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COURT REPORT  
SAN DIEGO COUNTY, CA

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5 HEDGECOCK

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SAN DIEGO

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11 CYNTHIA HEDGECOCK, an individual  
12 and ROGER HEDGECOCK, an  
individual,

13 Plaintiffs,

14 v.

15 CITY OF SAN DIEGO, a municipality,  
16 and DOES 1-20, inclusive,

17 Defendants.

Case No.: 37-2016-00035348-CU-PO-CTL

COMPLAINT FOR:

1. DANGEROUS CONDITION OF PUBLIC  
PROPERTY

2. LOSS OF CONSORTIUM

DEMAND FOR JURY TRIAL

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19 Plaintiffs CYNTHIA HEDGECOCK and ROGER HEDGECOCK bring causes of  
20 action against defendant CITY OF SAN DIEGO, and DOES 1 through 20 (collectively,  
21 "Defendant") on information and belief as follows:

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23 JURISDICTION AND PARTIES

24 1. At all times relevant to this action, CYNTHIA HEDGECOCK and ROGER  
25 HEDGECOCK were and are natural persons and residents of San Diego County, State of  
26 California.  
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2. Defendant CITY OF SAN DIEGO is and at all times relevant to these actions was a municipality in San Diego County, State of California.

3. The claims asserted in this complaint arise out of acts, omissions, transactions, and conduct that occurred within the County of San Diego, and therefore this action is properly venued in the Superior Court for the County of San Diego.

4. Plaintiffs do not know the true names and capacities of defendants sued herein as Does 1 through 20, inclusive, and, in accordance with Code of Civil Procedure Section 474, sues these defendants by the fictitious names of Does 1 through 20, inclusive. All subsequent references in this Complaint to "Defendant" and/or "Defendants" shall mean and include all Doe defendants. Plaintiff will seek leave of this Court to amend this Complaint to set forth the true names and capacities of the fictitiously named defendants when their true identities and capacities become known to Plaintiff.

5. The damages sought by Plaintiffs are well in excess of this Court's jurisdictional threshold of \$25,000.

**FIRST CAUSE OF ACTION**  
**DANGEROUS CONDITION OF PUBLIC PROPERTY**  
**(Alleged By CYNTHIA HEDGECOCK Against All Defendants)**

6. The injuries upon which this action is based, and the conduct of Defendants as alleged herein occurred within the city of San Diego, State of California.

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1           7.       On or around the afternoon of July 31, 2015, CYNTHIA HEDGECK,  
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3 encountered a dangerous condition of public property along the public right of way  
4 sidewalk on Morrell Street approaching Grand Avenue.

5           8.       Ms. Hedgecock did not see the approximately 2.5-inch concrete lip that was  
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7 created by the conduct of CITY OF SAN DIEGO. The defendant's failure to properly  
8 maintain this public walkway resulted in Ms. Hedgecock suffering serious personal  
9 injuries when she tripped over the poorly maintained sidewalk, flew forward and came  
10 crashing to the ground.  
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12           9.       Ms. Hedgecock suffered serious personal injuries from the fall caused by the  
13 City's creation and maintenance of dangerous condition of public property. On August 17,  
14 2015, Ms. Hedgecock presented to Scripps Clinic with persistent chest pain and breast  
15 deformities. As a result of the fall, both of Ms. Hedgecock's breasts were irreparably  
16 damaged.  
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19           10.       By early September 2015, Ms. Hedgecock learned that both of her silicone  
20 breast implants had ruptured and that silicone had been leaking into her bloodstream since  
21 the fall on the public sidewalk.  
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24           11.       On November 10, 2015, Ms. Hedgecock endured the medically necessary  
25 bilateral implant removal and the corresponding and appropriate replacement procedure  
26 in a grueling procedure.  
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12. After the extensive surgery, Ms. Hedgcock required weeks to recover and needed pain medication, sleeping aides, and her husband's constant assistance.

13. The City of San Diego negligently and carelessly owned, possessed, maintained, designed, signed, repaired, inspected, and controlled said portions of the public right of way sidewalk as described herein so as to constitute a dangerous and hazardous condition which created a substantial risk of injury when said property was used with due care in the manner in which it was reasonably foreseeable it would be used. Said dangerous condition created a reasonably foreseeable risk of the kind of injury and death hereinabove alleged and constituted a dangerous and hazardous condition of public property which was the legal cause of Cynthia Hedgcock's injuries and damages described herein.

**SECOND CAUSE OF ACTION**

**LOSS OF CONSORTIUM**

**(Alleged By ROGER HEDGECOCK Against All Defendants)**

14. Plaintiff incorporates by reference as though fully set forth at length herein the allegations of all preceding paragraphs.

15. As alleged herein, Defendant caused a tortious injury to Ms. Hedgcock's spouse ROGER HEDGECOCK.

16. In addition to the injuries suffered by Ms. Hedgcock, plaintiff Roger Hedgcock has suffered the loss of support, service, love, companionship, society,

1 affection, relations and solace from his wife – as a result of the injuries caused to her by the  
2 City of San Diego.

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4 17. As noted above, because of the extent of Ms. Hedgecock’s injuries and the  
5 prolonged need for constant care, Mr. Hedgecock had to stay at home and help his wife  
6 everyday with her recovery – while she was in extensive pain and could not care for  
7 herself.  
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10 18. Accordingly, Mr. Hedgecock also seeks compensation, for his own loss of  
11 income and the loss of consortium with his wife.  
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13 **PRAYER FOR RELIEF**

14 Plaintiffs pray for judgment against Defendants as follows:

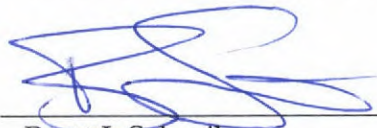
- 15 1. For compensatory and general damages in an amount to be determined at  
16 trial;  
17 2. For prejudgment interest;  
18 3. For costs of suit herein incurred;  
19 4. For such other relief as the Court deems just and proper.  
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21 **JURY DEMAND**

22 PLAINTIFFS hereby demand a trial by jury on all claims so able to be tried.  
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24 Dated: October 10, 2016

THORSNES BARTOLOTTA MCGUIRE LLP

25  
26 Bv:   
27 Brett J. Schreiber  
28 Attorneys for Plaintiffs  
CYNTHIA and ROGER HEDGECOCK