

**- DO NOT FILE WITH THE COURT -**  
**- UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -**

CIV-050

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Nikolaus W. Reed, Esq. (SBN 259951) Law Office of Nikolaus W. Reed 135 10th Street San Francisco, CA 94103 ATTORNEY FOR (name): Plaintiff Mark Golob		TELEPHONE NO.: 415-940-7766	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Mendocino STREET ADDRESS: 100 N State St #107 MAILING ADDRESS: CITY AND ZIP CODE: Ukiah, CA 95482 BRANCH NAME: Civil Division			
PLAINTIFF: Mark Golob DEFENDANT: Sean Kelly			
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)		CASE NUMBER: SC-UK-CV-PO-14-0063543-000	

To (name of one defendant only): Sean Kelly  
Plaintiff (name of one plaintiff only): Mark Golob  
seeks damages in the above-entitled action, as follows:

- |  | AMOUNT           |
|--|------------------|
| 1. <b>General damages</b>  |                  |
| a. <input checked="" type="checkbox"/> Pain, suffering, and inconvenience .....  | \$ 10,000,000.00 |
| b. <input checked="" type="checkbox"/> Emotional distress .....  | \$ 10,000,000.00 |
| c. <input type="checkbox"/> Loss of consortium .....   | \$               |
| d. <input type="checkbox"/> Loss of society and companionship (wrongful death actions only) .....  | \$               |
| e. <input checked="" type="checkbox"/> Other (specify) <u>grief, anxiety, loss of enjoyment of life,</u> .....                                 | \$ 10,000,000.00 |
| f. <input type="checkbox"/> Other (specify) .....  | \$               |
| g. <input type="checkbox"/> Continued on Attachment 1.g.   |                  |
| 2. <b>Special damages</b>  |                  |
| a. <input checked="" type="checkbox"/> Medical expenses (to date) .....  | \$ 1,000,000.00  |
| b. <input checked="" type="checkbox"/> Future medical expenses (present value) .....   | \$ 1,000,000.00  |
| c. <input checked="" type="checkbox"/> Loss of earnings (to date) .....  | \$ 1,000,000.00  |
| d. <input checked="" type="checkbox"/> Loss of future earning capacity (present value) .....   | \$ 1,000,000.00  |
| e. <input checked="" type="checkbox"/> Property damage .....   | \$ 1,000,000.00  |
| f. <input type="checkbox"/> Funeral expenses (wrongful death actions only) .....   | \$               |
| g. <input type="checkbox"/> Future contributions (present value) (wrongful death actions only) .....   | \$               |
| h. <input type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only) .....                                 | \$               |
| i. <input type="checkbox"/> Other (specify) .....  | \$               |
| j. <input type="checkbox"/> Other (specify) .....  | \$               |
| k. <input type="checkbox"/> Continued on Attachment 2.k.   |                  |
| 3. <input type="checkbox"/> <b>Punitive damages:</b> Plaintiff reserves the right to seek punitive damages in the amount of (specify) \$ ..... |                  |
| when pursuing a judgment in the suit filed against you.  |                  |

Date: 2-12-14  
Nikolaus W. Reed

(TYPE OR PRINT NAME)

(Proof of service on reverse)

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

Page 1 of 2

**SUMMONS  
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

Sean Kelly; Does 1 to 10

**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

Mark Golob

**SUM-100**

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

**ENDORSED-FILED**

**FEB 05 2014**

CLERK OF MENDOCINO COUNTY  
SUPERIOR COURT OF CALIFORNIA  
**MELISSA DUNCAN**

**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 pueda 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 le 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 desechar el caso.

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

Superior Court of Mendocino  
100 North State Street, Ukiah, CA 95482

CASE NUMBER:  
(Número del Caso): **SCUK WPC 1463543**

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):  
Nikolaus W. Reed, 135 10th St., San Francisco, CA 94103. Telephone: 415-940-7766

DATE: **FEB 05 2014**  
(Fecha)

Clerk, by **MELISSA DUNCAN**, Deputy  
(Secretario) (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)).

[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 416.60 (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):

Page 1 of 1

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<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO</b> 100 NORTH STATE ST. UKIAH, CA 95482		FOR COURT USE ONLY  <b>ENDORSED FILED</b>  FEB 05 2014  CLERK OF MENDOCINO COUNTY SUPERIOR COURT OF CALIFORNIA <b>LAUREN WINTER-MEADOWS</b>
<b>MARK GOLOB</b>  vs. <b>SEAN KELLY</b>	Plaintiff(s)   Defendant(s)	Case Number <b>SC-UK-CV-PO-14-0063543-000</b>
<b>NOTICE OF CASE MANAGEMENT CONFERENCE</b>		

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

Notice is given that a Case Management Conference has been scheduled as follows:

<b>Date: 08/08/2014    Time: 11:00 A.M.    Department: E</b>
--

The court will make every effort to ensure that this matter is brought to trial or otherwise disposed of within one year. **All parties must comply with the California Rules of Court.** The court will strictly monitor compliance and **will impose monetary penalties** and may dismiss a complaint or cross-complaint for repeated failures to comply.

1. You must:
  - a. **Serve** all named defendants and file proofs of service on those defendants with the court within 60 days of the filing of the complaint (CRC § 3.110(b));
  - b. **Give notice** of this conference to any party not included in this notice and file proof of service;
  - c. **Meet and confer**, in person or by telephone, to consider each of the issues identified in CRC § 3.724 no later than **30** calendar days before the date set for the Case Management Conference;
  - d. **File and serve** a completed Case Management Conference Statement (use of Judicial Council Form CM-110 is **mandatory**) at least **15** days before the Case Management Conference (CRC § 3.725).
2. You are further ordered to appear in person at the Case Management Conference noticed above. You must be thoroughly familiar with the case and fully authorized to proceed. Telephonic appearances at Case Management Conference may be available, pursuant to Local Rule 11.1.
3. Each party must file a statement before the trial date indicating whether the party requests the presence of an official court reporter. Proceedings of less than one hour in duration will be reported without cost to any party.

☐ Copy given to Cross-complainant

Date: February 5, 2014

JAMES B. PERRY, Interim Clerk of the Court

**LAUREN WINTER-MEADOWS**

Lauren Winter-Meadows, Deputy Clerk

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO</b> 100 NORTH STATE ST. UKIAH, CA 95482		FOR COURT USE ONLY  <b>ENDORSED FILED</b>  FEB 05 2014  CLERK OF MENDOCINO COUNTY SUPERIOR COURT OF CALIFORNIA <del>LAUREN WINTER-MEADOWS</del>
<b>MARK GOLOB</b>  vs. <b>SEAN KELLY</b>	Plaintiff(s)   Defendant(s)	Case Number <b>SC-UK-CV-PO-14-0063543-000</b>
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☐ Copy given to Cross-complainant

Date: February 5, 2014

JAMES B. PERRY, Interim Clerk of the Court

**LAUREN WINTER-MEADOWS**

Lauren Winter-Meadows, Deputy Clerk

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CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Nikolaus W. Reed, Esq., SBN 259951 Law Office of Nikolaus Reed 135 10th Street San Francisco, CA 94103 TELEPHONE NO.: 415/940-7766 FAX NO.: 415/940-7706 ATTORNEY FOR (Name): Plaintiff, Mark Golob	FOR COURT USE ONLY <div style="border: 1px solid black; padding: 5px; display: inline-block;">           ENDORSED-FILED             FEB 05 2014             CLERK OF MENDOCINO COUNTY            SUPERIOR COURT OF CALIFORNIA            MELISSA DUNCAN         </div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO STREET ADDRESS: 100 North State Street MAILING ADDRESS: CITY AND ZIP CODE: Ukiah, CA 95482 BRANCH NAME: Main Courthouse	
CASE NAME: Golob v. Kelly	
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
JUDGE: _____ DEPT: _____	

CASE NUMBER: **1463543**

Items 1–6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input checked="" type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (08) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)</b> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. <input type="checkbox"/> Substantial amount of documentary evidence	d. <input type="checkbox"/> Large number of witnesses e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court f. <input type="checkbox"/> Substantial postjudgment judicial supervision
--	--

3. Remedies sought (check all that apply): a. ☒ monetary    b. ☒ nonmonetary; declaratory or injunctive relief    c. ☒ punitive

4. Number of causes of action (specify): \_\_\_\_\_

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 1-31-14  
 Nikolaus W. Reed (TYPE OR PRINT NAME) \_\_\_\_\_ (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

## Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

## Other PIPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (not asbestos or toxic/environmental) (24)  
Medical Malpractice (45)  
Medical Malpractice—Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PIPD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PI/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PIPD/WD

## Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (not medical or legal)  
Other Non-PI/PD/WD Tort (35)

## Employment

Wrongful Termination (36)  
Other Employment (15)

## Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (not unlawful detainer or wrongful eviction)  
Contract/Warranty Breach—Seller  
Plaintiff (not fraud or negligence)  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (not provisionally complex) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

## Real Property

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

## Unlawful Detainer

Commercial (31)  
Residential (32)  
Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

## Judicial Review

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor Commissioner Appeals

## Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

## Enforcement of Judgment

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (non-domestic relations)  
Sister State Judgment  
Administrative Agency Award (not unpaid taxes)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

## Miscellaneous Civil Complaint

RICO (27)  
Other Complaint (not specified above) (42)  
Declaratory Relief Only  
Injunctive Relief Only (non-harassment)  
Mechanics Lien  
Other Commercial Complaint Case (non-tort/non-complex)  
Other Civil Complaint (non-tort/non-complex)

## Miscellaneous Civil Petition

Partnership and Corporate Governance (21)  
Other Petition (not specified above) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim  
Other Civil Petition

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Nikolaus W. Reed, Esq. SBN 259951 Law Office of Nikolaus Reed 1135 10th Street San Francisco, CA 94103 TELEPHONE NO: 415/940-7766 FAX NO. (Optional): 415/940-7706 E-MAIL ADDRESS (Optional): Nik@nwrlaw.com ATTORNEY FOR (Name): Plaintiff, Mark Golob		FOR COURT USE ONLY <b>ENDORSED-FILED</b>  FEB 05 2014  CLERK OF MENDOCINO COUNTY SUPERIOR COURT OF CALIFORNIA MELISSA DUNCAN
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO STREET ADDRESS: 100 North State Street MAILING ADDRESS: CITY AND ZIP CODE: Ukiah, CA 95482 BRANCH NAME: Main Courthouse		
PLAINTIFF: Mark Golob  DEFENDANT: Sean Kelly		
<input checked="" type="checkbox"/> DOES 1 TO 10 <b>COMPLAINT—Personal Injury, Property Damage, Wrongful Death</b> <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Defamation; Negligence <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify): Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded: <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		

SCUK

CW-20

1463543

1. Plaintiff (name or names): Mark Golob  
 alleges causes of action against defendant (name or names):  
 Sean Kelly; Does 1 to 10
2. This pleading, including attachments and exhibits, consists of the following number of pages: 6
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.

SHORT TITLE: Golob v. Kelly	CASE NUMBER:
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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*):

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*):

Damage to Reputation

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  
(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*):

Date: 1-31-14

Nikolaus W. Reed

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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ONE CAUSE OF ACTION—Intentional Tort Page 4  
(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

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

IT-1. Plaintiff (name): Mark Golob

alleges that defendant (name): Sean Kelly

☒ Does 1 to 10

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) about January 2014 at (place) Mendocino County.

(description of reasons for liability):

Sean Kelly and Does 1 to 10 posted defamatory statements on his website "unhappyfranchisee.com" which alleged that Plaintiff Mark Golob had a "checkered" past and "history of litigation in the health club industry." The statements were reasonably understood to have been about Plaintiff Mark Golob as his name is directly referenced.

The statements tended to injure Plaintiff Mark Golob in his occupation and to expose him to hatred, contempt, ridicule, or shame and to discourage others from associating or dealing with him.

The statements are false and online for all to read and access.

Defendants did not use reasonable care to determine the truth or falsity of the statements.

Plaintiff Mark Golob suffered harm to his property, business, profession, or occupation including money spent as a result of the statement(s); and the statements were a substantial factor in causing Plaintiff Mark Golob's harm.

When Plaintiff Mark Golob read the statements in January 2014 while in his home in Mendocino County, CA, and at many other times as a result of the statements, he experienced mental suffering, grief, anxiety, humiliation and emotional distress.

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TWO CAUSE OF ACTION—General Negligence Page 5  
(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

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

GN-1. Plaintiff (name): Mark Golob

alleges that defendant (name): Sean Kelly

☒ Does 1 to 10

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): January 2014

at (place): Mendocino County

(description of reasons for liability):

Sean Kelly and Does 1 to 10 posted defamatory statements on his website "unhappyfranchisee.com" which alleged that Plaintiff Mark Golob had a "checkered" past and "history of litigation in the health club industry." The statements were reasonably understood to have been about Plaintiff Mark Golob as his name is directly referenced.

The statements tended to injure Plaintiff Mark Golob in his occupation and to expose him to hatred, contempt, ridicule, or shame and to discourage others from associating or dealing with him.

The statements are false and online for all to read and access.

Defendants did not use reasonable care to determine the truth or falsity of the statements.

Plaintiff Mark Golob suffered harm to his property, business, profession, or occupation including money spent as a result of the statement(s); and the statements were a substantial factor in causing Plaintiff Mark Golob's harm.

When Plaintiff Mark Golob read the statements in January 2014 while in his home in Mendocino County, CA, and at many other times as a result of the statements, he experienced mental suffering, grief, anxiety, humiliation and emotional distress.

SHORT TITLE:  
Golob v. Kelly

CASE NUMBER:

## Exemplary Damages Attachment

Page 6

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

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

Sean Kelly

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:

Defendant Sean Kelly acted with reckless disregard to the damage his false statements could and would cause to Plaintiff and/or he intentionally caused such damage. The statements were made with malice as he committed the acts with knowing disregard of the probable dangerous consequences of his conduct and deliberately failed to avoid those consequences. Such conduct was despicable in that it was so vile, base, or contemptible that it would be looked down on and despised by reasonable people. Finally, the act was fraudulent in that it intentionally misrepresented or concealed a material fact and did so intending to harm.

EX-3. The amount of exemplary damages sought is

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