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Superior Court Of California
County Of Los Angeles

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Attorneys for Plaintiffs
TERRY TOM and GAYLINE TOM

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

TERRY TOM, individually, and as
successor in interest to NICHOLAS TOM,
deceased; and GAYLINE TOM,

Plaintiffs,

v.

INSOMNIAC HOLDINGS, LLC; LIVE
NATION ENTERTAINMENT, INC.;
LIVE NATION WORLDWIDE, INC.; and
DOES 1-100,

Defendants.

Case No. **BC 6 6 5 6 9 6**

COMPLAINT FOR DAMAGES

1. Negligence
2. Premises Liability
3. Intentional Misrepresentation
4. Negligent Misrepresentation
5. Nuisance
6. Wrongful Death
7. Survival

Plaintiffs allege as follows:

THE PARTIES

1. Plaintiff TERRY TOM is the father of the decedent, NICHOLAS TOM, and at all relevant times was a resident of San Francisco, California. On June 22, 2015, NICHOLAS TOM ("decedent") died. Thereafter, plaintiff TERRY TOM became the duly appointed successor interest of the estate of decedent and files this action in that capacity. The acts complained of below in the survival cause of action of this complaint accrued to decedent before or at the time of his death, and decedent would have been the plaintiff with respect to that cause of action had he lived.

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BY FAX

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LEA/DEF#:

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1 2. Plaintiff GAYLINE TOM is the mother of the decedent, and at all relevant times
2 was a resident of San Francisco, California.

3 3. Defendants INSOMNIAC HOLDINGS, LLC and DOES 1-10 ("INSOMNIAC")
4 are entities of unknown form which owned, operated, controlled, possessed, and maintained the
5 Electric Daisy Carnival in Las Vegas, Nevada on June 22, 2015 ("EDC"). On information and
6 belief, INSOMNIAC's principal place of business is 9441 West Olympic Boulevard, Beverly
7 Hills, California 90212.

8 4. Defendants LIVE NATION ENTERTAINMENT, INC. and DOES 11-20 ("LNE,
9 Inc.") are entities of unknown form which acquired stake in INSOMNIAC and EDC in 2013,
10 and own, operate, control, possess, and maintain EDC. On information and belief, LNE, Inc.'s
11 principal place of business is 9348 Civic Center Drive, Beverly Hills, California 90210.

12 5. Defendants LIVE NATION WORLDWIDE, INC. and DOES 21-30 ("LNW,
13 Inc.") are entities of unknown form and are subsidiaries of LNE, Inc.

14 6. DOES 31-40 were individuals and entities responsible in some manner for
15 organizing and supervising EDC on June 22, 2015 and were agents of all other defendants at all
16 relevant times mentioned herein.

17 7. DOES 41-50 were individuals and entities responsible in some manner for
18 security at EDC on June 22, 2015 and were agents of all other defendants at all relevant times
19 mentioned herein.

20 8. DOES 51-60 were individuals and entities responsible in some manner for
21 providing medical care to patrons of EDC on June 22, 2015 and were agents of all other
22 defendants at all relevant times mentioned herein.

23 9. DOES 61-70 were individuals and entities who at all relevant times were the
24 agents and/or employees of the defendants and acting within the course and scope of such
25 employment/agency and otherwise responsible in some manner for the injuries and damages to
26 Plaintiffs.

27 10. The true names or capacities, whether individual, corporate, associate, or
28 otherwise, of Defendants DOES 1-100, inclusive, being unknown, Plaintiffs sue these

1 Defendants under fictitious names pursuant to Code of Civil Procedure section 474. Plaintiffs
2 will amend the complaint to state such DOE defendants' true name once they are ascertained.
3 Plaintiffs are informed and believe, and thereon allege, that each Defendant named in this
4 complaint, and each DOE defendant, is in some manner responsible for the wrongs and damages
5 as alleged below, and in so acting was functioning as the agent, servant, partner, alter ego and/or
6 employee and/or employee of the other Defendants, and in doing and/or not doing the actions
7 mentioned below was acting within the course and scope of his or her or its authority as such
8 agent, servant, partner, and/or employee with the permission and consent of the other
9 Defendants. Further, all acts herein alleged were approved of and ratified by each and every
10 other Defendant.

11 **FACTS COMMON TO ALL CAUSES OF ACTION**

12 **A. THE DAY OF THE INCIDENT**

13 11. Nicholas Tom was a 24 year-old medical assistant at UCSF with career plans to
14 become a Physician's Assistant. In June 2015, Nicholas attended EDC, a 3 day rave in Las
15 Vegas, Nevada. On the third day of the rave, based upon information and belief, Nicholas
16 ingested the drug Ecstasy. Temperatures in Las Vegas hit 110 degrees. Long lines at the water
17 filling station made it difficult to get access to water, as EDC forced patrons to throw out bottles
18 of water they brought in. On June 22, 2015, at approximately 1:30 a.m., Nicholas collapsed on
19 the ground and began suffering from a seizure – a known side-effect of Ecstasy use as well as
20 heat stroke brought about by the high temperatures, close quarters and dehydration.

21 12. Good Samaritan bystanders witnessed Nicholas seizing on the ground and
22 foaming at the mouth, and tried to call for help, but the music was too loud. The Good
23 Samaritans checked on his condition and saw he was breathing. They attempted to carry
24 Nicholas through the packed crowd, which was difficult with people dancing, high, and oblivious
25 to what was going on. Throughout this time, the Good Samaritans were yelling for a medic and
26 visibly carrying an unconscious person, looking for help; however, no medics or other EDC
27 personnel responded. The Good Samaritans attempted to find a medic tent to take Decedent to.
28 There were only 2-3 medical tents to serve 135,000 people over 1200 acres (15 times larger than

1 the Los Angeles Coliseum where EDC was previously held). Because of the crowds and lack of
2 help from EDC, it took approximately 30 minutes for the Good Samaritans to take Nicholas to a
3 medic tent. All the while, Nicholas was unconscious and seizing. Despite EDC's representation
4 that they hired "roaming medical teams" to keep a "watchful, caring eye on [attendees]," none
5 were visible and none came to the aid of DECEDENT while the Good Samaritans searched for
6 help for him.

7 13. Approximately 30 minutes after searching for help, when the Good Samaritans
8 finally reached the medic tent, there was no one in the tent. The Good Samaritans tried to
9 summon help and "Ground Control" arrived. Upon information and belief, Ground Control were
10 untrained volunteers with no medical experience. Per EDC's website:

11 Ground Control is a family of team members dedicated to helping Headliners stay
12 happy, healthy and hydrated at Insomniac events! You can spot their signature
13 purple shirts, fanny packs and light sabers as they make their way through all
14 areas of the festival. Please approach any of them if you want assistance or simply
need a friend! We strongly believe in the beauty and power of helping others, and
we'll do everything we can to make sure you have a safe, memorable experience.

15 Nicholas was seizing on the floor. Ground Control stated the medics had their hands full and
16 were unavailable. One Ground Control staff member attempted to pour water down Nicholas
17 Tom's throat. It is common medical knowledge not to give water to a person experiencing a
18 seizure as the water can go into their lungs instead of their stomach. The Ground Control staff
19 were clearly untrained in dealing with medical situations. The staff members left Nicholas on the
20 floor seizing for an additional 30 minutes, and asked the Good Samaritans who carried Nicholas
21 to the tent to leave. Nicholas died on the floor of the medical tent after not receiving any medical
22 care for at least one hour.

23 14. Nicholas' father, Plaintiff TERRY TOM, learned of Nicholas' death when he was
24 notified by the Las Vegas Coroner's Office to come pick up his son's body. He was never
25 contacted by EDC or any EDC-affiliated organization notifying him of his son's death.

26 15. Plaintiffs are informed and believe and, based upon such information and belief,
27 allege that the over-crowded and under-staffed conditions at the EDC created by Defendants and
28 each of them unreasonably and unconscionably delayed the response of on-site security and

1 emergency medical services providers to Nicholas, causing him to die. The volunteers who were
2 available were inadequately trained or equipped to aid any injured or sick person such as
3 Nicholas and, as a result, were unable to provide the necessary first aid, emergency, or other care
4 and treatment he required to stabilize his condition. As a result, Nicholas died.

5 **B. RAVES ARE WELL KNOWN VENUES WHERE ILLICIT DRUG USE OCCURS,**
6 **ESPECIALLY MDMA**

7 16. The EDC is a three-day electronic dance music festival organized, produced,
8 advertised, promoted and operated by Defendants. Electronic dance music festivals like EDC are
9 commonly referred to as "raves," which are all-night dance parties attended by large numbers of
10 youth with loud Electronic Dance Music ("EDM"), often accompanied by lights and visual
11 effects. EDM raves gained popularity in the 1980's and have transformed into various scenes and
12 forms of EDM.

13 17. Originally, raves were underground parties held at abandoned warehouses and
14 outdoor sites. Music promoters like Defendants INSOMNIAC, LNW, Inc., and LNE, Inc.
15 (hereon referred to as "INSOMNIAC AND LIVE NATION"), have sought to capitalize on the
16 popularity of rave parties by organizing, producing, advertising, promoting and operating raves
17 as part of the mainstream commercial-music culture. Despite their commercial nature,
18 INSOMNIAC's raves remain virtually synonymous with the uncontrolled distribution and
19 consumption of illicit drugs, predominantly MDMA or "Ecstasy." Former Los Angeles Police
20 Department narcotics officer Trinka Porrata, a rave-drugs expert, has estimated that about 85%
21 of rave crowds are on MDMA or other drugs.

22 18. "Ecstasy" is the popular name for the recreational drug 3,4-
23 methylenedioxymethamphetamine, or MDMA. It is known by many other nicknames, including
24 "Molly," "E," and "X." Ingestion of MDMA produces feelings of intimacy and euphoria,
25 increases energy and wakefulness, decreases pain sensitivity, reduces anxiety, and intensifies
26 bodily senses. This constellation of effects has led to MDMA's prevalence at raves because it
27 allows users to dance for extended periods of time under an altered state of consciousness. In
28 addition, the drug enhances the effect of the beat-heavy music and pulsing lights of raves. Two

1 of the most common short-term adverse effects of MDMA are dehydration and hyperthermia,
2 which is a sharp increase in body temperature. Ecstasy can push up body temperatures to fatal
3 levels and cause organ failure. The risk of these effects is heightened in settings such as rave
4 parties, in which dancing can more quickly lead to dangerously low hydration levels and
5 elevated body temperatures. These risks are exponentially compounded in hot temperatures such
6 as Las Vegas, where summer temperatures top 100 degrees.

7 "These events can last for 12 hours or more, and there may be a problematic
8 combination of marathon dancing, increasing body heat, dehydration and taking
9 drugs that give you a lift and give you a sense that everything is OK," said Dr.
Brian Johnston, chair of the emergency medicine department at White Memorial
Medical Center.

10 19. Death rates are much higher at raves compared to the death rate from
11 unintentional poisonings from psychoactive substances in those aged 15 to 34 years. For
12 example, the death rate at Electric Zoo (a three-day rave in New York City) was 2.5 out of
13 100,000 people. For the death rate from unintentional poisonings from psychoactive substances
14 in a comparable age group, it was 0.02 out of 100,000 people, according to a report published in
15 the U.S. Centers for Disease Control and Prevention's Morbidity and Mortality Weekly Report.

16 20. Prior to the EDC the Defendants, and each of them, knew or, in the exercise or
17 reasonable care, should have known of the long and tragic history of drug use and resulting
18 injuries and deaths occurring at prior raves they had organized, produced, advertised, promoted,
19 and operated.

20 21. Beginning in 2006, someone has died every year at a rave put on by Defendants
21 INSOMNIAC AND LIVE NATION.¹

22
23 ¹ Joshua Johnson, 18, of El Cajon died Sept. 3, 2006, after collapsing at INSOMNIAC's
24 Nocturnal Wonderland at the National Orange Show Events Center in San Bernardino. The
25 Grossmont College student became separated from his friend during the rave; according to
interviews and a coroner's report, and was seen by onlookers having a seizure. The coroner's
office said his body temperature reached 107 degrees. It concluded that the cause of death was
Ecstasy toxicity.

26 At INSOMNIAC's October 2007 Monster Massive rave, held at the LAMCC's Los Angeles
27 Memorial Sports Arena, passers-by found 21-year-old Michelle Yuenshan Lee unconscious and
28 convulsing in a Sports Arena hallway. Repeat calls and pleas for emergency medical assistance
for Ms. Lee went unheeded and she did not receive emergency medical assistance for over an
hour after she was discovered unconscious and convulsing. She subsequently died of an MDMA
overdose.

1 22. EDC moved to Las Vegas in 2011 following political uproar over deaths and
2 injuries at the EDC in Los Angeles, California, and after a Los Angeles Times report that a Los
3 Angeles government stadium employee was taking bribes from the CEO of Insomniac Inc. (the
4 predecessor entity of Defendant INSOMNIAC) in exchange for helping them put on raves and
5 keeping costs down.

6 23. In 2010, Los Angeles Memorial Coliseum and the state-run Cow Palace near San
7 Francisco stopped hosting raves due to the dangers created by them.

8 24. Defendants INSOMNIAC AND LIVE NATION continued to host raves in Las
9 Vegas, Dallas, and other cities. As a result, from 2011 to Nicholas Tom's death in June 2015, at
10 least 8 attendees died due to ecstasy-related causes at Defendants' rave events.²

11
12 William On, 23, of Monterey Park died Jan. 4, 2008, after overdosing at the Together as One
13 rave at the Sports Arena. The New Year's rave was jointly produced by INSOMNIAC and Go
14 Ventures. On suffered seizures during the concert and his temperature topped 107, the coroner
found. The cause of death was Ecstasy intoxication, abnormally high temperature and multiple
organ system failure.

15 Similarly, at INSOMNIAC's 2009 Electric Daisy Carnival, held at the LAMCC's Los Angeles
16 Memorial Coliseum, numerous people were transported to local emergency rooms with drug-
related illnesses, including an 18-year-old woman who suffered multiple organ failure, had four
strokes, and fell into a two-month coma.

17 Jesse Morales, a 22-year-old Midwestern State University student from Garden City, Kan., died
18 June 23, 2010, after going to INSOMNIAC's Electric Daisy Carnival at Dallas' Fair Park, home
to the State Fair of Texas. The medical examiner said that Morales collapsed at the rave and was
19 admitted to the emergency room with a temperature of 108 degrees. The medical examiner said
Morales died as the result of amphetamine toxicity.

20 In 2010, Sasha Rodriguez, 15, a high school drill team member from Los Angeles, died after
attending INSOMNIAC's Electric Daisy Carnival at the Los Angeles Memorial Coliseum. She
21 got into the rave despite the minimum age requirement for the rave being 16 years old.
Rodriguez passed out during the rave and was in respiratory arrest after arriving at the hospital,
22 according to interviews and the coroner's report. The cause of death was Ecstasy intoxication
and a resulting failure to receive enough oxygen to the brain.

23 ² Andrew Graf, a 19-year-old Texas A&M sophomore from Argyle, Texas, died June 18, 2011,
24 after attending INSOMNIAC's Electric Daisy Carnival at Dallas' Fair Park. The student told
friends he was not feeling well. He had seizure activity and was in cardiac arrest by the time
25 paramedics arrived, the medical examiner's report said. It said that Graf "died as the result of
toxic effects of amphetamine" and that Ecstasy was used at the rave.

26 Kyle Haigis, 22, of Sherman, Texas, died June 19, 2011, after leaving the Electric Daisy
Carnival in Dallas. A toxicology report showed that Haigis had "Foxy," an illegal hallucinogen
used at raves, in his system. A friend said Haigis took the drug at the rave, Cherry said.

27 Emily McCaughan, 22, of Scottsdale, Ariz., died June 11, 2012, after attending the Electric
28 Daisy Carnival at the Las Vegas Motor Speedway. A coroner's official told The Times that
McCaughan had Ecstasy, methamphetamine and gamma-hydroxybutyric acid in her system.

1 25. In June 2015, Defendants organized, produced, advertised, promoted and operated
2 the EDC at the Las Vegas Motor Speedway at 7000 N Las Vegas Blvd, Las Vegas, NV 89115,
3 where this incident occurred. About 135,000 people, including Nicholas Tom, attended the
4 festival each day. Temperatures reached higher than 110 degrees during the event (10 degrees
5 higher than the previous year). The police reported a staggering 1,426 people required or
6 requested medical attention during the festival, and 27 persons had to be taken to the hospital.

7 26. Despite the high number of anticipated EDC attendees, and raves' well known
8 propensity for encouraging and facilitating illegal drug distribution and consumption,
9 Defendants, and each of them, including Does 1 through 50, failed to provide adequate security
10 and/or police for the protection and safety of their guests. Despite having well over 135,000
11 documented attendees, Defendants provided grossly inadequate security personnel for the EDC
12 event. The number of security and police personnel were so few, in relation to the number of
13 EDC's attendees, that Defendants, and each of them, including Does 1 through 50, knew, or in
14 the exercise of reasonable care, should have known that the security they provided for the safety
15 and protection of EDC's guests was inadequate.

16 27. Defendants, and each of them, including DOES 1 through 100, had a duty to
17 ensure there were emergency medical services available at EDC for the safety of all attendees,
18

19 In September 2013, Arrel Christopher Cochon, 22, died of an Ecstasy and methamphetamine
20 overdose after collapsing and suffering a seizure at INSOMNIAC's Nocturnal Wonderland
concert in Devore.

21 On June 21, 2014, Montgomery Tsang, 24, of San Leandro collapsed and died outside the
22 Electric Daisy Carnival at the Las Vegas Motor Speedway. Investigators determined he died of
"acute MDMA toxicity" and also suffered from "cardiac enlargement," officials said.

23 In June 2014, Anthony Anaya, 25, of Everett, Wash., who went to the Electric Daisy Carnival in
24 Las Vegas, was found unconscious in his hotel room and died at Spring Valley Hospital of
alcohol, Ecstasy and cocaine toxicity, according to the coroner.

25 On June 29, 2014, Brian Alan Brockette, 20, a volunteer at the Electric Forest festival in
Michigan, cosponsored by Los Angeles-based INSOMINAC, died, of acute toxicity from the
drug Ecstasy, officials said.

26 On March 20, 2015, John Hoang Dinh Vo, 22, of San Diego died of an Ecstasy overdose. Vo
27 went into cardiac arrest after suffering a possible seizure at Insomniac's Beyond Wonderland
rave in San Bernardino County. The official cause of death was acute toxicity from MDMA, the
chemical name of Ecstasy. Vo was in his senior year at UC Irvine and studying biology.

1 including Nicholas Tom. However, Defendants supplied grossly inadequate medical personnel
2 and equipment, providing only three medical tents at a venue that spanned thousands of acres
3 and attendees estimated at 135,000.

4 **FIRST CAUSE OF ACTION**

5 **(Negligence – Against All Defendants)**

6 28. Plaintiffs hereby restate, re-allege, and incorporate by reference Paragraphs 1
7 through 27 of this Complaint as though fully set forth herein.

8 29. Defendants, and each of them, including DOES 1 through 100, owed a duty to
9 EDC attendees, including NICHOLAS TOM, to provide facilities, security and emergency
10 medical services personnel sufficient to maintain order and safety at the EDC. Defendants, and
11 each of them, were negligent, careless, and reckless in the manner in which they oversold,
12 organized, produced, advertised, promoted, operated, staffed and supervised the EDC in June
13 2015.

14 30. Defendants, and each of them, including DOES 1 through 100, knew, or in the
15 exercise of reasonable care, should have known that EDC attracted, promoted, encouraged,
16 facilitated and enabled widespread illegal and illicit activity, including but not limited to, the
17 obtaining, possession, and consumption of drugs such as Ecstasy and alcohol, which endangered
18 the health, safety and well-being of all persons attending EDC, including NICHOLAS TOM.

19 31. Defendants, and each of them, including DOES 1 through 100, knew, or in the
20 exercise of reasonable care, should have known EDC attendees, including NICHOLAS TOM,
21 would obtain, possess, and consume Ecstasy at the event.

22 32. Defendants, and each of them, including DOES 1 through 100, knew, or in the
23 exercise of reasonable care, should have known that the number of police officers, other security
24 personnel at EDC was inadequate to maintain order and deter possession, distribution and/or
25 consumption of Ecstasy among the massive crowd of attendees, including NICHOLAS TOM.

26 33. Defendants, and each of them, including DOES 1 through 100, breached their
27 duty to the EDC attendees, including NICHOLAS TOM, by failing to staff the event with
28 sufficient police and security personnel to maintain order and discourage possession,

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1 distribution, and consumption of Ecstasy.

2 34. Defendants, and each of them, including DOES 1 through 100, knew, or in the
3 exercise of reasonable care, should have known that the number of medical services providers at
4 EDC was inadequate to deal with the foreseeable number of EDC attendees who were likely to,
5 and did, experience adverse reactions to the illegal drugs consumed in the overcrowded and
6 overheated event.

7 35. Defendants, and each of them, including DOES 1 through 100, breached their
8 duty to the EDC attendees, including NICHOLAS TOM, by failing to staff the event with
9 enough medical services providers to deal with the foreseeable number of EDC attendees who
10 were likely to, and did, experience adverse reactions to the illegal drugs consumed in the
11 overcrowded and overheated event.

12 36. Defendants, and each of them, including DOES 1 through 100, knew, or in the
13 exercise of reasonable care, should have known that the on-site security and emergency medical
14 services providers were inadequately trained and equipped, and as a direct and legal result, were
15 unable to provide the immediate, necessary and urgent first aid, emergency and other medical
16 care and treatment to EDC attendees who became ill, such NICHOLAS TOM.

17 37. Defendants, and each of them, including DOES 1 through 100, further breached
18 their duty to the EDC attendees by failing to provide them with on-site security and emergency
19 medical services providers who were adequately trained and equipped to provide the immediate,
20 necessary and urgent first aid, emergency and other medical care and treatment to EDC
21 attendees, including NICHOLAS TOM.

22 38. Defendants, and each of them, including DOES 1 through 100, knew, or in the
23 exercise of reasonable care, based on their own past experience hosting other EDC raves, should
24 have known that dehydration and hyperthermia could have fatal consequences for MDMA-users
25 and the risk of dehydration and hyperthermia increases dramatically in hot, over-crowded dance
26 festivals like EDC.

27 39. Defendants, and each of them, including DOES 1 through 100, further breached
28 their duty to the EDC attendees, by failing to provide them with ready access to a sufficient

1 supply of drinking water to reduce the likelihood of MDMA-related dehydration and
2 hyperthermia among attendees, such as NICHOLAS TOM.

3 40. As a direct and proximate result of the negligence of the Defendants, and each of
4 them, including DOES1 through 100, NICHOLAS TOM was caused to die. As a further direct
5 and proximate result of such negligence, Plaintiffs have suffered economic and non-economic
6 damages in an amount in excess of this Court's minimum jurisdiction, which will be stated
7 according to proof, pursuant to the Code of Civil Procedure section 425.10.

8 41. Defendants, and each of them, including DOES 1 through 100, knew, or in the
9 exercise of reasonable care, should have known that EDC did not have adequate medical services
10 providers; did not have adequately trained medical services providers; did not have adequate
11 security to limit or otherwise prevent possession, distribution and/or consumption of MDMA at
12 the event; that dehydration and hyperthermia have fatal consequences for MDMA-users; and the
13 risk of dehydration and hyperthermia increases dramatically in hot, over-crowded electronic
14 dance festivals like EDC.

15 42. Defendants, and each of them, including DOES 1 through 100, knew, or should
16 have known, that their raves such as EDC encouraged, promoted and facilitated the possession,
17 distribution and consumption of Ecstasy; that the number of police officers and other security
18 personnel at the EDC was inadequate to maintain order and deter illegal drug possession,
19 distribution and/or consumption among the massive crowd of attendees; and the number of
20 medical services providers was inadequate.

21 43. Despite having the foregoing knowledge, Defendants nonetheless oversold,
22 organized, produced, advertised, promoted and operated EDC, and caused it to be attended by
23 135,000 people at the Las Vegas Motor Speedway in a manner which thereby exposed teenagers
24 and young adults, including NICHOLAS TOM, to great danger and the risk of injury and death
25 as a result of Defendants' negligence, lack of adequate and appropriate security, lack of adequate
26 and appropriate emergency medical services providers, lack of available drinking water and the
27 unsafe conditions of EDC itself. Defendants organized, produced, advertised, promoted and
28 operated EDC in a manner which caused and contributed to the injuries sustained by, and the

1 subsequent death of, NICHOLAS TOM as set forth above. Defendants did this despite having
2 actual knowledge of the dangerousness and recklessness of their conduct, as a result of prior
3 deaths caused by the same conditions at EDC events they hosted in earlier years.

4 44. In doing the foregoing acts, Defendants acted with malice, as defined by Code of
5 Civil Procedure section 3294, and with a willful and conscious disregard of the safety and well-
6 being of NICHOLAS TOM. Such conduct qualifies as malicious, oppressive, and despicable as
7 those terms are defined in Code of Civil Procedure section 3294, warranting the imposition of
8 punitive or exemplary damages against Defendants in order to set an example of, and to dissuade
9 them from future reckless and illegal conduct.

10 SECOND CAUSE OF ACTION

11 (Premises Liability – Against Defendants INSOMNIAC; LNE, Inc.; and LNW, Inc.)

12 45. Plaintiffs hereby restate, re-allege, and incorporate by reference Paragraphs 1
13 through 44 of this Complaint as though fully set forth herein.

14 46. At all times relevant to this Complaint, Defendants, and each of them, including
15 DOES 1 through 40, negligently possessed, occupied, maintained, managed, staffed, equipped,
16 operated, leased, owned and/or otherwise controlled the Las Vegas Motor Speedway at 7000
17 North Las Vegas Boulevard, Las Vegas, Nevada 89115 for purposes of organizing, producing,
18 advertising, promoting, operating and/or conducting EDC, and negligently held the Las Vegas
19 Motor Speedway out to the public for business purposes.

20 47. Defendants, and each of them, including DOES 1 through 40, as the organizers,
21 producers, advertisers, promoters, supervisors, lessors, owners, occupiers, managers and/or
22 controllers of EDC and the Las Vegas Motor Speedway, owed a duty to all of the attendees of
23 EDC to provide a safe venue for the EDC event, including protecting them against the
24 foreseeable wrongful acts of third persons which threatened the safety of the attendees, including
25 NICHOLAS TOM.

26 48. Defendants, and each of them, including DOES 1 through 40, failed to possess,
27 occupy, maintain, manage, staff, equip, operate, lease, own and/or otherwise control the Las
28 Vegas Motor Speedway in a reasonably safe manner, and thus created, allowed to exist, and/or

1 failed to remedy, an unreasonably dangerous condition on the aforementioned property.

2 49. At all relevant times Defendants, and each of them, including DOES 1 through
3 40, created, allowed to exist, failed to warn against and/or failed to remedy the unreasonably
4 dangerous condition, and they knew, or in the exercise of reasonable care should have known,
5 that their negligence, careless and reckless configuration, management, maintenance, equipping,
6 operation and/or controlling of the Las Vegas Motor Speedway created a dangerous condition on
7 said property that posed an unreasonable risk of harm to EDC attendees, all of which caused
8 NICHOLAS TOM to die, and Plaintiffs to suffer the injuries and damages herein described.

9 50. Defendants, and each of them, including DOES 1 through 40, knew, or in the
10 exercise of reasonable care, should have known of, that the possession, distribution and/or
11 consumption of Ecstasy had in the past and would occur at the subject EDC event, which created
12 a substantial and foreseeable risk of harm to EDC attendees, including NICHOLAS TOM.

13 51. Defendants, and each of them, including DOES 1 through 40, breached their duty
14 to protect its business invitees, the EDC attendees who entered Defendants' premises at the Las
15 Vegas Motor Speedway, including NICHOLAS TOM, from the wrongful possession,
16 distribution and/or consumption of Ecstasy at the EDC, by failing to provide adequate onsite
17 security and medical personnel to afford reasonable and necessary protection to the EDC
18 attendees from persons possessing, distributing and/or consuming such drugs at the event.

19 52. As a direct and proximate result of the conduct of Defendants, and each of them,
20 including DOES 1 through 40, NICHOLAS TOM was caused to die, and Plaintiffs suffered
21 damages as earlier alleged.

22 53. Defendants, and each of them, including DOES 1 through 40, knew, or in the
23 exercise of reasonable care, should have known that raves such as EDC encouraged, promoted
24 and facilitated the possession, distribution and consumption of Ecstasy; that the number of police
25 and other security personnel at EDC was inadequate to maintain order and deter illegal drug
26 possession, distribution and/or consumption among the massive crowd of attendees; and the
27 number of medical service providers hired by Defendants was inadequate for the size of the
28 event, the number of attendees, or the foreseeable number of guests whom Defendants expected

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1 to fall ill during the rave event.

2 54. Despite having the foregoing knowledge, Defendants nonetheless oversold,
3 organized, produced, advertised, promoted and operated EDC, and caused it to be attended by
4 135,000 people at the Las Vegas Motor Speedway in a manner which thereby exposed teenagers
5 and young adults, including NICHOLAS TOM, to great danger and the risk of injury and death
6 as a result of Defendants' negligence, lack of adequate and appropriate security, lack of adequate
7 and appropriate emergency medical services providers, lack of available drinking water and the
8 unsafe conditions of EDC itself. Defendants organized, produced, advertised, promoted and
9 operated EDC in a manner which caused and contributed to the injuries sustained by, and the
10 subsequent death of, NICHOLAS TOM as set forth above. Defendants did this despite having
11 actual knowledge of the dangerousness and recklessness of their conduct, as a result of prior
12 deaths caused by the same conditions at EDC events they hosted in earlier years.

13 55. In doing the foregoing acts, Defendants acted with malice, as defined by Code of
14 Civil Procedure section 3294, and with a willful and conscious disregard of the safety and well-
15 being of NICHOLAS TOM. Such conduct qualifies as malicious, oppressive, and despicable as
16 those terms are defined in Code of Civil Procedure section 3294, warranting the imposition of
17 punitive or exemplary damages against Defendants in order to set an example of, and to dissuade
18 them from future reckless and illegal conduct.

19 **THIRD CAUSE OF ACTION**

20 **(Intentional Misrepresentation – Against Defendants INSOMNIAC; LNE, Inc.; and LNW,**
21 **Inc.)**

22 56. Plaintiffs hereby restate, re-allege, and incorporate by reference Paragraphs 1
23 through 55 of this Complaint as though fully set forth herein.

24 57. Defendants, and each of them, including DOES 1 through 50, advertised,
25 promoted and represented to the general public, including NICHOLAS TOM and Plaintiffs, that
26 they hired roaming medical teams to keep a “watchful, caring eye on [attendees].” In addition
27 they represented there were volunteers dedicated to making EDC a safe, memorable experience:

28 Ground Control is a family of team members dedicated to helping Headliners stay

1 happy, healthy and hydrated at Insomniac events! You can spot [Ground
2 Control's] signature purple shirts, fanny packs and light sabers as they make their
3 way through all areas of the festival. Please approach any of them if you want
4 assistance or simply need a friend! We strongly believe in the beauty and power
5 of helping others, and we'll do everything we can to make sure you have a safe,
6 memorable experience.

7 Defendants made these advertisements, promotions and representations to the general public,
8 including NICHOLAS TOM and Plaintiffs, via advertisements, announcements, promotional
9 materials and the EDC event website.

10 58. Defendants, and each of them, including DOES 1 through 50, had constructive
11 notice and actual knowledge and knew or, in the exercise of reasonable care, should have known
12 that the advertisements, announcements and representations that it made with regard to the
13 "roaming medical teams" and ground control's availability and knowledge were false at the time
14 that it made or caused them to be made and in doing so it acted with a reckless disregard of the
15 truth. When the Good Samaritans were carrying a seizing NICHOLAS TOM in search of a
16 medic tent or other medical help, there were no roaming medical teams and Ground Control was
17 woefully ill equipped to help with medical issues.

18 59. Defendants, and each of them, including DOES 1 through 50, intended that the
19 public, including NICHOLAS TOM and Plaintiffs, would rely upon its advertisements,
20 announcements and representation with regard to safety at EDC.

21 60. NICHOLAS TOM and Plaintiffs reasonably relied on Defendants'
22 advertisements, announcements and representations as to safety that were included on official
23 EDC promotional materials and posted on the EDC event website.

24 61. As a sole, direct and proximate result of Defendants' advertisements,
25 announcements and representations and their reliance thereon, NICHOLAS TOM and Plaintiffs
26 believed decedent would get reasonably-timed medical attention if required at EDC.

27 62. As a direct and proximate result of Defendants conduct, the Plaintiffs suffered
28 injuries and damages as hereinbefore stated.

63. Defendants, and each of them, including DOES 1 through 40, knew, or in the
exercise of reasonable care, should have known that raves such as EDC encouraged, promoted

1 and facilitated the possession, distribution and consumption of illegal drugs such as MDMA; that
2 the number of police and other security personnel at EDC was inadequate to maintain order and
3 deter illegal drug possession, distribution and/or consumption among the massive crowd of
4 attendees; and the number of medical service providers hired by Defendants was inadequate for
5 the size of the event, the number of attendees, or the foreseeable number of guests whom
6 Defendants expected to fall ill during the rave event.

7 64. Despite having the foregoing knowledge, Defendants nonetheless oversold,
8 organized, produced, advertised, promoted and operated EDC, and caused it to be attended by
9 135,000 people at the Las Vegas Motor Speedway in a manner which thereby exposed teenagers
10 and young adults, including NICHOLAS TOM, to great danger and the risk of injury and death
11 as a result of Defendants' negligence, lack of adequate and appropriate security, lack of adequate
12 and appropriate emergency medical services providers, lack of available drinking water and the
13 unsafe conditions of EDC itself. Defendants organized, produced, advertised, promoted and
14 operated EDC in a manner which caused and contributed to the injuries sustained by, and the
15 subsequent death of, NICHOLAS TOM as set forth above. Defendants did this despite having
16 actual knowledge of the dangerousness and recklessness of their conduct, as a result of prior
17 deaths caused by the same conditions at EDC events they hosted in earlier years.

18 65. In doing the foregoing acts, Defendants acted with malice, as defined by Code of
19 Civil Procedure section 3294, and with a willful and conscious disregard of the safety and well-
20 being of NICHOLAS TOM. Such conduct qualifies as malicious, oppressive, and despicable as
21 those terms are defined in Code of Civil Procedure section 3294, warranting the imposition of
22 punitive or exemplary damages against Defendants in order to set an example of, and to dissuade
23 them from future reckless and illegal conduct.

24 **FOURTH CAUSE OF ACTION**

25 **(Negligent Misrepresentation – Against Defendants INSOMNIAC; LNE, Inc.; and LNW,**
26 **Inc.)**

27 66. Plaintiffs hereby restate, re-allege, and incorporate by reference Paragraphs 1
28 through 65 of this Complaint as though fully set forth herein.

1 67. Defendants, and each of them, including DOES 1 through 50, falsely represented
2 to the public, including NICHOLAS TOM and Plaintiffs, that they hired roaming medical teams
3 to keep a "watchful, caring eye on [attendees]" and:

4 Ground Control is a family of team members dedicated to helping Headliners stay
5 happy, healthy and hydrated at Insomniac events! You can spot [Ground
6 Control's] signature purple shirts, fanny packs and light sabers as they make their
7 way through all areas of the festival. Please approach any of them if you want
assistance or simply need a friend! We strongly believe in the beauty and power
of helping others, and we'll do everything we can to make sure you have a safe,
memorable experience.

8 Defendants made these advertisements, promotions and representations to the general
9 public, including NICHOLAS TOM and Plaintiffs, via advertisements, announcements,
10 promotional materials and the EDC event website.

11 68. Defendants, and each of them, including DOES 1 through 50, had no reasonable
12 grounds for believing that their advertisements, announcements and representations with regard
13 to safety when they were made to the public, including to NICHOLAS TOM and Plaintiffs.
14 Rather, Defendants knew that the statements and representations were not true, were made solely
15 for marketing purposes and were not intended to be enforced.

16 69. Defendants, and each of them, including DOES 1 through 50, intended that the
17 public, including NICHOLAS TOM and Plaintiffs, would rely on their advertisements,
18 announcements and representations with regard to safety.

19 70. NICHOLAS TOM and Plaintiffs reasonably relied on Defendants advertisements,
20 announcements and representations with regard to safety which were included in advertisements,
21 announcements, and promotional materials and posted on the EDC event website.

22 71. As a direct and proximate result of Defendants advertisements, announcements
23 and representations, NICHOLAS TOM and Plaintiffs believed he would get reasonable,
24 adequate and timely medical attention if needed at EDC.

25 72. As a direct and proximate result of Defendants' conduct, Plaintiffs suffered
26 injuries and damages as hereinbefore alleged.

27 73. Defendants, and each of them, including DOES 1 through 40, knew, or in the
28 exercise of reasonable care, should have known that raves such as EDC encouraged, promoted

1 and facilitated the possession, distribution and consumption of illegal drugs such as MDMA; that
2 the number of police and other security personnel at EDC was inadequate to maintain order and
3 deter illegal drug possession, distribution and/or consumption among the massive crowd of
4 attendees; and the number of medical service providers hired by Defendants was inadequate for
5 the size of the event, the number of attendees, or the foreseeable number of guests whom
6 Defendants expected to fall ill during the rave event.

7 74. Despite having the foregoing knowledge, Defendants nonetheless oversold,
8 organized, produced, advertised, promoted and operated EDC, and caused it to be attended by
9 135,000 people at the Las Vegas Motor Speedway in a manner which thereby exposed teenagers
10 and young adults, including NICHOLAS TOM, to great danger and the risk of injury and death
11 as a result of Defendants' negligence, lack of adequate and appropriate security, lack of adequate
12 and appropriate emergency medical services providers, lack of available drinking water and the
13 unsafe conditions of EDC itself. Defendants organized, produced, advertised, promoted and
14 operated EDC in a manner which caused and contributed to the injuries sustained by, and the
15 subsequent death of, NICHOLAS TOM as set forth above. Defendants did this despite having
16 actual knowledge of the dangerousness and recklessness of their conduct, as a result of prior
17 deaths caused by the same conditions at EDC events they hosted in earlier years.

18 75. In doing the foregoing acts, Defendants acted with malice, as defined by Code of
19 Civil Procedure section 3294, and with a willful and conscious disregard of the safety and well-
20 being of NICHOLAS TOM. Such conduct qualifies as malicious, oppressive, and despicable as
21 those terms are defined in Code of Civil Procedure section 3294, warranting the imposition of
22 punitive or exemplary damages against Defendants in order to set an example of, and to dissuade
23 them from future reckless and illegal conduct.

24 **FIFTH CAUSE OF ACTION**

25 **(Public Nuisance – Against All Defendants)**

26 76. Plaintiffs hereby restate, re-allege, and incorporate by reference Paragraphs 1
27 through 75 of this Complaint as though fully set forth herein.

28 77. Defendants, and each of them, including DOES 1 through 100, negotiated,

1 organized, produced, advertised, promoted, supervised, managed, permitted and/or operated the
2 EDC without ensuring adequate facilities and without taking adequate measures to ensure the
3 safety of attendees, including Nicholas Tom, and in so doing created a condition that was
4 harmful to public health.

5 78. The harmful condition created by Defendants, and each of them, including DOES
6 1 through 100, affected a substantial number of people at the same time, including the Plaintiffs,
7 NICHOLAS TOM, all EDC attendees, persons seeking emergency medical care at hospitals near
8 the Las Vegas Motor Speedway at the time of and following the EDC, and the general public.

9 79. The unsafe and harmful condition of and at the Las Vegas Motor Speedway
10 during the EDC created by the Defendants, and each of them, including DOES 1 through 100,
11 would reasonably annoy and/or disturb an ordinary person.

12 80. The seriousness of the harm to the public health posed by the EDC far outweighs
13 its social utility. In addition to the injuries and damages alleged by the Plaintiffs herein, the
14 EDC further taxed an already over-burdened emergency medical care system and diverted
15 attention from other patients in need of medical care.

16 81. Plaintiffs did not consent to the Defendants' conduct, and each of them, including
17 DOES1 through 100, in negotiating, organizing, producing, advertising, promoting, supervising
18 and/or operating the EDC.

19 82. As a sole, direct and proximate result of the conduct of Defendants, and each of
20 them, including DOES 1 through 100, Plaintiffs suffered damages as hereinbefore alleged.

21 **SIXTH CAUSE OF ACTION**

22 **(Wrongful Death – Against All Defendants)**

23 83. Plaintiffs TERRY TOM and GAYLINE TOM hereby restate, re-allege, and
24 incorporate by reference Paragraphs 1 through 82 of this Complaint as though fully set forth
25 herein.

26 84. Plaintiffs bring this claim for relief based on the negligence and/or wrongful acts
27 of Defendants, and each of them, including DOES 1 through 100.

28 85. Plaintiffs bring this action pursuant to the Code of Civil Procedure section

1 377.60(a), as the heirs of Decedent NICHOLAS TOM who left no issue.

2 86. As a direct and proximate result of the negligence and/or wrongful acts of
3 Defendants, and each of them, including DOES 1 through 100, Plaintiffs' Decedent was caused
4 to die. As a further direct and proximate result of such negligent and wrongful acts, Plaintiffs
5 have been, and will be, permanently deprived of the love, care, affection, comfort, support,
6 protection, services and companionship of the Decedent, their son, and will continue to sustain
7 damages in and amount to be ascertained according to proof at trial.

8 87. As a further direct and proximate result of the acts and omissions of Defendants,
9 and each of them, including Does 1 through 100, and the death of Plaintiffs' Decedent, Plaintiffs
10 have incurred funeral, burial and related expenses, as well as other expenses, in an amount to be
11 ascertained according to proof at trial.

12 **SEVENTH CAUSE OF ACTION**

13 **(Survival Action – Against All Defendants)**

14 88. Plaintiffs hereby restate, re-allege, and incorporate by reference Paragraphs 1
15 through 87 of this Complaint as though fully set forth herein.

16 89. Plaintiffs bring this action pursuant to the Code of Civil Procedure section 377.30
17 as the successors-in-interest of Decedent NICHOLAS TOM.

18 90. Prior to the death of Decedent NICHOLAS TOM, on June 21, 2015, a cause of
19 action arose in his favor against Defendants, and each of them, including DOES 1 through 100.
20 Had the Decedent lived, he would have been a plaintiff in this action.

21 91. As direct and proximate result of the negligent, wrongful, oppressive, malicious,
22 oppressive and despicable conduct of Defendants, and each of them, including DOES 1 through
23 100, Decedent is entitled to punitive or exemplary damages against Defendants in order to set an
24 example of, and to dissuade them from future reckless and illegal conduct.

25 **PRAYER FOR RELIEF**

26 Wherefore, Plaintiffs pray for relief against Defendants as follows:

- 27 1. For economic damages according to proof;
- 28 2. For noneconomic damages according to proof;

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- 1 3. For punitive exemplary damages;
2 4. For costs of suit herein incurred;
3 5. For pre and post-judgment interest pursuant to Civil Code section 3288 and as
4 allowed by law; and
5 6. For such other and further relief as the Court may deem just and proper.
6

7 DATE: June 20, 2017

MINAMI TAMAKI LLP

8
9
10 By: 

B. MARK FONG, ESQ.

SEEMA BHATT, ESQ.

HEATHER OSUNA, ESQ.

Attorneys for *Plaintiffs*, TERRY TOM and
GAYLINE TOM
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): B. Mark Fong, Esq. [SBN 99672] MINAMI TAMAKI LLP 360 Post Street 8th Floor San Francisco, CA 94108 TELEPHONE NO: 415-788-9000 FAX NO: 415-398-3887		FOR COURT USE ONLY <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 150px;"> FILED Superior Court Of California County Of Los Angeles </div> <div style="margin: 10px auto; width: 150px;"> JUN 20 2017 </div> Sherri R. Carter, Executive Officer/Clerk By <u>Charlie L. Coleman</u> , Deputy	
ATTORNEY FOR (Name): Plaintiffs, TERRY TOM and GAYLINE TOM		CASE NUMBER: BC 065696 JUDGE: DEPT:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse			
CASE NAME: Tom v. Insomniac, et al.			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> 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 <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input checked="" type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

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 d. ☐ Large number of witnesses
- b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- c. ☐ Substantial amount of documentary evidence 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): **Seven**
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: **June 20, 2017****B. Mark Fong, Esq. [SBN 99672]**

(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 (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- 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.

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BY FAX

SHORT TITLE: Tom v. Insomniac, et al.

CASE NUMBER BC 005698

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

1. Class actions must be filed in the Stanley Mosk Courthouse, Central District.
2. Permissive filing in central district.
3. Location where cause of action arose.
4. Mandatory personal injury filing in North District.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.
11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury).

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
Other Personal Injury/Property Damage/ Wrongful Death Tort	<input type="checkbox"/> A6070 Asbestos Property Damage	1, 11
	<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11
	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1, 4, 11
	<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1, 4, 11
	<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1, 4, 11
	<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1, 4, 11
	<input checked="" type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11

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CASE NUMBER

Non-Personal Injury/Property
Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3 1, 2, 3
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1, 2, 3 10
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5 2, 5 1, 2, 5 1, 2, 5
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11 5, 11 5, 6, 11
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 5 1, 2, 3, 5 1, 2, 3, 8, 9
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels_____	2, 6
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6 2, 6 2, 6
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2, 8 2 2
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8, 9
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 5, 11 2, 6 2, 9 2, 8 2, 8 2, 8, 9
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
Miscellaneous Civil Complaints	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8 2, 8 1, 2, 8 1, 2, 8
	Partnership/Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8
Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2, 3, 9 2, 3, 9 2, 3, 9 2 2, 7 2, 3, 8 2, 9

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SHORT TITLE: Tom v. Insomniac, et al.	CASE NUMBER
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Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input checked="" type="checkbox"/> 11.	ADDRESS: Insomniac Holdings, LLC 9441 West Olympic Boulevard			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; padding: 2px;">CITY: Beverly Hills</td> <td style="width: 33%; padding: 2px;">STATE: CA</td> <td style="width: 33%; padding: 2px;">ZIP CODE: 90212</td> </tr> </table>	CITY: Beverly Hills	STATE: CA	ZIP CODE: 90212	
CITY: Beverly Hills	STATE: CA	ZIP CODE: 90212		

Step 5: Certification of Assignment: I certify that this case is properly filed in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: June 20, 2017



(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

06/20/2017