FILED BY FAX
ALAMEDA COUNTY
March 12, 2019
CLERK OF
THE SUPERIOR COURT
By Cheryl Clark, Deputy
CASE NUMBER:
RG18897170

PLD-PI-002

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NAME OF COURT: Alameda County Superior Court
STREET ADDRESS: 1225 Fallon St.
MAILING ADDRESS:
CITY AND ZIP CODE: Oakland 94612
BRANCH NAME: Rene C. Davidson

SHORT TITLE:
City of Oakland et. al. v. Rong Fu Lee et. al.

CROSS-COMPLAINANT:
Rong Fu Lee, Yan Hua Lee, Siu Kuen Lee

CROSS-DEFENDANT:
Salvador Sotelo, ROES 1 to 20

☐ DOES 1 TO

CROSS-COMPLAINT—Personal Injury, Property Damage, Wrongful Death

☐ **AMENDED (Number):**

Causes of Action (check all that apply):

☑ **Apportionment of Fault** ☑ **Declaratory Relief**
☑ **Indemnification** ☐ **Other (specify):**

Jurisdiction (check all that apply):

☐ **ACTION IS A LIMITED CIVIL CASE ($25,000 or less)**
☑ **ACTION IS AN UNLIMITED CIVIL CASE (exceeds $25,000)**
It ☐ is ☐ is not reclassified as unlimited by this cross-complaint

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1. CROSS-COMPLAINANT (name):
Rong Fu Lee, Yan Hua Lee, Siu Kuen Lee
alleges causes of action against CROSS-DEFENDANT (name):
Salvador Sotelo
2. This pleading, including exhibits and attachments, consists of the following number of pages: 5

3. Each cross-complainant named above is a competent adult
a. ☐ **except** cross-complainant (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 cross-complainants who are not competent adults is contained in Cross-Complaint—Attachment 3.

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PLD-PI-002 [Rev. January 1, 2007]

CROSS-COMPLAINT—Personal Injury, Property Damage, Wrongful Death

Code of Civil Procedure, § 425.12

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4. Each cross-defendant named above is a natural person
   a. ☐ **except** cross-defendant *(name)*:
      (1) ☐ a business organization, form unknown
      (2) ☐ a corporation
      (3) ☐ an unincorporated entity *(describe)*:
      (4) ☐ a public entity *(describe)*:
      (5) ☐ other *(specify)*:
   b. ☐ **except** cross-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 cross-defendants who are not natural persons is contained in Cross-Complaint—Attachment 4.

5. The true names and capacities of cross-defendants sued as Does are unknown to cross-complainant.

6. ☐ Cross-complainant is required to comply with a claims statute, **and**
   a. ☐ has complied with applicable claims statutes, **or**
   b. ☐ is excused from complying because *(specify)*:

7. ☑ First (NUMBER) **Cause of Action—Indemnification**
   a. Cross-defendants were the agents, employees, co-venturers, partners, or in some manner agents or principals, or both, for each other and were acting within the course and scope of their agency or employment.
   b. The principal action alleges, among other things, conduct entitling plaintiff to compensatory damages against me. I contend that I am not liable for events and occurrences described in plaintiff's complaint.
   c. If I am found in some manner responsible to plaintiff or to anyone else as a result of the incidents and occurrences described in plaintiff's complaint, my liability would be based solely upon a derivative form of liability not resulting from my conduct, but only from an obligation imposed upon me by law; therefore, I would be entitled to complete indemnity from each cross-defendant.

8. ☑ Second (NUMBER) **Cause of Action—Apportionment of Fault**
   a. Each cross-defendant was responsible, in whole or in part, for the injuries, if any, suffered by plaintiff.
   b. If I am judged liable to plaintiff, each cross-defendant should be required: (1) to pay a share of plaintiffs judgment which is in proportion to the comparative negligence of that cross-defendant in causing plaintiff's damages; and (2) to reimburse me for any payments I make to plaintiff in excess of my proportional share of all cross-defendants' negligence.

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9. [✓] Third (NUMBER) **Cause of Action—Declaratory Relief**

An actual controversy exists between the parties concerning their respective rights and duties because cross-complainant contends and cross-defendant disputes [ ] as specified in Cross-Complaint—Attachment 9
[ ] as follows:

10. [ ] _____ (NUMBER) **Cause of Action—*(specify)*:**

11. [✓] The following additional causes of action are attached and the statements below apply to each *(in each of the attachments, "plaintiff" means "cross-complainant" and "defendant" means "cross-defendant")*:

a. [ ] Motor Vehicle
b. [ ] General Negligence
c. [✓] Intentional Tort Trespass to Chattel (personal property)
d. [ ] Products Liability
e. [ ] Premises Liability
f. [ ] Other *(specify)*:

12. **CROSS-COMPLAINANT PRAYS** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for
a. [✓] total and complete indemnity for any judgments rendered against me.
b. [✓] judgment in a proportionate share from each cross-defendant.
c. [✓] a judicial determination that cross-defendants were the legal cause of any injuries and damages sustained by plaintiff and that cross-defendants indemnify me, either completely or partially, for any sums of money which may be recovered against me by plaintiff.
d. [✓] compensatory damages
(1) [✓] (unlimited civil cases) according to proof.
(2) [ ] (limited civil cases) in the amount of: $
e. [✓] other *(specify)*:

Punitive/Exemplary Damages

13. [ ] The paragraphs of this cross-complaint alleged on information and belief are as follows *(specify paragraph numbers)*:

Date: March 11, 2019

Clifford E. Fried
(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF CROSS-COMPLAINANT OR ATTORNEY)

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Fourth (number) **CAUSE OF ACTION—Intentional Tort** **Page** 4

ATTACHMENT TO ☐ Complaint ☑ Cross - Complaint

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

IT-1. Plaintiff *(name)*: Rong Fu Lee, Yan Hua Lee, Siu Kuen Lee

alleges that defendant (*name*): Salvador Sotelo

☑ Does 1 to 20

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

on (*date*)March 10, 2016

at (*place*):366-368 Center Street Oakland, CA

(description of reasons for liability):

Within 2 years from the filing of this complaint and continuing to the present, Plaintiffs Rong Fu Lee, Yan Hua Lee and Sin Kuen Lee allege that Salvador Sotelo and his agents wrongfully and intentionally trespassed on Plaintiffs personal property, including but not limited to their mail and other property delivered to Plaintiffs mailbox. Plaintiffs owned or had a right to possess their personal property, including but not limited to their mail and other property delivered to Plaintiffs mailbox. That Defendant, Salvador Sotelo and or his agents interfered with Plaintiffs use or possession of that personal property. Plaintiff did not consent to Defendants interference with said property and that such unconsented to interfere caused harm to Plaintiff to an extent that will be proven at Trial.

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Exemplary Damages Attachment

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ATTACHMENT TO ☐ Complaint ☑ Cross - Complaint

EX-1. As additional damages against defendant *(name)*:

Salvator Sotelo

Plaintiff alleges defendant was guilty of

☑ malice
☑ fraud
☑ oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

Defendants actions were done with malice, fraud, and oppression and with the intent to harass Plaintiffs

EX-3. The amount of exemplary damages sought is

a. ☑ not shown, pursuant to Code of Civil Procedure section 425.10.
b. ☐ $

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Code of Civil Procedure, § 425.12
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