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8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF SAN JOAQUIN**

10 MICHAEL SEAGRAVE,

11 Plaintiff,

12 v.

13 MICHAEL ATZET, and
14 DOES 1-20 inclusive,

15 Defendant.

CASE NO.:

COMPLAINT FOR DAMAGES

- a) **Intentional Infliction of Emotional Distress**
b) **Conversion**
c) **Violation of C.C.P. § 3340**

(UNLIMITED JURISDICTION)

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18 **INTRODUCTORY STATEMENT**

- 19 1. This is an action for damages resulting from Defendant's shooting of Plaintiff's dog. This
20 willful and intentional act, done without provocation and in disregard of humanity, caused
21 severe emotional distress to Plaintiff as well as the death of his dog.

22 **PARTIES**

- 23 2. Plaintiff Michael Seagrave was at all times a resident of San Joaquin County, California.
24 3. Defendant Michael Atzet (hereinafter referred to as "Defendant") was at all times a resident
25 of San Joaquin County, California.
26 4. Defendants DOES 1 through 20, inclusive, are sued under fictitious names. Their true
27 names and capacities are unknown to Plaintiff. When their true names and capacities are
28 ascertained, Plaintiff will amend this complaint by inserting their true names and capacities

1 herein. Plaintiff are informed and believe and thereon allege that each of the fictitiously
2 named Defendants is responsible in some manner for the occurrences herein alleged, and
3 that Plaintiff's damages as herein alleged were proximately caused by those Defendants.

4 **JURISDICTION**

- 5 5. This Court has jurisdiction of these claims under Cal. Civil Code §§ 1708, 3333 and 3340.
6 Venue in this Court is proper because the acts complained of occurred in San Joaquin
7 County and the parties all live, work or are situated in San Joaquin County.

8 **GENERAL ALLEGATIONS**

- 9 6. On September 20, 2003, Plaintiff was the owner, possessor and keeper of a 6 and one-half-
10 year-old male Golden Retriever (dog) of peculiar value, named Bailey.
11 7. Plaintiff raised Bailey since he was a puppy and enjoyed an extremely close bond with
12 Bailey whereby Bailey became a companion and family member.
13 8. On September 20, 2003, Bailey was in the backyard of Plaintiff's house, located at 2642
14 Evelyn Court in the City of Tracy.
15 9. There is a fence between Plaintiff's house and Defendant's house and Bailey was secured
16 within Plaintiff's yard.
17 10. On September 20, 2003, Defendant used a high-powered pellet rifle and intentionally shot
18 Bailey by aiming the rifle over or through the fence.
19 11. The pellet struck Bailey while Bailey was in Plaintiff's backyard. The pellet injury resulted
20 in Bailey's death.

21 **FIRST CAUSE OF ACTION**
22 **(Intentional Infliction of Emotional Distress)**

- 23 12. Paragraphs 1-11 are incorporated herein by reference as though fully set forth.
24 13. Defendant's act of shooting Bailey was extreme and outrageous conduct.
25 14. Defendant's act of shooting Bailey was done with the intent of causing, or with reckless
26 disregard for the probability of causing, emotional distress to Plaintiff.
27 15. As a direct result of Defendant's extreme and outrageous conduct in shooting Plaintiff's dog
28 Bailey, Plaintiff suffered severe and extreme emotional distress.

