

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSHUA J. LOBELL

COMPLAINT

Plaintiff,

-against-

Docket No. _____

YOUTUBE, LLC, AND GOOGLE, INC.,

Jury Trial Demanded

Defendants.
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Plaintiff, by his attorneys, **YADGAROV & ASSOCIATES, PLLC**, complaining of the Defendant, respectfully alleges, upon information and belief:

NATURE OF THE ACTION

1. This is a personal injury action brought against Defendants Youtube, LLC and Google, LLC, for its negligent and grossly negligent failure to maintain reasonably safe facilities.

PARTIES

2. Plaintiff Joshua J. Lobell is a domiciliary of the State of New York.

3. Defendant Youtube, LLC, is foreign limited liability company, duly organized pursuant to the laws of the State of Delaware with its principal place of business in the City of San Bruno, County of San Mateo, State of California.

4. Defendant Youtube, LLC, has a place of business in the City, County and State of New York.

5. Defendant, Google, Inc., is foreign corporation, duly incorporated pursuant to the laws of the State of Delaware with its principal place of business in the City of Mountain View, County of Santa Clara, State of California.

6. Defendant Google, Inc., has a place of business in the City, County and State of New York.

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction over this action based on diversity citizenship, pursuant to 28 U.S.C. §1332.

8. Defendant Youtube, LLC, has a continuous legal presence in the State of New York, as defined by N.Y. CPLR 301, that warrants this court's exercise of personal jurisdiction.

9. Defendant Google, Inc., has a continuous legal presence in the State of New York, as defined by N.Y. CPLR 301, that warrants this court's exercise of personal jurisdiction.

10. Venue is proper in this District, pursuant to 28 U.S.C. §1391(a).

FACTUAL ALLEGATIONS

11. At all times alleged herein, the Defendant Youtube, LLC, is a wholly owned subsidiary of Google, Inc.

12. At all time alleged herein, the Defendant, Google, Inc., provides certain internet video services exclusively through Defendant Youtube, LLC.

13. At all times alleged herein, the Defendant Youtube, LLC, was the owner of the Premises, at 12422 West Bluff Creek Drive, Los Angeles, CA (hereinafter Premises).

14. At all times alleged herein, the Defendant Youtube, LLC, was in possession of the Premises.

15. At all times alleged herein, the Defendant Youtube, LLC, controlled of the Premises.

16. At all times alleged herein, the Defendant Youtube, LLC, managed the Premises.

17. At all times alleged herein, the Defendant Youtube, LLC, maintained the Premises.

18. At all times alleged herein, the Defendant Youtube, LLC, operated the Premises..

19. That on March 13, 2014 and at all times alleged herein, the Defendant YOUTUBE, LLC, and/or said Defendant's agents, servants, employees and/or licensees operated the premises and appurtenances and fixtures thereto, located at Premises.

20. That on March 13, 2014, and at all times herein mentioned, it was the duty of Defendant YOUTUBE, LLC, their agents, servants, employees and/or licensees to maintain the premises and appurtenances and fixtures of the Premises, more particularly that area of the "firehouse pole" located between the first and second floors of the Premises, in a reasonably safe condition.

21. On March 13, 2014, the plaintiff Johsua J. Lobell was lawfully present at the Premises.

22. While at the Premises, the Plaintiff was caused to slip/trip and fall, sustaining serious, painful and permanent injuries, owned by Defendant Youtube, LLC.

23. The above mentioned occurrence and the results thereof, were caused by the negligence of the Defendants and/or said Defendants' agents, servants, employees and/or licensees in the ownership, operation, management, maintenance and control of the aforesaid premises, more particularly the "firehouse pole" between the first and second floors of the Premises.

24. That, upon information and belief, Defendants had actual notice of this defective condition for at least fifteen (15) days prior to March 13, 2014.

25. That by reason of the foregoing, Plaintiff was caused to sustain serious injuries and to have suffered pain, shock, mental anguish; that these injuries and their effects will be permanent; and as a result of said injuries Plaintiff has been caused to incur, and will continue to incur, expenses for medical care and attention; and, as a further result, Plaintiff was, and will continue to be, rendered unable to perform Plaintiff's normal activities and duties and has sustained a resultant loss therefrom.

26. That by reason of the foregoing, Plaintiff was damaged in a sum which exceeds the jurisdictional limits of this Court pursuant to its diversity jurisdiction.

WHEREFORE, Plaintiff demands judgment against the Defendants herein, in a sum exceeding the jurisdictional limits of this Court pursuant to its diversity jurisdiction, together with the costs and disbursements of this action and such other relief the Court deems just.

Dated: New York, New York
January 5, 2016

Yours, etc.

YADGAROV & ASSOCIATES, PLLC

By: _____

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Attorneys for Plaintiff Joshua J. Lobell