



**CITY OF RIALTO  
LIABILITY  
CLAIM FOR DAMAGES  
TO PERSON OR PROPERTY**

CITY CLERK'S DATE STAMP

CITY OF RIALTO

2019 JAN 22 PM 3:32

RECEIVED  
CITY CLERK

1. Claims for death, injury to person, or to personal property must be filed not later than six (6) months after the occurrence (Gov. Code §911.2).
2. Claims for damages to real property must be filed not later than one (1) year after the occurrence (Gov. Code §911.2).
3. READ ENTIRE CLAIM FOR BEFORE FILING
4. ATTACH SEPARATE SHEETS, IF NECESSARY, TO GIVE FULL DETAILS

**RETURN TO:**

**Rialto City Clerk's Office**

Mail: 150 S. Palm Ave., Rialto, CA 92376

Address: 290 W. Rialto Ave., Rialto, CA 92376

**CLAIMANT INFORMATION:**

National Railroad Passenger Corporation  
FULL NAME (NRP)

60 Massachusetts Ave, NE  
HOME ADDRESS INCLUDING CITY, STATE & ZIP

Washington, DC 20002  
BUSINESS ADDRESS INCLUDING CITY, STATE & ZIP

ADDRESS AT WHICH CLAIMANT DESIRES TO RECEIVE  
NOTICES OR COMMUNICATIONS REGARDING THIS CLAIM  
(if different from home address provided above):

N/A

DATE OF BIRTH

N/A

HOME TELEPHONE NO.

C/O Homan & Stone  
909 307 9380

BUSINESS TELEPHONE NO.

Homan & Stone c/o Deanna Brown, Esq.  
12 N. 5th St., Redlands CA 92373

1. WHEN DID DAMAGE OR INJURY OCCUR? DATE: April 5, 2017 TIME: 3:15-3:45 ☒ AM ☐ PM

2. PLACE OF ACCIDENT (OCCURRENCE) BE SPECIFIC - Describe fully and (if applicable) locate on diagram on reverse side of this sheet.  
Where appropriate, give street names and addresses, measurements and landmarks.

City of Rialto: Intersection of Riverside Ave & Merrill Ave  
(Alternatively Westbound on Merrill Ave)

3. HOW DID DAMAGE OR INJURY OCCUR? A.C.T. Transport contracted to provide transportation  
Service to NRPC Employees. 4 Employees and the driver were driving &  
being transported on Merrill westbound. There were no posted warningsigns  
at the intersection at Riverside Avenue. All 4 NRPC Employees were injured. NRPC

4. WERE POLICE AT THE SCENE? ☐ YES ☐ NO WERE PARAMEDICS AT THE SCENE? ☐ YES ☐ NO See indemnity, clear

5. WHAT PARTICULAR ACT OR OMISSION DO YOU CLAIM CAUSED THE INJURY OR DAMAGES? Give the name of the city/town  
employee causing the injury or damage, if known. to file a cross-complaint.

City of Rialto has failed to maintain the intersection causing  
unsafe driving conditions and has failed to provide any warning  
of speed (reduced) speed signage.

6. GIVE TOTAL AMOUNT OF CLAIM Include estimate of amount of any prospective injury or damage Unk. \$ > 2.5 million

HOW WAS THE ABOVE AMOUNT COMPUTED? Be specific, list doctor bills, repair estimates, etc. Please attach 2 estimates.

DAMAGES INCURRED TO DATE: 4 Employees of NRPC were injured.

Item/Date: 2 Have reported continued care

Amount: \$ \_\_\_\_\_

Item/Date: and have not returned to work.

Amount: \$ \_\_\_\_\_

TOTAL AMOUNT CLAIMED AS OF PRESENTATION OF THIS CLAIM:

\$ unk. & continuing

ESTIMATED PROSPECTIVE DAMAGES, AS FAR AS KNOWN:

Item/Date: \_\_\_\_\_

Amount: \$ \_\_\_\_\_

Item/Date: \_\_\_\_\_

Amount: \$ \_\_\_\_\_

TOTAL ESTIMATED AMOUNT PROSPECTIVE DAMAGES:

\$ \_\_\_\_\_

**7. WITNESSES TO DAMAGE OR INJURY** List all persons known to have information (attach additional pages, if necessary)

NAME: Robert Demery, Driver

NAME: \_\_\_\_\_

ADDRESS: 60 Homant St, 12 N. 5th St

ADDRESS: \_\_\_\_\_

Redlands CA 92373

TELEPHONE: (909) 307-9380

TELEPHONE: ( ) \_\_\_\_\_

**8. IF INJURED, PROVIDE NAME, CONTACT INFORMATION AND DATE/TIME DOCTOR(S) OR HOSPITAL(S) VISITED:**

NAME: Counsel for injured workers:

NAME: ① Richard Jamieson

ADDRESS: 444 W. Ocean Blvd #940

ADDRESS: ② Pedro Ibarra, Jr.

Long Beach, CA 90802

③ Thomas McDougall

TELEPHONE: (562) 548-7515

TELEPHONE: ( ) ④ Filiberto Garcia

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ ☐ AM ☐ PM

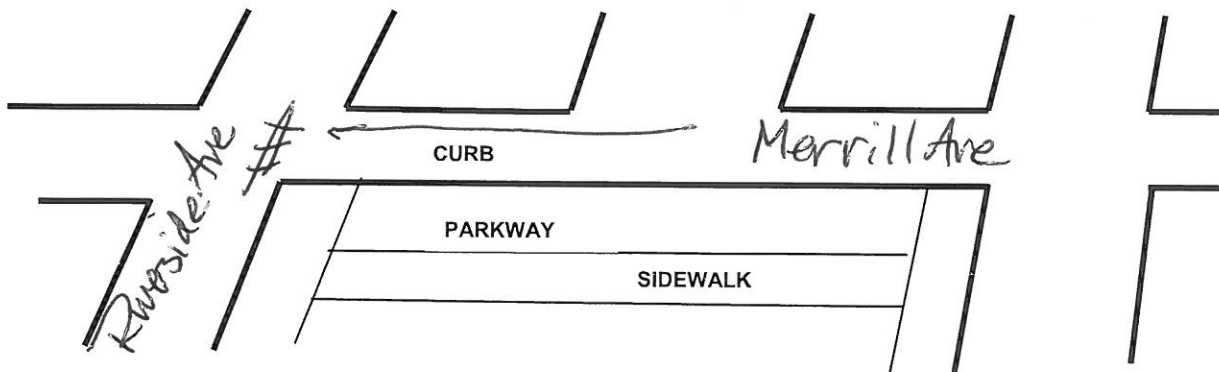
DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ ☐ AM ☐ PM

**9. PLEASE READ THE FOLLOWING CAREFULLY:**

For all vehicle accident claims, place on the following diagram, the names of streets, including NORTH, EAST, SOUTH AND WEST directions. Indicate place of accident by "X" and by showing house numbers or distances to street corners.

If a city/town vehicle was involved, designate by letter "A" location of the City/Town vehicle when you first saw it, and by "B" location of yourself or your vehicle when you first saw City/Town vehicle; location of City/Town vehicle at time of accident by "A-1" and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X".

⇒ NOTE: IF THE DIAGRAM BELOW DOES NOT FIT THE SITUATION, PLEASE ATTACH A PROPER DIAGRAM SIGNED BY THE CLAIMANT.



I HAVE READ THE FOREGOING CLAIM AND KNOW THE CONTENTS THEREOF; AND CERTIFY THAT THE SAME IS TRUE OF MY OWN KNOWLEDGE EXCEPT AS TO THOSE MATTERS WHICH ARE HEREIN STATED UPON MY INFORMATION AND BELIEF; AND AS TO THOSE MATTERS I BELIEVE THEM TO BE TRUE.

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

SIGNATURE OF CLAIMANT OR AGENT

Deanna M. Brown

TYPE OR PRINT NAME

Attorney / Legal Representative


RELATIONSHIP TO CLAIMANT

1/18/2019  
DATE

NOTE: PRESENTATION OF A FALSE CLAIM IS A FELONY (CA PENAL CODE 72)  
RETURN CLAIM TO: RIALTO CITY CLERK'S OFFICE - 150 S. PALM AVE., RIALTO, CA 92376








# Actions

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[Complaints/Parties](#)
[Actions](#)
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[Pending Hearings](#)
[Case Report](#)
[Images](#)










Case Type:  

Case Number:

## Case CIVDS1818506 - JAMIESON -V- A.C.T. TRANSPORT

| Viewed | Date                               | Action Text  | Disposition    | Image   |
|--------|------------------------------------|--|----------------|---|
|        | 01/22/2019<br>8:30 AM DEPT.<br>S24 | TRIAL SETTING CONFERENCE - <u>Minutes</u>  |                |   |
|        | 12/20/2018<br>8:30 AM DEPT.<br>S24 | TRIAL SETTING CONFERENCE - <u>Minutes</u>  | Continued      |   |
|        | 12/04/2018                         | CREDIT CARD TRANSACTION ID NUMBER 033-0099516013   | Not Applicable |   |
|        | 12/04/2018                         | FILING FEE PAID BY RICHARD JAMIESON, PEDRO IBARRA JR, THOMAS MCDUGALL, FILIBERTO GARCIA FOR FAX/COPIES/POST/ENVP FEEs                                | Not Applicable |   |
| N      | 12/04/2018                         | NOTICE OF POSTING JURY FEES FILED BY RICHARD JAMIESON, PEDRO IBARRA JR, THOMAS MCDUGALL, FILIBERTO GARCIA.   | Not Applicable |  |
|        | 12/04/2018                         | ADVANCED JURY FEES POSTED FOR RICHARD JAMIESON, PEDRO IBARRA JR, THOMAS MCDUGALL, FILIBERTO GARCIA.  | Not Applicable |   |
| N      | 12/04/2018                         | AT-ISSUE MEMORANDUM FILED BY RICHARD JAMIESON, PEDRO IBARRA JR, THOMAS MCDUGALL, FILIBERTO GARCIA  | Not Applicable |  |
| N      | 10/12/2018                         | SUBSTITUTION OF ATTORNEY FILED; SUBSTITUTING SIMS LAW FIRM, LLP WITH ROBERT ROSSI AS ATTORNEY OF RECORD FOR NATIONAL RAILROAD PASSENGER CORPORATION. | Not Applicable |  |
|        | 09/24/2018                         | ADVANCED JURY FEES POSTED FOR A.C.T. TRANSPORT INC.  | Not Applicable |   |
|        | 09/24/2018                         | FILING FEE PAID BY A.C.T. TRANSPORT INC FOR FIRST APPEARANCE   | Not Applicable |   |
| N      | 09/24/2018                         | NOTICE OF POSTING JURY FEES FILED BY A.C.T. TRANSPORT INC.   | Not Applicable |  |
| N      | 09/24/2018                         | DEMAND FOR JURY TRIAL FILED BY A.C.T. TRANSPORT INC  | Not Applicable |  |
| N      | 09/24/2018                         | ANSWER FILED BY A.C.T. TRANSPORT INC; PARTY REPRESENTED BY HOMAN & STONE.  | Not Applicable |  |
| N      | 09/21/2018                         | NOTICE OF RETURN OF DOCUMENT(S)  |                |  |

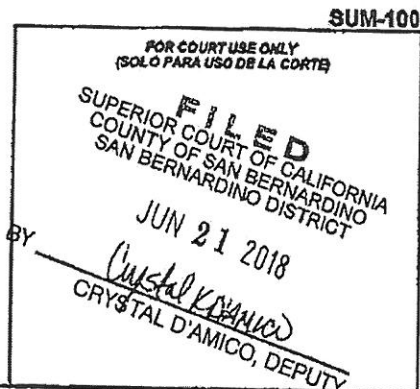


|   |            |  |                |   |
|---|------------|--|----------------|---|
|   |            |  | Not Applicable |   |
|   | 09/21/2018 | ANSWER IS RETURNED BY COURT FOR THE FOLLOWING REASON(S): PER RUNNER, DUPLICATE FILING .  | Not Applicable |   |
|   | 09/21/2018 | DEFENDANT NATIONAL RAILROAD PASSENGER CORPORATION FIRST PAPER FEE PAID IN FULL   | Not Applicable |   |
|   | 09/21/2018 | FILING FEE PAID BY NATIONAL RAILROAD PASSENGER CORPORATION FOR 1ST APP FEE   | Not Applicable |   |
| N | 09/21/2018 | ANSWER FILED BY NATIONAL RAILROAD PASSENGER CORPORATION; PARTY REPRESENTED BY SIMS LAW FIRM, LLP.  | Not Applicable |    |
| N | 09/17/2018 | REQUEST FOR DISMISAL FILED AS TO CAUSE OF ACTION ONLY AS TO NATIONAL RAILROAD PASSENGER CORPORATION, CAUSE 1ST AND 2ND, WITH PREJUDICE.                    | Not Applicable |    |
|   | 08/08/2018 | FILING FEE PAID BY RICHARD JAMIESON FOR FAX FEES FOR PROOF OF SERVICE  | Not Applicable |   |
| N | 08/08/2018 | PROOF OF SERVICE OF SUMMONS AND COMP/PET ON NATIONAL RAILROAD PASSENGER CORPORATION; DEFENDANT/RESPONDENT SERVED ON 08/01/18 WITH COSTS OF \$185.00 FILED. | Not Applicable |    |
| N | 08/08/2018 | PROOF OF SUB-SERVICE OF SUMMONS AND COMP/PET AS TO A.C.T. TRANSPORT INC SERVED ON 08/06/18 WITH FEES OF \$145.00.  | Not Applicable |    |
|   | 06/21/2018 | PLAINTIFF RICHARD JAMIESON, PEDRO IBARRA JR, THOMAS MCDOUGALL, FILIBERTO GARCIA FIRST PAPER FEE PREVIOUSLY PAID IN FULL.                                   | Not Applicable |   |
|   | 06/21/2018 | FILING FEE PAID BY RICHARD JAMIESON, PEDRO IBARRA JR, THOMAS MCDOUGALL, FILIBERTO GARCIA FOR FAX TRANSMISSION  | Not Applicable |   |
|   | 06/21/2018 | FILING FEE PAID BY RICHARD JAMIESON, PEDRO IBARRA JR, THOMAS MCDOUGALL, FILIBERTO GARCIA FOR FIRST APPEARANCE FEE  | Not Applicable |   |
| N | 06/21/2018 | NOTICE IMAGED  | Not Applicable |  |
|   | 06/21/2018 | CASE ASSIGNED FOR ALL PURPOSES TO DEPARTMENT S24   |                |   |
| N | 06/21/2018 | CERTIFICATE OF ASSIGNMENT RECEIVED.  | Not Applicable |  |
| N | 06/21/2018 | CIVIL CASE COVER SHEET FILED.  | Not Applicable |  |
| N | 06/21/2018 | SUMMONS ISSUED AND FILED   | Not Applicable |  |
| N | 06/21/2018 | COMPLAINT AND PARTY INFORMATION ENTERED  | Not Applicable |  |

**SUMMONS  
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT: A.C.T. TRANSPORT INC.; NATIONAL  
(AVISO AL DEMANDADO): RAILROAD PASSENGER CORPORATION; d.b.a.  
AMTRAK; and DOES 1-20, INCLUSIVE**

**YOU ARE BEING SUED BY PLAINTIFF: RICHARD JAMIESON; PEDRO CUD  
(LO ESTÁ DEMANDANDO EL DEMANDANTE): IBARRA, JR.; THOMAS  
McDOUGALL; and FILIBERTO GARCIA**



**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

**AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted puede usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte la podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desear el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es):  
Superior Court of California, County of San Bernardino  
247 West Third Street  
San Bernardino, California 92415-0210

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: Joel Krissman, Esq.  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
KRISMAN & SILVER LLP

444 W. Ocean Boulevard, Ste. 940, LONG BEACH, California 90802

DATE: JUN 21 2018  
(Fecha)

Clerk, by  
(Secretario)

(562) 548-7515

Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

CRYSTAL K. D'AMICO



**NOTICE TO THE PERSON SERVED:** You are served

1. ☐ as an individual defendant.  
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):

4. ☐ by personal delivery on (date):

PLD-PI-001

|   |  |   |
|---|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br>Joel Krissman, Esq. SBN: 57531<br>KRISSMAN & SILVER LLP<br>444 W. Ocean Boulevard, Suite 940<br>LONG BEACH, California 90802<br>TELEPHONE NO: (562) 548-7515 FAX NO. (Optional): (562) 912-2657<br>E-MAIL ADDRESS (Optional): jk@krissmansilver.com<br>ATTORNEY FOR (Name): Plaintiff, JAMIESON, IBARRA, McDOUGALL & GARCIA  |  | FOR COURT USE ONLY<br><br>FILED<br>SUPERIOR COURT OF CALIFORNIA<br>COUNTY OF SAN BERNARDINO<br>SAN BERNARDINO DISTRICT<br><br>JUN 21 2018<br>BY <u>Crystal D'Amico</u><br>CRYSTAL D'AMICO, DEPUTY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO<br>STREET ADDRESS: 247 West Third Street<br>MAILING ADDRESS: 247 West Third Street<br>CITY AND ZIP CODE: San Bernardino, 92415-0210<br>BRANCH NAME: San Bernardino District - Civil Division   |  |   |
| PLAINTIFF: RICHARD JAMIESON; PEDRO IBARRA, JR.; THOMAS McDOUGALL; and FILIBERTO GARCIA<br>DEFENDANT: A.C.T. TRANSPORT INC.; NATIONAL RAILROAD PASSENGER CORPORATION, d.b.a. AMTRAK; and<br><input checked="" type="checkbox"/> DOES 1 TO 20, Inclusive  |  |   |
| COMPLAINT—Personal Injury, Property Damage, Wrongful Death<br><input type="checkbox"/> AMENDED (Number):<br>Type (check all that apply):<br><input checked="" type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Gen. Negligence; Damages under FELA<br><input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death<br><input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):   |  |   |
| Jurisdiction (check all that apply):<br><input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE<br>Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000<br><input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)<br><input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint<br><input type="checkbox"/> from limited to unlimited<br><input type="checkbox"/> from unlimited to limited |  | CASE NUMBER:<br><br>CIVDS 1818506<br>\$435.00 Pd. 180717-0348 (M)   |

1. Plaintiff (name or names): RICHARD JAMIESON; PEDRO IBARRA, JR.; THOMAS McDOUGALL; and FILIBERTO GARCIA alleges causes of action against defendant (name or names): A.C.T. TRANSPORT INC.; NATIONAL RAILROAD PASSENGER CORPORATION, d.b.a. AMTRAK; and DOES 1-20, Inclusive
2. This pleading, including attachments and exhibits, consists of the following number of pages: 7
3. Each plaintiff named above is a competent adult
- a. ☐ except plaintiff (name):
- (1) ☐ a corporation qualified to do business in California
  - (2) ☐ an unincorporated entity (describe):
  - (3) ☐ a public entity (describe):
  - (4) ☐ a minor ☐ an adult
    - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
    - (b) ☐ other (specify):
  - (5) ☐ other (specify):
- b. ☐ except plaintiff (name):
- (1) ☐ a corporation qualified to do business in California
  - (2) ☐ an unincorporated entity (describe):
  - (3) ☐ a public entity (describe):
  - (4) ☐ a minor ☐ an adult
    - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
    - (b) ☐ other (specify):
  - (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.



PLD-PI-001

|  |                               |
|--|-------------------------------|
| SHORT TITLE: RICHARD JAMIESON, et al. v. A.C.T. TRANSPORT INC., et al. | CASE NUMBER:<br>CIVDS 1818506 |
|--|-------------------------------|

4. ☐ Plaintiff (name):  
Is doing business under the fictitious name (specify):  
  
and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ except defendant (name): A.C.T. Transport Inc.  
(1) ☐ a business organization, form unknown  
(2) ☒ a corporation  
(3) ☐ an unincorporated entity (describe):  
(4) ☐ a public entity (describe):  
(5) ☐ other (specify):
- b. ☒ except defendant (name): National Railroad Passenger Corporation  
(1) ☐ a business organization, form unknown  
(2) ☒ a corporation dba Amtrak  
(3) ☐ an unincorporated entity (describe):  
(4) ☐ a public entity (describe):  
(5) ☐ other (specify):
- c. ☐ except defendant (name):  
(1) ☐ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (describe):  
(4) ☐ a public entity (describe):  
(5) ☐ other (specify):
- d. ☐ except defendant (name):  
(1) ☐ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (describe):  
(4) ☐ a public entity (describe):  
(5) ☐ other (specify):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☒ Doe defendants (specify Doe numbers): 1 to 20, Inclusive were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. ☒ Doe defendants (specify Doe numbers): 1 to 20, Inclusive are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):
8. This court is the proper court because
- a. ☐ at least one defendant now resides in its jurisdictional area.
- b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
- c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.
- d. ☐ other (specify):
9. ☐ Plaintiff is required to comply with a claims statute, and
- a. ☐ has complied with applicable claims statutes, or
- b. ☐ is excused from complying because (specify):

PLD-PI-001

SHORT TITLE: RICHARD JAMIESON, et al. v. A.C.T. TRANSPORT INC., et al.

CASE NUMBER:

C.V.DS 1818506

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☒ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☐ Premises Liability
- f. ☒ Other (specify): Damages for Personal Injuries under The Federal Employers Liability Act ("FELA") (45 U.S.C. section 51, et seq.)

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☐ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☐ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (specify): pain and suffering; prejudgment interest; damages for personal injuries under The Federal Employers Liability Act ("FELA") (45 U.S.C. section 51, et seq.)

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages General Negligence, Motor Vehicle, and under the FELA
- (2) ☐ punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☒ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):  
GN-1; MV-1; MV-2; Paragraphs 16-23 - Attachment 1 (Third Cause of Action under the FELA)

Date: June 22, 2018

Joel Krissman, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)



|  |                               |
|--|-------------------------------|
| SHORT TITLE: RICHARD JAMIESON, et al. v. A.C.T. TRANSPORT INC., et al. | CASE NUMBER:<br>CIVDS 1818506 |
|--|-------------------------------|

PLD-PI-001(2)

FIRST  
(number)

**CAUSE OF ACTION—General Negligence**

Page 4

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): RICHARD JAMIESON; PEDRO IBARRA, JR.; THOMAS McDUGALL;  
and FILIBERTO GARCIA  
alleges that defendant (name): A.C.T. TRANSPORT INC.; NATIONAL RAILROAD PASSENGER  
CORPORATION, d.b.a. AMTRAK; and

☒ Does 1 to 20, Inclusive

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant  
negligently caused the damage to plaintiff

on (date): April 5, 2017

at (place): Merrill Avenue, and Sycamore Avenue, Rialto, CA 92376

(description of reasons for liability):

Defendants, and each of them, negligently and carelessly entrusted, managed, owned, hired,  
maintained, operated and drove a motor vehicle in which Plaintiffs were occupying as passengers, so  
as to legally and proximately cause Plaintiffs to suffer serious injuries and damages.

PLD-PI-001(1)

SHORT TITLE: RICHARD JAMIESON, et al. v. A.C.T. TRANSPORT INC., et al.

CASE NUMBER:

CIVDS 1818506

SECOND  
(number)

CAUSE OF ACTION—Motor Vehicle

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name): RICHARD JAMIESON; PEDRO IBARRA, JR.; THOMAS McDOUGALL; and FILIBERTO GARCIA

MV- 1, Plaintiff alleges the acts of defendants were negligent; the acts were the legal (proximate) cause of injuries and damages to plaintiff; the acts occurred on (date): April 5, 2017

at (place): Merrill Avenue, and Sycamore Avenue, Rialto, CA 92376

MV- 2. DEFENDANTS

a. ☒ The defendants who operated a motor vehicle are (names): A.C.T. TRANSPORT INC.; NATIONAL RAILROAD PASSENGER CORPORATION, d.b.a. AMTRAK; and

☒ Does 1 to 20, Inclusive

b. ☒ The defendants who employed the persons who operated a motor vehicle in the course of their employment are (names): A.C.T. TRANSPORT INC.; NATIONAL RAILROAD PASSENGER CORPORATION, d.b.a. AMTRAK; and

☒ Does 1 to 20, Inclusive

c. ☒ The defendants who owned the motor vehicle which was operated with their permission are (names): A.C.T. TRANSPORT INC.; NATIONAL RAILROAD PASSENGER CORPORATION, d.b.a. AMTRAK; and

☒ Does 1 to 20, Inclusive

d. ☒ The defendants who entrusted the motor vehicle are (names): A.C.T. TRANSPORT INC.; NATIONAL RAILROAD PASSENGER CORPORATION, d.b.a. AMTRAK; and

☒ Does 1 to 20, Inclusive

e. ☒ The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names): A.C.T. TRANSPORT INC.; NATIONAL RAILROAD PASSENGER CORPORATION, d.b.a. AMTRAK; and

☒ Does 1 to 20, Inclusive

f. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are listed in Attachment MV-2f ☐ as follows:

☐ Does \_\_\_\_\_ to \_\_\_\_\_

Page 5

**Attachment 1: THIRD CAUSE OF ACTION - Damages for Personal Injuries  
Under the Federal Employers Liability Act ("FELA") (45 U.S.C. § 51, et seq.)**

**(Plaintiffs, RICHARD JAMIESON; PEDRO IBARRA, Jr.; THOMAS McDougall; and  
FILIBERTO GARCIA against Defendant NATIONAL RAILROAD PASSENGER  
CORPORATION, d.b.a. AMTRAK)**

16. Plaintiffs, Richard Jamieson, Pedro Ibarra, Jr., Thomas McDougall, and Filiberto Garcia ("Plaintiffs"), repeat and replead Paragraphs 1-15, GN-1, MV-1, and MV-2 by reference thereto, and incorporate the same herein and make the said Paragraphs a part hereof, as though set forth in full.

17. Plaintiffs, at all relevant times hereto, were employed by Defendant National Railroad Passenger Corporation, d.b.a. Amtrak.

18. At all times relevant hereto, Defendant National Railroad Passenger Corporation, d.b.a. Amtrak, was, and is, a common carrier engaged in the furtherance of interstate commerce, and the injuries to the Plaintiffs alleged in this Complaint were sustained by them while they were acting in the course and scope of their employment for Defendant National Railroad Passenger Corporation, d.b.a. Amtrak, and while they were engaged in performing services in furtherance of interstate commerce for said Defendant.

19. This Cause of Action is brought pursuant to the provisions of Title 45, sections 51 et seq. of the United States Code, more commonly known as the Federal Employers Liability Act ("FELA"). As a carrier subject to the FELA, Defendant National Railroad Passenger Corporation, d.b.a. Amtrak, owed a continuing duty to provide Plaintiffs with a reasonably safe place to work, and said Defendant is liable for injuries to its employees resulting from the negligence of its officers, agents, or employees. Any person or entity performing operational activities of a carrier pursuant to the request of the carrier or pursuant to contract is considered and deemed to be the agent of said carrier under the FELA.

20. At the time of the subject incident, Plaintiffs were passengers in an A.C.T. Transport Inc. van, being transported during the course and scope of their employment with Defendant National Railroad Passenger Corporation, d.b.a. Amtrak. Plaintiffs were being transported from Metrolink's Eastern Maintenance Facility ("EMF") in Colton, CA, to the Metrolink Station in San Bernardino, CA.

21. At all times relevant hereto, said transportation of Plaintiffs from one Metrolink location to another Metrolink location, when and where Defendant needed them to be for the continuity of Defendant's transportation operations, was for said Defendant's benefit, and constitutes a nondelegable operational activity of Defendant carrier, National Railroad Passenger Corporation, d.b.a. Amtrak. As such, A.C.T. Transport Inc., and Does 1 to 20, Inclusive, even as independent contractor(s) performing said transportation services for Defendant's employees, at



the request of Defendant, are the agents of said Defendant under the FELA.

22. At all times relevant hereto, Defendant A.C.T. Transport Inc., and Does 1 to 20, Inclusive, were the agents and/or employees of Defendant National Railroad Passenger Corporation, d.b.a Amtrak, and in doing the things herein alleged, each Defendant was acting within the course and scope of said agency, employment, and authority as such agent and/or employee and with the consent and ratification of his co-Defendants.

23. At the time of the subject incident, by reason of the negligence and carelessness of Defendant National Railroad Passenger Corporation, d.b.a. Amtrak's, agents and/or employees, Defendants A.C.T. Transport Inc. and Does 1 to 20, Inclusive, in the entrustment, management, ownership, hiring, maintenance, operation, and driving of the transport van in which Plaintiffs were occupying as passengers for the benefit of Defendant National Railroad Passenger Corporation, d.b.a. Amtrak, and while performing services in furtherance of interstate commerce for said Defendant, Plaintiffs were directly, legally, and proximately caused to suffer serious, permanent, and disabling injuries, and general damages and economic damages, which will be shown according to proof.

A PROFESSIONAL CORPORATION

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