures in place for confining or restraining their dog that they kept on the Airbnb host property while one or both of them were out of the house;

- d. created an unsafe and dangerous situation for Ms. Kalis when they failed to properly confine or restrain their dog that they kept on the Airbnb host property;
- e. failed to prevent their dog that they kept on the Airbnb host property from attacking Ms. Kalis.

15. As a proximate cause of the aforementioned negligence of Defendants, Ms. Kalis suffered severe and permanent physical injuries, physical and mental pain and suffering, mental anguish and emotional distress, permanent scarring and disfigurement, inconvenience and discomfort, diminished enjoyment of life, and has incurred medical bills. Ms. Kalis seeks compensation for all general and special damages suffered/incurred permitted by law.

WHEREFORE, Plaintiff Sonna Kalis demands judgment against all Defendants in an amount sufficient to compensate her for all her general and special damages, together with pre-judgment interest, post-judgment interest, and the costs of this action.

COUNT III – LOSS OF CONSORTIUM

16. Plaintiffs adopt and incorporate by reference herein all preceding paragraphs

17. At all pertinent times herein, the Plaintiffs were and still are husband and wife.

18. The aforementioned wrongful conduct and negligence of Defendants has caused the Plaintiffs loss of consortium and services and interference with and injury to their marital relationship.

19. Plaintiffs state that all of the damages, losses and injuries resulted directly from the wrongful conduct and negligent acts and omissions of Defendants without any negligence on the part of Plaintiffs thereunto contributing.

WHEREFORE, Plaintiffs, Sonna Kalis and Michael Kalis, as husband and wife, demand judgment against all Defendants in an amount sufficient to compensate her for all their general and special damages, together with pre-judgment interest, post-judgment interest, and the costs of this action.

ASHBY & GEDDES

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General Information

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