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8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF PLACER

10 COLLEEN HARRINGTON,

11 Plaintiff,

12 v.

13 DAVID HOVANEC, and DOES 1 through 20,
14 inclusive,

15 Defendants.

CASE NO.:

COMPLAINT FOR DAMAGES

16 **INTRODUCTION**

17 This is an action filed by Colleen Harrington (“Plaintiff”) against David Hovanec
18 (“Defendant”) based on Defendant’s killing of Plaintiff’s dog.

19 **PARTIES**

- 20 1. Plaintiff was at all times herein mentioned a resident of Placer County, California.
21 2. Defendant was at all times herein mentioned a resident of Placer County, California.
22 3. Defendants DOES 1 through 20, inclusive, are sued under fictitious names. Their true
23 names and capacities are unknown to Plaintiff. When their true names and capacities are
24 ascertained, Plaintiff will amend this complaint by inserting their true names and capacities herein.
25 Plaintiff is informed and believes and thereon alleges that each of the fictitiously named Defendants
26 is responsible in some manner for the occurrences herein alleged, and that Plaintiff’s damages as
27 herein alleged were proximately caused by those Defendants.
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JURISDICTION

4. This court has jurisdiction over these claims under California Civil Code sections 1708, 3333, and 3340. Venue in this Court is proper because the acts complained of occurred in Placer County and the parties all live, work or are situated in Placer County.

ALLEGATIONS

- 5. On or about May 12, 2004, Defendant shot Plaintiff’s dog, Penny.
- 6. Defendant fired bullets at least thirteen times into Penny, using two different guns, a .40 caliber pistol and a .44 magnum.
- 7. Penny died as a result of the gunshot wounds.
- 8. Based on the May 12, 2004 shooting, Defendant was convicted of a crime in Placer County.

FIRST CAUSE OF ACTION

(Gross Negligence)

- 9. Paragraphs 1-8 are incorporated herein by reference as though fully set forth.
- 10. Defendant had a duty to the community and to Plaintiff to respect Plaintiff’s property and the value of Penny’s life. This duty included avoiding causing harm to Penny.
- 11. Defendant breached this duty when he shot Penny 13 times on or about May 12, 2004, in disregard of humanity.
- 12. Defendant’s acts caused the death of Penny and thereby a total loss to Plaintiff of the value of Penny.

SECOND CAUSE OF ACTION

(Trespass to Chattel)

- 13. Paragraphs 1-12 are incorporated herein by reference as though fully set forth.
- 14. Defendant knew or had reason to know that Penny belonged to Plaintiff.
- 15. Defendant purposefully shot bullets at and upon Penny thereby causing her death.
- 16. Defendant’s acts were done without Plaintiff’s permission and in disregard of humanity.
- 17. Defendant’s unauthorized acts resulted in Penny’s death and thereby a total loss to Plaintiff of the value of Penny.

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1 **THIRD CAUSE OF ACTION**

2 (Conversion)

3 18. Paragraphs 1-17 are incorporated herein by reference as though fully set forth.

4 19. Defendant's unauthorized shooting and killing of Penny, was an interference with Plaintiff's
5 ownership rights of Penny.

6 20. Defendant's interference with Plaintiff's ownership of Penny was intentional.

7 21. Defendant's intentional interference with Plaintiff's ownership of Penny resulted in Penny's
8 death and thereby a total loss to Plaintiff of the value of Penny.

9 **FOURTH CAUSE OF ACTION**

10 (Intentional Infliction of Emotional Distress)

11 22. Paragraphs 1-21 are incorporated herein by reference as though fully set forth.

12 23. Defendant's acts of shooting Penny was extreme and outrageous conduct.

13 24. Defendant's acts of shooting Penny was done with the intent of causing, or with reckless
14 disregard for the probability of causing, emotional distress to Plaintiff.

15 25. As a direct result of Defendant's extreme and outrageous conduct in shooting Penny,
16 Plaintiff has suffered severe and extreme emotional distress.

17 **FIFTH CAUSE OF ACTION**

18 (Violation of California Code of Civil Procedure Section 3340)

19 26. Paragraphs 1-25 are incorporated herein by reference as though fully set forth.

20 27. California Code of Civil Procedure section 3340 states:

21 For wrongful injuries to animals being subjects of property,
22 committed willfully or by gross negligence, in disregard of
23 humanity, exemplary damages may be given.

24 28. Defendant's acts of shooting Penny, willfully or with gross negligence, was done in
25 disregard of humanity.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- a. For compensatory damages pursuant to California Civil Code section 3355 in an amount according to proof;
- b. For mental, physical and emotional pain and suffering in an amount according to proof;
- c. For exemplary damages in an amount according to proof;
- d. For reasonably costs and attorney’s fees of this action; and
- e. For such and further relief as the Court may deem proper.

JURY DEMAND

Plaintiff hereby demands trial by jury.

Respectfully submitted,

Dated: February 3 2005

LAW OFFICE OF COREY EVANS

By: _____
Corey A. Evans
Attorney for Plaintiff

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