1 2 3 4 5 6 7	Corey Evans (SB # 218789) LAW OFFICE OF COREY EVANS 555 Capitol Mall, Suite 766 Sacramento, CA 95814 ph: (916) 441-1695 fax: (916) 441-6982 Attorney for Plaintiff			
8	SUPERIOR COURT OF CALIFORNIA			
9	COUNTY OF SAN JOAQUIN			
10	MICHAEL SEAGRAVE,	CASE NO.:		
11	Plaintiff,	COMPLAINT FOR DAMAGES		
12	v.	a) Intentional Infliction of Emotional Distress		
13	MICHAEL ATZET, and	b) Conversionc) Violation of C.C.P. § 3340		
14 15	DOES 1-20 inclusive, Defendant.	(UNLIMITED JURISDICTION)		
16				
17				
18	INTRODUCTORY STATEMENT			
19	1. This is an action for damages resulting fro	m 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 26	of San Joaquin County, California.			
20	4. Defendants DOES 1 through 20, inclusive, are sued under fictitious names. Their true			
28	names and capacities are unknown to Plaintiff. When their true names and capacities are ascertained, Plaintiff will amend this complaint by inserting their true names and capacities			
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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.				

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1	SECOND CAUSE OF ACTION (Conversion)					
2	16. Para	16. Paragraphs 1-15 are incorporated herein by reference as though fully set forth.				
3	17. By shooting Bailey and killing Bailey, Defendant interfered with Plaintiff's ownership of					
4 5	Bailey.					
6	18. Def	18. Defendant's interference with Plaintiff's ownership of Bailey was intentional.				
7	19. The interference caused Plaintiff injury, damage, loss and harm.					
8	THIRD CAUSE OF ACTION (Violation of C.C.P. § 3340)					
9	20. Paragraphs 1-19 are incorporated herein by reference as though fully set forth.					
10	21. California Code of Civil Procedure § 3340 states:					
11 12	For wrongful injuries to animals being subjects of property, committed willfully or by gross negligence, in disregard					
13	of humanity, exemplary damages may be given.					
14	22. By shooting Plaintiff's dog Bailey without adequate provocation, Defendant killed Bailey.					
15	23. Defendant's shooting of Bailey was willful and was done in disregard of humanity.					
16		<u>PRAYI</u>	ER FOR RELIEF			
17	WHEREFORE, Plaintiff prays for judgment against Defendant as follows:					
18	For compensatory damages pursuant to California Civil Code section 3355, including the value of					
19		Plaintiff's beloved companion ani	imal Bailey in an amount according to pr	:oof;		
20	1.	For mental, physical and nervous	pain and suffering and serious emotiona	ll distress in an		
21		amount according to proof;				
22	2.	For exemplary damages in an amo	ount according to proof;			
23	3.	3. For reasonable costs and attorneys' fees of this action; and				
24						
25	4.	4. For such and further relief as the Court may deem proper.				
26	Respectfully Submitted,Dated: April 16, 2004Law Office of Corey Evans					
27	Buted: April 10, 2004 By:					
28			Corey Evans, Attorney for Plaintiff			
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