

**SUMMONS**  
(CITACION JUDICIAL)

**NOTICE TO DEFENDANT:** (Aviso a Acusado)  
WILLIAM BRAMMER; and DOES 1 through 25,  
inclusive

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**YOU ARE BEING SUED BY PLAINTIFF:**  
(A Ud. le esta demandando)  
ROBERT L. SMITH

You have **30 CALENDAR DAYS** after this summons is served on you to file a typewritten response at this court.

A letter or phone call will not protect you; your typewritten response must be in proper legal form if you want the court to hear your case.

If you do not file your response on time, you may lose the case, 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 call an attorney referral service or a legal aid office (listed in the phone book).

Después de que le entreguen esta citación judicial usted tiene un plazo de **30 DIAS CALENDARIOS** para presentar una respuesta escrita a máquina en esta corte.

Una carta o una llamada telefónica no le ofrecerá protección; su respuesta escrita a máquina tiene que cumplir con las formalidades legales apropiadas si usted quiere que la corte escuche su caso.

Si usted no presenta su respuesta a tiempo, puede perder el caso, y le pueden quitar su salario, su dinero y otras cosas de su propiedad sin aviso adicional por parte de la corte.

Existen otros requisitos legales. Puede que usted quiera llamar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de referencia de abogados o a una oficina de ayuda legal (véa el directorio telefónico).

The name and address of the court is: (El nombre y dirección de la corte es)

SUPERIOR COURT OF CALIFORNIA  
220 West Broadway  
San Diego, California 92101  
SAN DIEGO JUDICIAL DISTRICT

CASE NUMBER (Número del Caso)

00701131

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es)

(619) 236-1142

Thomas J. Molta, Esq. (163632)  
LOWELL & ROBBIN  
707 Broadway, 17th Floor  
San Diego, California 92101-5311

KENNETH E. MARTONE  
Clerk of the Superior Court  
San Diego County, CA

DATE:

(Fecha)

6/20/96

Clerk, by

(Actuario)

EVA BROWN

, Deputy

(Designado)

(SEAL)

**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 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other:

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (individual)

4. ☒ by personal delivery on (date):

7/19/96

(See reverse for Proof of Service)

**SUMMONS**



1           3.       Plaintiff is ignorant of the true names and capacities of Defendants sued herein as DOES  
2 1 through 25, inclusive, and therefore sues said Defendants by such fictitious names. Plaintiff will  
3 amend this Complaint to allege said Defendants' true names and capacities when the same have been  
4 ascertained. Plaintiff is informed and believes and, based thereon, alleges that each Defendant  
X 5 designated herein as a DOE claims an interest in the Premises or is otherwise responsible in some  
6 manner for the transactions, events and occurrences hereinafter alleged. Whenever appearing in this  
7 Complaint, each and every reference to Defendants, or to any of them, is intended to be and shall be a  
8 reference to all the Defendants hereto and each of them, named and unnamed, including all fictitiously-  
9 named Defendants, unless said reference is otherwise specifically qualified that the allegation  
10 specifically refers only to a particular defendant.

11           4.       Commencing in or about November, 1995, and continuing to the present time, Defendant  
12 WILLIAM BRAMMER and his agents, without Plaintiff's permission or consent, repeatedly entered  
X 13 upon and traversed the Premises of Plaintiff in order to take a shortened route of travel from one of  
14 Defendant BRAMMER's Contiguous Parcels to another of Defendant BRAMMER's Contiguous  
X 15 Parcels. At all times herein, Defendant BRAMMER was capable of accessing each of his Contiguous  
16 Parcels without entering onto Plaintiff's property. Plaintiff has informed Defendant BRAMMER, both  
17 orally and in writing, that Defendant BRAMMER and his agents were not permitted to enter onto  
18 Plaintiff's Premises at any time. Plaintiff also has posted "No Trespassing" signs in various locations  
19 on his Premises. Notwithstanding the foregoing requests and warnings, Defendant BRAMMER and  
20 his agents have repeatedly entered and continue to enter onto Plaintiff's Premises, all without Plaintiff's  
21 permission or consent.

22           5.       On information and belief, each of the Contiguous Parcels which Defendant BRAMMER  
23 possesses were as a result of a written lease or leases which Defendant BRAMMER entered into with  
24 the City of San Diego. On further information and belief, Defendant BRAMMER entered into said lease  
25 or leases subsequent to Plaintiff entering into his Lease with the City of San Diego.

26           6.       As a proximate result of the entry onto Plaintiff's Premises by Defendant BRAMMER  
27 and his agents, Plaintiff's Premises were damaged to such an extent that repairs were necessary to  
X 28 attempt to restore the Premises to its prior condition, the security of Plaintiff's Premises has been

✓ 1 compromised, dust has been generated by each such entry thereby deleteriously affecting Plaintiff's  
x 2 crops, crops have been stolen as a result of the compromised security, noise pollution has been generated  
3 by each such entry, and the usable acreage of Plaintiff's estate has been diminished, all of which have  
4 affected and continue to affect Plaintiff's quiet enjoyment of his Premises and all of which have resulted  
5 in Plaintiff being damaged in a sum in excess of the jurisdiction of this Court and according to proof at  
6 time of trial.

7 7. As a further proximate result of the entry onto Plaintiff's Premises by Defendant  
8 BRAMMER and his agents, Plaintiff has suffered discomfort and annoyance and experienced mental  
x 9 suffering caused by fear for his safety and the safety of his Premises. Plaintiff sustained injuries to his  
10 nervous system and person, all of which injuries have caused, and continue to cause, Plaintiff great  
11 mental, physical and nervous pain and suffering. As a result of this mental distress, Plaintiff has suffered  
12 general damages in a sum in excess of the jurisdiction of this Court and according to proof at time of  
13 trial.

14 8. The aforementioned acts of Defendant BRAMMER and his agents were willful,  
15 oppressive, and malicious in that Plaintiff had informed Defendant BRAMMER, both orally and in  
16 writing that Defendant was trespassing onto Plaintiff's Premises and had requested Defendant  
17 BRAMMER to cease his entries onto the Premises. Defendant BRAMMER knew, both from the  
x 18 warnings of Plaintiff and from his dealings with representatives of the City of San Diego, that he was  
19 trespassing onto Plaintiff's Premises. Such action by Defendant BRAMMER and his agents was done  
20 in conscious disregard of Plaintiff's physical safety and mental well-being and the safety of Plaintiff's  
21 Premises. Plaintiff is therefore entitled to punitive damages in a sum in the sum of \$500,000.

22 **WHEREFORE**, Plaintiff prays judgment against Defendants, and each of them, as follows:

- 23 1. For general damages for property damage in a sum in excess of the jurisdiction of this Court,  
24 according to proof at time of trial;
- 25 2. For special damages for property damage in a sum according to proof at time of trial;
- 26 3. For general damages for mental distress in a sum in excess of the jurisdiction of this Court,  
27 according to proof at time of trial;
- 28 4. For punitive damages in the sum of \$500,000;

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- 5. For costs of suit herein incurred; and
- 6. For such other and further relief as the Court may deem proper;

DATED: June 19, 1996

LOWELL & ROBBIN

By: TLJ mts  
Thomas J. Molta, Esq.  
Attorneys for Plaintiff ROBERT L. SMITH

DSR:PSMITH001.COM

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**

INDEPENDENT CALENDAR CLERK

330 W. Broadway  
San Diego, CA 92101

TO:

DAVID S. ROBBIN  
LOWELL & ROBBIN  
707 BROADWAY, STE. 1700  
SAN DIEGO, CA 92101-5311

ROBERT L. SMITH

Plaintiff(s)

vs.

WILLIAM BRAMMER

Defendant(s)

Case No.: 701131

**NOTICE OF CASE ASSIGNMENT**

Judge: CHARLES R. HAYES

Department: 41

Phone: 685-6017

COMPLAINT FILED 06/19/96

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT).

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH LOCAL RULES OF COURT WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

**TIME STANDARDS:** The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Appeals from the lower court, small claims appeals and petitions.

**COMPLAINTS:** Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE (SUPCT CIV-345) filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document. (Rule 1.4)

**DEFENDANT'S APPEARANCE:** Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.) (Rule 1.5)

**DEFAULT:** If the defendant has not generally appeared and no extension has been granted, the plaintiff must enter default within 45 days of the service of complaint. (Rule 1.5)

**CASE MANAGEMENT CONFERENCE:** A Case Management Conference will be set within 150 days of filing the complaint.

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT THROUGH SAN DIEGO MEDIATION CENTER (619) 238-2400. THERE IS NO CHARGE FOR THE FIRST FOUR HOUR SESSION. MEDIATION SERVICES ARE ALSO AVAILABLE THROUGH OTHER ORGANIZATIONS FOR A FEE.

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN MEDIATION OR ARBITRATION PURSUANT TO CCP 1775 OR 1141.10 AT THE CASE MANAGEMENT CONFERENCE. THE \$150 FEE FOR THESE SERVICES WILL BE PAID BY THE COURT IF ALL PARTIES HAVE APPEARED IN THE CASE AND STIPULATE TO AN AVAILABLE MEDIATOR/ARBITRATOR ON THE COURT'S LISTS OF PROVIDERS LOCATED IN THE ARBITRATION DEPARTMENT AT EACH COURT LOCATION. THE CASE MANAGEMENT CONFERENCE WILL BE CANCELLED IF YOU FILE FORM SUPCT CIV-357 OR 358 AT LEAST 10 DAYS PRIOR TO THAT HEARING.

**CERTIFICATE OF SERVICE**

I, KENNETH E. MARTONE, certify that: I am not a party to the above-entitled case; on the date shown below, I served this notice on the parties shown by personally handing it to the attorney or their personal representative at SAN DIEGO California.

Dated: 06/19/96

KENNETH E. MARTONE

Clerk of the Superior Court

by DEBRA JONES, Deputy Clerk

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):

TELEPHONE NO.: (619) 236-1142

FOR COURT USE ONLY

Thomas J. Molta, Esq. (619) 236-1142  
 LOWELL & ROBBIN  
 707 Broadway, 17th Floor  
 San Diego, California 92101-5311

ATTORNEY FOR (Name): ROBERT L. SMITH

Insert name of court and name of judicial district and branch court, if any:

SUPERIOR COURT OF CALIFORNIA  
 SAN DIEGO JUDICIAL DISTRICT

PLAINTIFF/PETITIONER: ROBERT L. SMITH

DEFENDANT/RESPONDENT: WILLIAM BRAMMER, et al.

F. I. L. E. L.  
KENNETH E. MARTONE

FEB 25 1997

By:

Deputy

## REQUEST FOR DISMISSAL

☐ Personal Injury, Property Damage, or Wrongful Death☐ Motor Vehicle☐ Other☐ Family Law☐ Eminent Domain☒ Other (specify): Complaint for Damages

CASE NUMBER:

706875

— A conformed copy will not be returned by the clerk unless a method of return is provided with the document. —

## 1. TO THE CLERK: Please dismiss this action as follows:

a. (1) ☐ With prejudice (2) ☒ Without prejudiceb. (1) ☐ Complaint (2) ☐ Petition(3) ☐ Cross-complaint filed by (name):(4) ☐ Cross-complaint filed by (name):(5) ☒ Entire action of all parties and all causes of action(6) ☐ Other (specify):

on (date):

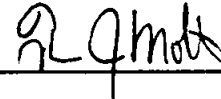
on (date):

Date: February 25, 1997

Thomas J. Molta, Esq.

(TYPE OR PRINT NAME OF ☒ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

• If dismissal requested is of specified parties only, of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.



(SIGNATURE)

Attorney or party without attorney for: ROBERT L. SMITH

☒ Plaintiff/Petitioner☐ Defendant/Respondent☐ Cross-complainant

## 2. TO THE CLERK: Consent to the above dismissal is hereby given.

Date:

(TYPE OR PRINT NAME OF ☐ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

• If a cross-complaint - or Response (Family Law) seeking affirmative relief - is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581(f) or (g).



(SIGNATURE)

Attorney or party without attorney for:

☐ Plaintiff/Petitioner☐ Defendant/Respondent☐ Cross-complainant

(To be completed by clerk)

3. ☒ Dismissal entered as requested on (date): FEB 25 19974. ☐ Dismissal entered on (date): as to only (name):5. ☐ Dismissal not entered as requested for the following reasons (specify):6. ☐ a. Attorney or party without attorney notified on (date):

b. Attorney or party without attorney not notified. Filing party failed to provide

☐ a copy to conform☐ means to return conformed copy

KENNETH E. MARTONE

Date: FEB 25 1997

Clerk, by: KENNETH E. MARTONE, Deputy