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PLD-PI-001

BY FAX

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):* Mark L. Webb (SBN 67959) 994 Clayton Street, Suite 2 San Francisco, California 94117 TELEPHONE NO: (415) 515-0960 FAX NO. *(Optional):* E-MAIL ADDRESS *(Optional):* mark@markwebb.com ATTORNEY FOR *(Name):* Plaintiffs SHARIF AHMAD and DELVOONIA COOPER	*FOR COURT USE ONLY* ENDORSED FILED ALAMEDA COUNTY AUG 23 2021 CLERK OF THE SUPERIOR COURT By GINA FU Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: 1225 Fallon Street CITY AND ZIP CODE: Oakland, California 94612 BRANCH NAME: Rene C. Davidson Courthouse	
PLAINTIFF: SHARIF AHMAD and DELVOONIA COOPER DEFENDANT: HELEN ILDA DALE, DOORDASH, INC. ☑ DOES 1 TO 50	
COMPLAINT—Personal Injury, Property Damage, Wrongful Death ☑ **AMENDED *(Number):*** First **Type *(check all that apply):*** ☑ **MOTOR VEHICLE** ☐ **OTHER *(specify):*** ☐ **Property Damage** ☑ **Wrongful Death** ☑ **Personal Injury** ☐ **Other Damages *(specify):***	CASE NUMBER: RG-21-108961
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**	

1. **Plaintiff** *(name or names):* SHARIF AHMAD and DELVOONIA COOPER
   alleges causes of action against **defendant** *(name or names):*
   HELEN ILDA DALE, DOORDASH, INC., and DOES 1 through 50
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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Code of Civil Procedure, § 425.12
www.courts.ca.gov

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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):* DoorDash, Inc.
(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):*
(1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity *(describe):*
(4) ☐ a public entity *(describe):*
(5) ☐ other *(specify):*

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):*

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):* 1-25 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):* 26-50 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):*

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):*

12. [✔] The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

a. [ ] listed in Attachment 12.
b. [✔] as follows:
Plaintiff SHARIF AHMAD was the natural son of the decedent, Latitia Austin Ahmad. Plaintiff DELVOONIA COOPER was the natural daughter of the decedent. Plaintiffs have suffered economic damages and non-economic damages from the loss of their mother, including but not limited to the loss of her financial support, love, companionship, comfort, care, assistance, affection, society and moral support.

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):*
8.a.

Date: August 23, 2021

Mark L. Webb
(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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First (number)

CAUSE OF ACTION—Motor Vehicle

ATTACHMENT TO [x] Complaint [ ] Cross-Complaint

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

Plaintiff *(name):* SHARIF AHMAD and DELVOONIA COOPER

MV- 1. Plaintiff alleges the acts of defendants were negligent; the acts were the legal (proximate) cause of injuries and damages to plaintiff; the acts occurred

on *(date):* July 26, 2021

at *(place):*

Ashby Avenue, in Berkeley, California

MV- 2. DEFENDANTS

a. [x] The defendants who operated a motor vehicle are *(names)*:
HELEN ILDA DALE

[x] Does 1 to 5

b. [x] The defendants who employed the persons who operated a motor vehicle in the course of their employment are *(names):*
DoorDash, Inc.

[x] Does 6 to 10

c. [ ] The defendants who owned the motor vehicle which was operated with their permission are *(names):*

[x] Does 11 to 15

d. [ ] The defendants who entrusted the motor vehicle are *(names):*

[x] Does 16 to 20

e. [x] The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were *(names):*

[x] Does 21 to 25

f. [ ] The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are
[ ] listed in Attachment MV-2f [ ] as follows:

[x] Does 26 to 50

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Code of Civil Procedure 425.12
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SECOND (number)

CAUSE OF ACTION—General Negligence

ATTACHMENT TO [•] Complaint [ ] Cross-Complaint

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

GN-1. Plaintiff *(name)*: SHARIF AHMAD and DELVOONIA COOPER

alleges that defendant *(name):* HELEN ILDA DALE

[✓] Does 1 to 50

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)*: July 26, 2021

at *(place)*: Ashby Avenue, at Newbury Street, in Berkeley, California

(description of reasons for liability):

At approximately 9:56 PM, defendant HELEN ILDA DALE negligently drove her vehicle on Ashby Ave., in Berkeley, such that she collided with Latitia Austin Ahmad, killing her. At the time, the decedent was a pedestrian lawfully crossing Ashby Avenue to visit her brother at his place of business. Ms. DALE so negligently and recklessly operated her vehicle so as to strike decedent, throwing her at least 20 feet in distance. This accident happened in plain view of Plaintiffs Sharif Ahmad and Delvoonia Cooper, son and daughter of decedent.

Plaintiffs suffered serious emotional distress at the horror of seeing their mother struck by Ms. DALE's vehicle. Upon seeing her mother lying injured in the street, plaintiff Delvoonia Cooper rushed to her mother's aid. At that time, plaintiff Sharif Ahmad observed that Ms. DALE was attempting to flee the scene in violation of vehicle code 20002. Sharif then rushed to the driver's side of the vehicle, a gray Mazda, and attempted to stop Ms. DALE from leaving the scene of the accident. In doing so, Sharif grabbed a portion of the vehicle in his attempt to stop her from fleeing.

Ms. DALE failed to stop at the scene and continued driving with Sharif hanging onto the vehicle while she dragged him past the intersection of Shattuck Avenue. Consequently, both plaintiffs suffered serious personal injuries at the hands of Ms. DALE. In the process of fleeing the scene, Ms. DALE negligently and recklessly ran over Delvoonia while she was attending to her dying mother. At the same time, Ms. DALE ran over the prone body of Latitia after already having struck her with her car.

On information and belief, Plaintiffs have been informed that there have been numerous prior accidents in this location and other locations in the City of Berkeley due to poor lighting and/or defective lighting fixtures. Plaintiffs are investigating these facts and will amend this complaint if said investigation establishes that this poor lighting and/or defective lighting fixtures contributed substantially to the cause of this accident and that the City of Berkeley was on notice of the dangerous condition at the location of this accident because of poor lighting, had a duty under law to correct such dangerous condition and failed to do so.

Continued...

At the time of the accident, defendant HELEN ILDA DALE was a joint venturer and/or partner with co-defendant DOORDASH, INC., engaged in the business of delivering food from restaurants to customers of DOORDASH. One of the main goals of the joint venture/partnership was and is to ensure that food is delivered quickly. To emphasize that goal, DOORDASH chose a corporate name that emphasizes speed. To further emphasize that goal, DOORDASH refers to its drivers as "Dashers."

In order to be prepared to make speedy deliveries, DOORDASH drivers must, as a practical reality, drive their cars to densely populated areas and then await notification from DOORDASH that an order is ready for pickup and delivery. DOORDASH's business model relies on having this ready and willing pool of drivers in their cars and on the streets, awaiting such notification. As a practical matter, drivers tend to congregate in densely populated areas, near both restaurants and potential deliver addresses, to wait for orders. On information and belief, at any given time there may be dozens of DOORDASH drivers on the streets of Berkeley who are either responding to new orders or returning to the "waiting area" between deliveries.

There is an inherent incentive for DOORDASH's drivers to drive as quickly as possible while making deliveries because completing a delivery frees that driver for another delivery. Drivers are essentially competing with each other to finish deliveries quickly in order to be ready for the next delivery. And being ready for the next delivery means returning to the "waiting area" after finishing a delivery.

It is foreseeable that DOORDASH's business model of flooding certain areas with cars and encouraging its "Dashers" to make speedy deliveries, will result in increased rates of motor vehicle accidents, including automobile versus pedestrian accidents like the one in this case. Given the existence of the above-described joint venture/partnership with its delivery drivers, DOORDASH is legally liable for injuries and damages caused by drivers who are acting in furtherance of the objectives of the joint venture/partnership.

Thus, DOORDASH is liable to Plaintiffs for their injuries in this case.

(Required for verified pleading) The items on this page stated on information and belief are *(specify item numbers, **not** line numbers)*: