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11 **SUPERIOR COURT OF CALIFORNIA (UNLIMITED JURISDICTION)**
12 **COUNTY OF SOLANO**

14 ERIC SANDLE,
15 Plaintiff,

16 v.

17 JEFRI DAVIS, and
18 DOES 1-20 inclusive,
19 Defendant.

CASE NO.: FCS022867

FIRST AMENDED

VERIFIED COMPLAINT FOR DAMAGES

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

21 **INTRODUCTORY STATEMENT**

- 22
- 23 1. This is an action for damages resulting from Defendant's shooting of Plaintiff's dog. This
24 willful and intentional act, done without provocation and in disregard of humanity, caused
25 severe emotional distress to Plaintiff as well as severe injury to his dog.

26 **PARTIES**

- 27 2. Plaintiff Eric Sandle was at all times a resident of Solano County, California.
- 28 3. Defendant Jefri Davis (hereinafter referred to as "Defendant") was at all times a resident of

1 Solano County, California.

- 2 4. Defendants DOES 1 through 20, inclusive, are sued under fictitious names. Their true
3 names and capacities are unknown to PLAINTIFFS. When their true names and capacities
4 are ascertained, PLAINTIFFS will amend this complaint by inserting their true names and
5 capacities herein. PLAINTIFFS are informed and believe and thereon allege that each of
6 the fictitiously named Defendants is responsible in some manner for the occurrences herein
7 alleged, and that PLAINTIFFS' damages as herein alleged were proximately caused by
8 those Defendants.

9 **JURISDICTION**

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

13 **GENERAL ALLEGATIONS**

- 14 6. On September 18, 2002, Plaintiff was the owner, possessor and keeper of a male seven-year
15 old canine (dog) of peculiar value, named Buddy.
- 16 7. Plaintiff raised Buddy since he was a puppy and enjoyed an extremely close bond with
17 Buddy whereby Buddy became a companion and family member.
- 18 8. On September 18, 2002, Plaintiff was pruning a tree on the property of one his neighbors.
19 He was accompanied by Buddy, who was free to walk in the general vicinity of Plaintiff.
- 20 9. At approximately 7:15 pm, Buddy was walking in the street approximately three feet from
21 the property of Defendant Davis. Defendant Davis was on his property standing
22 approximately three feet from Buddy.
- 23 10. Suddenly, and without provocation, Defendant Davis shot Buddy with a 45-caliber
24 handgun. The bullet entered Buddy behind the right shoulder blade, approximately six to
25 eight inches below the spine. The bullet went through Buddy, exiting behind the left
26 shoulder blade slightly lower than where it entered.
- 27 11. Plaintiff, who was approximately 20 feet away, heard the gunshot and heard Buddy whelp.
28 He turned to see Buddy lying in the street, critically wounded.

1 12. Plaintiff immediately rushed to the aid of Buddy, who was still lying wounded in the street.

2 He then rushed Buddy to the veterinarian for emergency medical treatment.

3 13. As a result of the injury, Buddy is completely paralyzed in the back half of his body.

4 14. As a result of the injury, Buddy requires constant attention by Plaintiff. Plaintiff must help
5 Buddy release his bladder five to six times a day in order to avoid infection. Plaintiff must
6 also help Buddy defecate. In addition, Buddy cannot be left unattended for periods greater
7 than two hours.

8 15. As a result of his actions toward Buddy, Defendant was convicted of a felony for cruelty to
9 animals, specifically a violation of section 597(a) of the California Penal Code.

10 **CAUSES OF ACTION**

11 **FIRST CAUSE OF ACTION**
12 **(Intentional Infliction of Emotional Distress)**

13 16. Paragraphs 1-15 are incorporated herein by reference as though fully set forth.

14 17. Defendant's act of shooting Buddy was extreme and outrageous conduct.

15 18. Defendant's act of shooting Buddy was done with the intent of causing, or with reckless
16 disregard for the probability of causing, emotional distress to Plaintiff.

17 19. As a direct result of Defendant's extreme and outrageous conduct in shooting Plaintiff's dog
18 Buddy, Plaintiff suffered severe and extreme emotional distress.

19 **SECOND CAUSE OF ACTION**
20 **(Conversion)**

21 20. Paragraphs 1-19 are incorporated herein by reference as though fully set forth.

22 21. On September 18, 2002, Plaintiff was the owner of a dog named Buddy.

23 22. By shooting Buddy and causing severe injury to Buddy, Defendant interfered with
24 Plaintiff's ownership of Buddy.

25 23. Defendant's interference with Plaintiff's ownership of Buddy was intentional.

26 24. The interference caused Plaintiff injury, damage, loss and harm.

27 **THIRDD CAUSE OF ACTION**
28 **(Violation of C.C.P. § 3340)**

1 25. Paragraphs 1-24 are incorporated herein by reference as though fully set forth.

2 26. California Code of Civil Procedure § 3340 states:

3 For wrongful injuries to animals being subjects of property,
4 committed willfully or by gross negligence, in disregard
5 of humanity, exemplary damages may be given.

6 27. By shooting Plaintiff's dog Buddy without provocation, Defendant caused wrongful injury
7 to Buddy.

8 28. Defendant's shooting of Buddy was willful and was done in disregard of humanity.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- 11 1. For compensatory damages pursuant to California Civil Code section 3355, including
12 the value of Plaintiff's beloved companion animal Buddy in an amount according to
13 proof;
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15 2. For mental, physical and nervous pain and suffering and serious emotional distress in an
16 amount according to proof;
17
18 3. For exemplary damages in an amount according to proof;
19
20 4. For reasonable costs and attorneys' fees of this action pursuant to California Code of
21 Civil Procedure section 1021.4, or any other applicable section or law; and
22
23 5. For such and further relief as the Court may deem proper.

24 Respectfully Submitted,
25 Dated: November 4, 2003

Animal Law Associates
Law Office of Corey Evans

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27 By: _____
28 Corey Evans
Attorneys for Plaintiff