

SUPERIOR COURT
COUNTY OF SAN FRANCISCO
FOR COURT USE ONLY

2012 APR 26 AM 8:25

CLERK OF THE COURT

BY: _____
DEPUTY CLERK

D STEPPER

CASE NUMBER: 12-520316
CGC

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Vernon L. Bradley, SBN 49294
Waldo Point Harbor
54 Liberty Dock
Sausalito, CA 94965
TELEPHONE NO: 415-331-4441 FAX NO. (Optional): 415-331-4443
E-MAIL ADDRESS (Optional): bradleylawoffice@comcast.net
ATTORNEY FOR (Name): Henry Wolf

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco
STREET ADDRESS: 400 McAllister Street
MAILING ADDRESS:
CITY AND ZIP CODE: San Francisco 94102-3680
BRANCH NAME:

PLAINTIFF: Henry Wolf
DEFENDANT: BMW of North America, LLC, Corbin-Pacific, Inc. and
 DOES 1 TO 40

COMPLAINT—Personal Injury, Property Damage, Wrongful Death
 AMENDED (Number):
Type (check all that apply):
 MOTOR VEHICLE OTHER (specify): Products Liability
 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

ORIGINAL

1. Plaintiff (name or names): Henry Wolf
alleges causes of action against defendant (name or names):
BMW Group, Corbin-Pacific, Inc.
2. This pleading, including attachments and exhibits, consists of the following number of pages: 6
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.

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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): BMW North America**
- (1) a business organization, form unknown
 (2) a corporation
 (3) an unincorporated entity (describe):

 (4) a public entity (describe):
 (5) other (specify):
 Limited liability company
- 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):
- b. **except defendant (name): Corbin-Pacific, Inc.**
- (1) a business organization, form unknown
 (2) a corporation
 (3) an unincorporated entity (describe):

 (4) a public entity (describe):
 (5) other (specify):
- d. **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):
- 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): 1-20 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): 21-40 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, and
- a. has complied with applicable claims statutes, or
 b. 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*):

Emotional distress

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*):

Emotional distress

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)*):

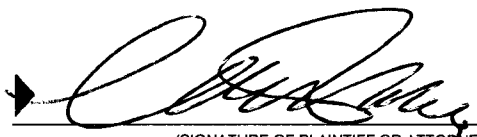
- (1) according to proof
- (2) in the amount of: \$

15. The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: April 25, 2012

Vernon Bradley

 (TYPE OR PRINT NAME)



 (SIGNATURE OF PLAINTIFF OR ATTORNEY)

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1 (number) **CAUSE OF ACTION—General Negligence** Page 4

ATTACHMENT TO Complaint Cross - Complaint

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

GN-1. Plaintiff (name): Henry Wolf

alleges that defendant (name): BMW North America, LLC and Corbin-Pacific, Ins.

Does 1 to 40

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): May 1, 2010

at (place): San Francisco, CA

(description of reasons for liability):

Plaintiff was riding his 1993 BMW motorcycle equipped with a Corbin-Pacific seat. The ride lasted approximately two hours each way to Plaintiff's destination, after which Plaintiff developed a severe case of priapism (a persistent lasting erection). Plaintiff alleges that this condition was caused by the ridge-like seat on his motorcycle, negligently designed, manufactured and/or installed by defendants.

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2 **CAUSE OF ACTION—Products Liability** Page 5
 (number)

ATTACHMENT TO Complaint Cross - Complaint
 (Use a separate cause of action form for each cause of action.)

Plaintiff (name): Henry Wolf

Prod. L-1. On or about (date): May 1, 2010 plaintiff was injured by the following product:
 Corbin-Pacific, Inc. motorcycle seat manufactured for BMW North America, LLC

Prod. L-2. Each of the defendants knew the product would be purchased and used without inspection for defects.
 The product was defective when it left the control of each defendant. The product at the time of injury was being
 used in the manner intended by the defendants.
 used in the manner that was reasonably foreseeable by defendants as involving a substantial danger not readily apparent. Adequate warnings of the danger were not given.

Prod. L-3. Plaintiff was a
 purchaser of the product. user of the product.
 bystander to the use of the product. other (specify):

PLAINTIFF'S INJURY WAS THE LEGAL (PROXIMATE) RESULT OF THE FOLLOWING:

Prod. L-4. **Count One—Strict liability** of the following defendants who
 a. manufactured or assembled the product (names):
 Corbin-Pacific, Inc. and BMW North America LLC
 Does 1 to 20
 b. designed and manufactured component parts supplied to the manufacturer (names):
 Corbin-Pacific, Inc.
 Does 21 to 30
 c. sold the product to the public (names):
 BMW North America, LLC and Corbin-Pacific, Inc.
 Does 31 to 40

Prod. L-5. **Count Two—Negligence** of the following defendants who owed a duty to plaintiff (names):
 BMW North America, LLC and Corbin-Pacific, Inc.
 Does 1 to 20

Prod. L-6. **Count Three—Breach of warranty** by the following defendants (names):
 Corbin-Pacific, Inc. and BMW North America, LLC
 Does 21 to 30
 a. who breached an implied warranty
 b. who breached an express warranty which was
 written oral

Prod. L-7. The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are
 listed in Attachment-Prod. L-7 as follows:

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ATTACHMENT (Number): 1

(This Attachment may be used with any Judicial Council form.)

CAUSE OF ACTION - Negligent Infliction of Emotional Distress

Plaintiff now suffers from priapism (a long lasting erection), and has been experiencing continuing problems since his motorcycle ride. He is now unable to engage in sexual activity, which is causing him substantial emotional and mental anguish. Plaintiff is distraught and distressed because of this. Defendants, and each of them, are liable to Plaintiff due the their negligent design, manufacture and/or installation of the seat on Plaintiff's motorcycle.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

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 (Add pages as required)