

1 FRANK M. PITRE (SBN 100077)
2 fpitre@cpmlegal.com
3 ALISON E. CORDOVA (SBN 284942)
4 acordova@cpmlegal.com
5 JOHN THYKEN (SBN 286598)
6 jthyken@cpmlegal.com
7 **COTCHETT, PITRE & McCARTHY, LLP**
8 San Francisco Airport Office Center
9 840 Malcolm Road, Suite 200
10 Burlingame, CA 94010
11 Telephone: (650) 697-6000
12 Facsimile: (650) 697-0577

13 *Attorneys for Plaintiffs*

14 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 IN AND FOR THE COUNTY OF ALAMEDA

16 **MARIA VEGA**, individually and as heir to
17 **ALEX VEGA**, deceased; **MANUEL**
18 **VEGA**, individually and as heir to **ALEX**
19 **VEGA**, deceased; and **MARIA VEGA** and
20 **MANUEL VEGA** as co-representatives of
21 the **ESTATE OF ALEX VEGA**,

22 Plaintiffs,

23 v.

24 **CHOR NAR SIU NG**, individually and as
25 trustee of the **CHOR NAR SIU NG**
26 **REVOCABLE TRUST**; **EVA NG**, an
27 individual; **BRITT BROWN**, individually
28 and d/b/a **100% SILK**; **AMANDA BETH**
BROWN, individually and d/b/a **100%**
SILK; **NOT NOT FUN RECORDS**, a
California corporation; **DERICK ION**
ALMENA, an individual; **MICHA**
ALLISON, an individual; **DANIEL**
LOPEZ, an individual; **510 CUSTOM**
AUDIO, a California corporation; **OMAR**
VEGA, individually and d/b/a **CUSTOM**
O's; **JOHN HRABKO**, an individual;
JOEL PATRICK SHANAHAN, an
individual; **ROBERT JACOBITZ**, an

ENDORSED
FILED
ALAMEDA COUNTY

JAN 13 2017

CLERK OF THE SUPERIOR COURT
By 
JAMIE THOMAS, Deputy

Case No.:

RG17845597

COMPLAINT FOR:

1. NEGLIGENCE (WRONGFUL DEATH)
2. NEGLIGENT HIRING/SUPERVISION (WRONGFUL DEATH)
3. SURVIVAL ACTION

JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES

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individual; **ESTATE OF CHELSEA
FAITH DOLAN; ESTATE OF JOHNNY
IGAZ; and DOES 1 through 100,**
inclusive,

Defendants.

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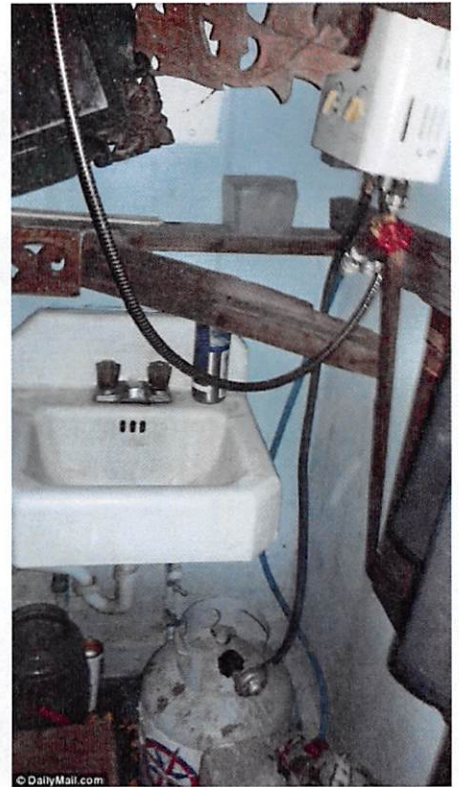
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1 **MARIA VEGA** and **MANUEL VEGA**, individually, as heirs to **ALEX VEGA**, deceased,
2 and as co-representatives of the Estate of **ALEX VEGA** (collectively hereinafter
3 "**PLAINTIFFS**"), bring this action for the wrongful death of **ALEX** after he perished in the
4 Oakland Ghost Ship Fire on December 2, 2016. **PLAINTIFFS** hereby complain of the Defendants
5 named hereinabove, and each of them, as follows:

6 **I. INTRODUCTION**

7 1. At or around 11:30 p.m. on December 2, 2016, several young people paid
8 admission to enjoy a live concert thrown at an unpermitted and unlicensed warehouse located at
9 1315 31st Avenue in Oakland, California, when the overly-crowded and dangerously constructed
10 and maintained warehouse caught fire, killing thirty-six (36) people who were trapped on the
11 cramped and cluttered second floor with only one narrow, unmarked stairway to escape and which
12 did not directly lead to an exit. This fire, which has come to be known as the Oakland "Ghost
13 Ship" Fire, was the deadliest in Oakland's history.¹



Source: <http://www.dailymail.co.uk/>

¹ Phil McCausland, 'Ghost Ship' One of Country's Deadliest Building Fires in Half-Century, NBC News (Dec. 5, 2016), available at <http://www.nbcnews.com/news/us-news/ghost-ship-one-country-s-deadliest-building-fires-half-century-n691766>.

1 2. Upon information and belief, the roof of the warehouse collapsed onto the second
2 floor, which then collapsed onto the ground floor. “There weren't many survivors: people either
3 made it out, or they didn't make it out,” according to a spokesperson for the Alameda County
4 Sheriff's Department.²

5 3. Upon information and belief, **ALEX** was one of the victims trapped on the second
6 floor. His body was found after the fire with his arms still wrapped around his longtime girlfriend,
7 who also perished in the blaze. The pain, panic, and fear he must have experienced in the moments
8 before his death is unimaginable, and could have been avoided entirely if the people responsible
9 for the event and/or for the property had acted with reasonable care.

10 4. Unfortunately, those people with the time, resources, and responsibility to maintain
11 the property and/or provide a safe space for a concert did not act with concern for others. The
12 concert organizers did not get a permit for the event, but charged admission. And, although the
13 building was zoned as a warehouse, it was illegally converted into a live-work artist space. Despite
14 the conversion, the warehouse did not have any fire suppression systems or alarms. The warehouse
15 consisted of a maze of makeshift partitions making it confusing and difficult to navigate an escape,
16 especially for people unfamiliar with the space, at night, in a time of emergency and without exit
17 signs. In addition, the "rooms" were cluttered with artwork, scraps of wood, pianos, tapestries, and
18 recreational vehicles that further obstructed a concert-goer's escape and fed the flames. Not to
19 mention, the makeshift stairwell and other haphazardly constructed, repaired, and/or maintained
20 portions of the property, including but not limited to, exposed nails and wires everywhere.
21 Essentially, the warehouse was a death trap.

22 **II. JURISDICTION AND VENUE**

23 5. This Court has subject matter jurisdiction over this matter pursuant to Code of Civil
24 Procedure section 395 because, at all times relevant, the events which combined to produce the
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26

27 ² Tim Bontemps, Kristine Guerra, and Ana Swanson, *'They were trapped in this inferno': Oakland officials fear*
28 *dozens are dead in fire*, The Washington Post (Dec. 4, 2016), available at:
https://www.washingtonpost.com/news/post-nation/wp/2016/12/03/oakland-concert-fire-leaves-at-least-9-dead-dozens-missing/?utm_term=.57ea72d7ffa2.

1 death of **ALEX VEGA** and the injuries sustained by **MARIA VEGA** and **MANUEL VEGA**
2 occurred in the County of Alameda, State of California.

3 6. Venue is proper in the County of Alameda because a substantial part of the events,
4 acts, omissions, and transactions complained of herein occurred in and/or originated from Alameda
5 County, State of California. The amount in controversy exceeds the jurisdictional minimum of this
6 Court.

7 **III. THE PARTIES**

8 **A. PLAINTIFFS**

9 7. Decedent **ALEX VEGA** (hereinafter "**ALEX**") was a natural person who at all
10 times mentioned in this complaint was a resident of the City of San Bruno, California. At the time
11 of the incident, **ALEX** was twenty-two (22) years old and working two jobs. He lived with his
12 parents, Plaintiffs **MARIA** and **MANUEL VEGA**, and was a loving and supportive son and
13 brother, as well as a promising artist.

14 8. Plaintiff **MARIA VEGA** (hereinafter "**MARIA**") is a natural person who is, and at
15 all times mentioned in this complaint was, a resident of the City of San Bruno, California, and a
16 loving and devoted mother to her children, including decedent **ALEX**.

17 9. Plaintiff **MANUEL VEGA** (hereinafter "**MANUEL**") is a natural person who is,
18 and at all times mentioned in this complaint was, a resident of City of San Bruno, California, and a
19 loving and devoted father to his children, including decedent **ALEX**.

20 **B. DEFENDANTS**

21 10. **CHOR NAR SIU NG** (hereinafter "**CHOR**"), individually and as trustee of the
22 **CHOR NG REVOCABLE TRUST**, is a natural person who is, and at all times mentioned in this
23 complaint was, a resident of Alameda County in the State of California. **CHOR**, is and at all times
24 mentioned in this complaint was, trustee of the **CHOR NG REVOCABLE TRUST**. **CHOR**
25 and/or the trust owned, managed, leased, and/or controlled the subject property located at 1315
26 31st Avenue in Oakland, California (hereinafter the "Ghost Ship"), as well as neighboring
27 properties located at 1305, 1309, and 1313 31st Avenue. On information and belief, **CHOR** owns
28

1 and/or manages a number of additional properties, both residential and commercial, in Santa Clara,
2 San Francisco, and several in Oakland.

3 11. **EVA NG** (hereinafter "**EVA** ") is a natural person who is, and at all times
4 mentioned in this complaint was, a resident of Alameda County in the State of California. **EVA**
5 owned, managed, leased, and/or controlled the Ghost Ship, as well as neighboring properties
6 located at 1305, 1309, and 1313 31st Avenue.

7 12. Upon information and belief, **100% SILK** is, and at all times mentioned in this
8 complaint was, a sole proprietorship owned and/or operated by **BRITT BROWN, AMANDA**
9 **BETH BROWN**, and/or **NOT NOT FUN RECORDS**, who are also the alter egos of **100%**
10 **SILK**. **100% SILK** is "an independent record label and taste-maker in the expanding and evolving
11 world of electronic dance music".³ **100% SILK** was founded in 2011 by **BRITT BROWN,**
12 **AMANDA BETH BROWN** and/or **NOT NOT FUN RECORDS**, and is the sub-label and/or
13 subsidiary of **NOT NOT FUN RECORDS**. In June 2012, **100% SILK** released a documentary
14 that was acclaimed and won awards at the Copenhagen and Melbourne 2014 International Film
15 Festivals.⁴ It is available for purchase on Amazon and Netflix.⁵ **100% SILK** also announced its
16 100th music release in January 2017.⁶ Plaintiffs are informed and believe and thereon allege that
17 **BRITT BROWN, AMANDA BETH BROWN**, and/or **NOT NOT FUN RECORDS**, at all times
18 herein mentioned, dominated, influenced and controlled **100% SILK** and the officers thereof as
19 well as the business, property, and affairs of each of said corporations and/or individuals. There
20 existed and now exists a unity of interest and ownership between **100% SILK** and each of the alter
21 egos, i.e. **BRITT BROWN, AMANDA BETH BROWN**, and/or **NOT NOT FUN RECORDS**.
22 The individuality and separateness of said Defendants and **100% SILK** have ceased. **100% SILK**
23 has been and now is a mere shell and naked framework which **BRITT BROWN, AMANDA**

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27 ³ <http://silkdokumentary.vhx.tv/>.

⁴ <http://silkdokumentary.vhx.tv/>.

⁵ <https://www.amazon.com/SILK-Amanda-Brown/dp/B00R9Z9AFA>.

⁶ <https://www.residentadvisor.net/news.aspx?id=37339>.

1 **BETH BROWN**, and/or **NOT NOT FUN RECORDS** used as a conduit for the conduct of their
2 personal business, property and affairs.

3 13. **BRITT BROWN** (hereinafter "**BRITT**") is a natural person who is, and at all times
4 mentioned in this complaint was, a resident of Los Angeles County in the State of California.
5 **BRITT** is an owner, founder, operator, sole proprietor, alter ego, partner, joint venturer, agent,
6 and/or officer of **NOT NOT FUN RECORDS** and **100% SILK**.

7 14. **AMANDA BETH BROWN** (hereinafter "**AMANDA**") is a natural person who is,
8 and at all times mentioned in this complaint was, a resident of Los Angeles County in the State of
9 California. **AMANDA** is an owner, founder, operator, sole proprietor, alter ego, partner, joint
10 venturer, agent, and/or officer of **NOT NOT FUN RECORDS** and **100% SILK**.

11 15. Upon information and belief, **NOT NOT FUN RECORDS** is, and at all times
12 mentioned in this complaint was, a California corporation organized and existing under the laws of
13 the State of California with its principal place of business in Los Angeles, California. **NOT NOT**
14 **FUN RECORDS** is a Los Angeles based record label founded by **BRITT** and **AMANDA**, and is
15 also the parent company and/or alter ego of **100% SILK**.

16 16. **DERICK ION ALMENA** (hereinafter "**ALMENA**") is a natural person who is,
17 and at all times mentioned in this complaint was, a resident of Alameda County in the State of
18 California. **ALMENA** managed, leased, occupied, and/or controlled the Ghost Ship. **ALMENA**
19 also promoted and/or managed the music party

20 17. **MICHA ALLISON** (hereinafter "**ALLISON**") is a natural person who is, and at all
21 times mentioned in this complaint was, a resident of San Diego County in the State of California.
22 **ALLISON** managed, leased, occupied, and/or controlled the Ghost Ship.

23 18. **DANIEL LOPEZ** (hereinafter "**LOPEZ**") is a natural person who is, and at all
24 times mentioned in this complaint was, a resident of Alameda County in the State of California.
25 **LOPEZ** rented, leased, and/or occupied the property next to the Ghost Ship and supplied
26 electricity to the Ghost Ship and a second floor restroom.

27 19. Upon information and belief, **510 CUSTOM AUDIO**, is, and at all times
28 mentioned in this complaint was, a California corporation organized and existing under the laws of

1 the State of California, with its principal place of business in Oakland, California. On information
2 and belief, **510 CUSTOM AUDIO** rented, leased, and/or occupied the property next to the Ghost
3 Ship and supplied electricity to the Ghost Ship and a second floor restroom.

4 20. **OMAR VEGA** (hereinafter "**OMAR** ") is a natural person who is, and at all times
5 mentioned in this complaint was, a resident of Alameda County in the State of California. On
6 information and belief, **OMAR** was the owner and/or sole proprietor of **CUSTOM O's**. On
7 information and belief, **OMAR** and/or **CUSTOM O's** rented, leased, and/or occupied the property
8 next door to the Ghost Ship and supplied electricity to the Ghost Ship and a second floor restroom.

9 21. **JOHN HRABKO** (hereinafter "**HRABKO**") is a natural person who is, and at all
10 times mentioned in this complaint was, a resident of Alameda County in the State of California.
11 **HRABKO** performed at, promoted, advertised, organized and/or managed the concert at the Ghost
12 Ship on the night of the fire.

13 22. **JOEL PATRICK SHANAHAN**, a.k.a. "Golden Donna" (hereinafter
14 "**SHANAHAN**") is a natural person who is, and at all times mentioned in this complaint was, a
15 resident of Madison, Wisconsin. Defendant **SHANAHAN** has conducted and continues to conduct
16 substantial business in California, and has sufficient minimum contacts with California in that
17 Defendant promotes and/or sells his music in the state of California, as well as performs in
18 California, including but not limited to, a performance in Los Angeles on November 26, 2016, and
19 a performance in Oakland on December 2, 2016, both of which Defendant **SHANAHAN**
20 promoted and advertised on his Facebook page.

21 23. The **ESTATE OF CHELSEA FAITH DOLAN** (hereinafter "**DOLAN**") is the
22 real party in interest for Chelsea Faith Dolan a.k.a. Cherushii, deceased. On information and belief,
23 prior to his death, **DOLAN** was a resident of Alameda County in the State of California. **DOLAN**
24 was a promoter and/or performer at the December 2, 2016 music party and perished in the fire.

25 24. The **ESTATE OF JOHNNY IGAZ** (hereinafter "**IGAZ**") is the real party in
26 interest for Johnny Igaz a.k.a. "Nakt," deceased. On information and belief, prior to his death,
27 **IGAZ** was a resident of Alameda County in the State of California. **IGAZ** was a promoter and/or
28 performer at the December 2, 2016 music party and perished in the fire.

1 25. **ROBERT JACOBITZ, a.k.a. JAKE JACOBITZ** (hereinafter “**JACOBITZ**”) is
2 a natural person who is, and at all times mentioned in this complaint was, a resident of Alameda
3 County in the State of California. **JACOBITZ** is an electrician who performed work at the Ghost
4 Ship and who also leased, occupied, maintained, repaired and/or controlled the Ghost Ship.

5 **C. OTHER DEFENDANTS**

6 26. The true names and capacities, whether individual, corporate, associate or otherwise
7 of the Defendants DOES 1 through DOES 100, inclusive, are unknown to **PLAINTIFFS** who
8 therefore sue said Defendants by such fictitious names pursuant to Code of Civil Procedure § 474;
9 **PLAINTIFFS** further allege that each of said fictitious Defendants is in some manner responsible
10 for the acts and occurrences hereinafter set forth. **PLAINTIFFS** will amend this Complaint to
11 show their true names and capacities when the same are ascertained, as well as the manner in
12 which each fictitious Defendant is responsible.

13 **D. AGENCY AND CONCERT OF ACTION**

14 27. At all times herein mentioned, Defendants, and each of them, hereinabove, were the
15 agents, servants, employees, partners, aiders and abettors, co-conspirators, and/or joint venturers of
16 each of the other Defendants named herein and were at all times operating and acting within the
17 purpose and scope of said agency, service, employment, partnership, enterprise, conspiracy, and/or
18 joint venture, and each Defendant has ratified and approved the acts of each of the remaining
19 Defendants. Each of the Defendants aided and abetted, encouraged, and rendered substantial
20 assistance to the other Defendants in breaching their obligations to **PLAINTIFFS**, as alleged
21 herein. In taking action to aid and abet and substantially assist the commission of these wrongful
22 acts and other wrongdoings complained of, as alleged herein, each of the Defendants acted with an
23 awareness of his/her/its primary wrongdoing and realized that his/her/its conduct would
24 substantially assist the accomplishment of the wrongful conduct, wrongful goals, and wrongdoing.

25 **IV. FACTUAL BASIS FOR CLAIMS**

26 **A. THE DEADLY FIRE CLAIMS THREE DOZEN LIVES**

27 28. Leading up to and on December 2, 2016, Defendants **100% SILK, NOT NOT**
28 **FUN RECORDS, BRITT, and/or AMANDA**, (hereinafter collectively “**EVENT**”

1 **ORGANIZERS**”) organized and/or managed a music party at the Ghost Ship Warehouse as part
2 of the "100% Silk West Coast Tour" – a music tour for **SHANAHAN**, a.k.a. the “Golden Donna,”
3 who was an artist on the **100% SILK** record label, along with **DOLAN** a.k.a. “Cherushii” and disc
4 jockey **IGAZ** a.k.a. “Nackt,” who were also slated to appear and/or perform at the Ghost Ship
5 music party.

6 29. The music party was heavily promoted, including on social media by **EVENT**
7 **ORGANIZERS** and/or **SHANAHAN**, **HRABKO**, **DOLAN**, and/or **IGAZ**, starting at least one
8 month prior to the event.⁷ These promotion and/or marketing efforts resulted in drawing a very
9 large crowd of party attendees. Upon information and belief, more than 100 people were in
10 attendance by 11:15 p.m., only about two hours after the doors opened.⁸

11 30. Upon information and belief, the event was organized, designed, set-up, and/or
12 hosted in such a manner that the performance stage and/or deejay booth was on the second floor of
13 the Ghost Ship, forcing all 100 plus attendees up and down one main flight of stairs to get to
14 and/or leave the party.⁹

15 31. At or around 11:23 p.m., one of the Ghost Ship’s live-in first floor tenants noticed
16 smoke and called 911.¹⁰

17 32. Firehouse No. 13 is less than 500 feet away from the Ghost Ship -- so close that the
18 warehouse is visible from the fire station's driveway. Firefighters arrived within four minutes of
19 receiving the first call.¹¹ At that point, flames had engulfed one wall of the building.

23 ⁷ <http://www.sfgate.com/bayarea/article/Promoter-of-event-at-Oakland-warehouse-mourns-10691068.php>.

24 ⁸ Julia Prodis Sulek and Matthias Gafni, The last hours of Oakland’s Ghost Ship warehouse, East Bay Times (Dec. 11,
25 2016; updated Dec. 15 2016), available at <http://www.eastbaytimes.com/2016/12/11/oakland-fire-ghost-ship-last-hours/>.

26 ⁹ Upon information and belief there were in total two stairways to the second floor, but one stairway was behind the
performance stage/deejay booth, making it somewhat hidden, unknown, and inaccessible.

27 ¹⁰ Julia Prodis Sulek and Matthias Gafni, The last hours of Oakland’s Ghost Ship warehouse, East Bay Times (Dec.
11, 2016; updated Dec. 15 2016), available at <http://www.eastbaytimes.com/2016/12/11/oakland-fire-ghost-ship-last-hours/>.

28 ¹¹ Oakland Fire Department (@OaklandFireLive) "31st Ave: E13 on scene Commercial building with heavy smoke
showing. #oakland #fire" Dec. 2, 2016, 11:27 p.m. Tweet.

1 Google Maps Image of Fire Station No. 13.



10 33. Jill Snyder, special agent in charge with the Bureau of Alcohol, Tobacco, Firearms
11 and Explosives' San Francisco field division, stated that, "By all accounts the fire started on the
12 first floor."¹² Special agent Snyder added that there was smoke filling the stairwells, likely
13 trapping the people who were upstairs, and that most of the victims were found on what remained
14 of the second floor after the roof collapsed onto it.¹³

15 34. **ALEX** was one of the victims trapped and killed on the second floor. However, he
16 did not die immediately. Upon information and belief, he sustained injuries from the fire and
17 smoke inhalation before his death, as well as the roof and/or other objects falling and/or collapsing
18 in on the second floor. On information and belief, **ALEX** struggled for every breath and to find a
19 way of escape, all while his clothes and/or other belongings were destroyed and/or burnt. Unable
20 to escape, he took his girlfriend in his arms before they both passed.

21 35. In the overnight hours, 52 firefighters and more than a dozen fire trucks fought the
22 flames, which could not be controlled for more than five hours.

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27 ¹² "Oakland fire: Warehouse not inspected in 30 years," CNN.com (December 8, 2016 at 12:13PM) available at:
<http://www.cnn.com/2016/12/07/us/oakland-fire-investigation/>.

28 ¹³ *Id.*



Source: <https://cbssanfran.files.wordpress.com/2016/12/burning-warehouse.jpg>

36. The fire was finally declared under control at 4:36 a.m. although it took several more hours for the embers to be fully extinguished.

37. The collapsed roof and complete destruction of the Ghost Ship made it unsafe for emergency crews to enter the building. The families of the concert-goers had to wait hours, and in many cases days, before learning if their loved ones were among the dead.

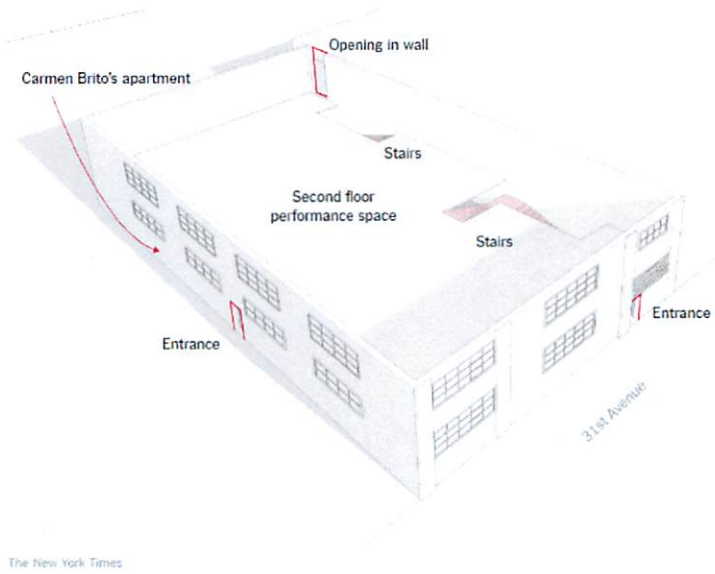
B. THE GHOST SHIP WAS A FORESEEABLE DISASTER JUST WAITING TO HAPPEN

38. The Ghost Ship was a two-story, approximately 10,000 square foot warehouse in Oakland's Fruitvale neighborhood, owned by **CHOR** and/or **EVA**. **CHOR** and/or **EVA** rented the warehouse to defendants **ALMENA** and **ALLISON**.

39. The building was zoned as a warehouse and not suitable for habitation or for large public events. Nonetheless, **ALMENA** and **ALLISON** rented makeshift rooms as living spaces to up to two dozen people for \$300-\$600 per month. **ALMENA**, **ALLISON**, and their three children lived on the second floor.

40. The warehouse had two entrances. The main entrance was on the 31st Avenue side of the building. The other opened to a vacant lot (a property also owned by Defendants(s) **CHOR** and/or **EVA**) that was filled with inoperable cars, construction materials, and/or garbage.)

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Source: *New York Times*

41. Inside the Ghost Ship, the main access to the second floor was by a makeshift stairwell built out of wooden pallets and other wooden scraps.

42. An opening on the second floor provided access to a restroom in the warehouse next door (a property also owned by Defendants(s) **CHOR** and/or **EVA**). That adjoining building was leased, rented, and/or occupied by **OMAR**'s automotive shop, **CUSTOM O's**, and/or **510 CUSTOM AUDIO**, owned by **LOPEZ** (hereinafter collectively "**NEIGHBORS**"). **NEIGHBORS** allowed attendees of the music party at the Ghost ship to use their restroom.

43. Electricity to the Ghost Ship also came from the **NEIGHBORS**, including but not limited to the night of the music party and fire. As a result, people were illegally utilizing the same electrical system, without approval from the City and/or County and without knowledge and/or information that the electricity provided could support such use.

44. **JACOBITZ** did unpermitted electrical work at the warehouse and otherwise spent time in the building. Jacobitz said that all of the Ghost Ship's power came from a single line cut through a wall. From there, extension cords were used to provide electricity throughout the Ghost Ship. Jacobitz said circuit breakers were tripped frequently. According to **JACOBITZ**, electrical boxes were installed by unlicensed contractors and by Defendant **ALMENA** himself. **CHOR** and **EVA** were aware of and condoned this arrangement.

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Source: <http://www.oaklandghostship.com/>

46. Despite all the clutter and useless objects overfilling the warehouse, the Ghost Ship lacked any safety mechanisms. It did not have adequate and/or operable smoke alarms, fire extinguishers, overhead sprinklers, exit signs, emergency lighting, and/or a safe way to exit in an emergency, all in violation of applicable statutes. Following its investigation, the Bureau of Alcohol, Tobacco, Firearms and Explosives stated that the building did not appear to have any fire-suppression system or alarms.

///
///

1 **C. THE OWNERS AND/OR MANAGERS OF THE GHOST SHIP RECEIVED PRIOR**
2 **COMPLAINTS ABOUT SAFETY**

3 47. The illegal use and unsafe conditions at the Ghost Ship are also seen in the
4 numerous complaints made to Oakland's Planning and Building Department. During the past three
5 years, such grievances included but are not limited to the following:

- 6 • April 9, 2014 – a "blight" complaint was filed, with the description: "Large
7 structures built at property, not strapped down or stable."
- 8 • June 4, 2014 – A "blight" complaint was filed, with the description: "Vacant lot,
9 trash & debris, construction debris, vector issues."
- 10 • September 30, 2014 – A "blight" complaint was filed, with the description: "Pallets,
11 construction materials blocking the sidewalk."
- 12 • October 7, 2014 – A "habitability" complaint was filed, with the description:
13 "Constructing house/structure without permits."
- 14 • October 8, 2014 – A "habitability" complaint was filed. A building inspector went
15 to the property and reported that a "structure" had been removed so there was no
16 longer an actionable violation that could be cited.
- 17 • November 13, 2016 – A "blight" complaint was filed, with the description: "There
18 are a ton of garbage piling up on the property on 1305 31st Ave. Also, a lot of items
19 are left on the sidewalk near the property. Some of trash was hazardous. This
20 property is a storage but the owner turned it to become trash recycle site. The yard
21 became a trash collection site and the main building was remodel for residential.
22 The change causes our neighborhood looks very bad and creates health issue."
- 23 • November 14, 2016 – A "blight" complaint was filed, with the description: "Illegal
24 interior structure."

25 48. The conditions of the Ghost Ship and surrounding properties constituted dangers to
26 human safety and were in violation of a number of additional local ordinances, including but not
27 limited to Oakland Municipal Code sections 8.40.170 (hallway and exit obstructions prohibited);
28 9.16.060 (lighting—approval of city before energy is supplied); 9.52.030 (permit required for

1 special events); 15.08.050 (maintenance code-general standards); 15.08.190 (habitable space);
2 15.08.210 (room dimensions); 15.08.220 (light and ventilation); 15.08.240 (security); 15.08.260
3 (mechanical and electrical systems); 15.08.270 (exiting); 15.08.300 (wooden stairs); 15.08.310
4 (general fire protection); 15.08.320 (smoke detectors); and 15.08.340 (substandard and public
5 nuisance buildings), among others.

6 49. The complaints and code violations unquestionably put **CHOR** and **EVA** on notice
7 of the illegal and unsafe use of the warehouse as a living space, dating back to 2014, over two
8 years before the fire. The same is true of the Ghost Ship website, which was created over two years
9 ago, and clearly displays the unsafe conditions of the property and its illegal use as an event space.

10 50. During this time, it was obvious that **ALMENA** and **ALLISON** using the Ghost
11 Ship warehouse, under the name "Satya Yuga," as a venue for private events. Satya Yuga's Yelp
12 page, which lists the warehouse address as the location of the business, contains pictures dating
13 back to February 2014 showing the upstairs being used as a venue for musical performances. One
14 Yelp reviewer from March 9, 2015 wrote that after **ALMENA** "demanded more than double the
15 original booking fee from the promoter" and the promoter refused to pay, his group was asked to
16 leave from "a private event" and threatened with violence.¹⁴

17 51. Furthermore, defendants **ALMENA** and **ALLISON** were repeatedly warned by
18 occupants and visitors about the building's dangerous condition. Former resident, DeL Lee, left
19 after a few months because he thought the warehouse was unsafe. According to Lee, "I tried to
20 throw a party, and the power would shut off -- because of the way it was set up, all the plugs were
21 in the same sockets. The whole place was wires and cables and wood. . . . It would spark and
22 smell."¹⁵

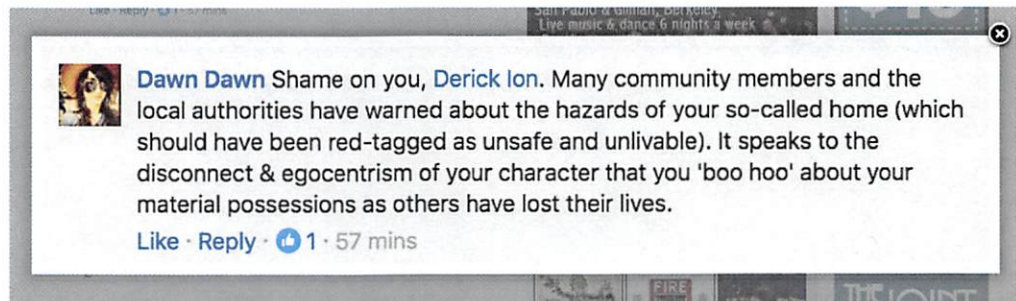
23 52. Jewelry maker Shelley Mack used to live in one of several recreational vehicles
24 parked inside, on the ground level of the building. Mack said she moved out in February 2015 after
25 complaining to defendant **ALMENA** about the dangerous and unsanitary conditions. According to
26 Mack, there were three fires while she lived there - in late 2014 and early 2015 - caused by faulty
27

28 ¹⁴ <https://www.yelp.com/biz/satya-yuga-oakland>.

¹⁵ <http://www.eastbaytimes.com/2016/12/12/oakland-warehouse-fire-overloaded-electrical-system-seen-as-cause/>.

1 electrics: "They were small fires. There were no sprinklers so everybody was just aware, if you
2 smelled smoke you would go look and put it out. They were isolated fires, a transponder blew up
3 and electrical sockets got overloaded, everybody was very aware that the place was a fire hazard, it
4 was filled with old dried wood and wooden furniture. There were power cords and extension cords
5 hooked up to extension cords everywhere. To get across all the place to heat and light all the
6 trailers. Everybody would plug in and they'd get overloaded, refrigerators and microwaves and cell
7 phones, lots of electrical equipment and massive stereo equipment, any system would have been
8 overloaded."¹⁶

9 53. Shortly after the Ghost Ship warehouse burned to the ground, the following
10 message was posted on **ALMENA's** Facebook page:



11
12
13
14
15
16 Source: <http://www.eastbayexpress.com/SevenDays/archives/2016/12/03/was-operator-of-oakland-warehouse-fire-venue-warned-of-safety-issues-illegal-construction-danger>

17
18 **V. CAUSES OF ACTION**

19
20 **FIRST CAUSE OF ACTION**

21 **NEGLIGENCE**

22 **(WRONGFUL DEATH as against All Defendants)**

23 56. **PLAINTIFFS** hereby reallege and incorporate by reference each and every
24 allegation set forth above, as if fully set forth in detail herein.

25 57. **PLAINTIFFS** are informed and believe, thereon allege, that Defendants, and each
26 of them, negligently, carelessly, recklessly, and/or unlawfully owned, operated, occupied, leased,
27 used, built, constructed, designed, maintained, inspected, repaired, managed, performed at,

28 ¹⁶ <http://www.dailymail.co.uk/news/article-4006300/Filth-chaos-weird-religious-symbols-Pictures-appalling-conditions-inside-Oakland-warehouse-36-died.html#ixzz4VaKFeXmp>.

1 promoted, provided utilities and services to, and/or otherwise controlled the Ghost Ship at the time
2 of the incident.

3 58. Defendants, and each of them, had a duty to exercise reasonable and ordinary care
4 to take steps to eliminate the risks and dangers posed by the activities occurring at and surrounding
5 the Ghost Ship.

6 59. Defendants, and each of them, breached their duties to **PLAINTIFFS** by failing to
7 provide adequate and/or safe means of ingress and egress and hosting the music party on the
8 second floor of a building with only one accessible stairway that does not lead to an exist;
9 designing the music party in such a manner that the performance stage/deejay booth blocked the
10 second stairwell; marketing and/or promoting the party so as to garner overwhelming attendance;
11 allowing more attendees inside the music party than reasonably safe for the space; failing to
12 investigate complaints and/or citations regarding safety; failing to make necessary repairs and/or
13 making repairs in an unsafe fashion; failing to warn patrons and invitees of dangerous conditions
14 existing on the property; failing to obtain permits for construction and/or holding public events;
15 failing to hire competent employees, agents and/or contractors to secure the safety of patrons and
16 invitees; failing to provide adequate security; failing to keep the premises in a manner safe for
17 purposes for which it was being used; failing to follow applicable building codes; failing to
18 provide emergency evacuation measures, including adequate lighting or exit signs; and/or failing
19 to provide a safe and sufficient supply of electrical power.

20 60. At all times relevant hereto, the premises contained dangerous and unsafe
21 conditions of which Defendants **CHOR, EVA, ALMENA**, and/or **ALLISON**, and each of them,
22 had actual and/or constructive notice, through the numerous citations and/or complaints as well as
23 the Ghost Ship's public website and generally, through their presence on the property and/or
24 interaction with tenants (past and present). The **EVENT ORGANIZERS** along with
25 **SHANAHAN, DOLAN, IGAZ**, and/or **HRABKO** also knew, and/or should have known, of the
26 dangerous and foreseeable consequences that would result from hosting a music party in this space
27 as it can be reasonably assumed they either visited the Ghost Ship prior to the event and/or visited
28 the public website. Further, they did not require a permit to be obtained.

1 **IGAZ**, and/or **ALMENA**, and each of them, to promote, advertise, organize, and/or manage the
2 concert at the Ghost Ship on December 2, 2016 for part of the "100% Silk West Coast Tour."

3 68. Defendants **EVENT ORGANIZERS, SHANAHAN, HRABKO**, and/or
4 **ALMENA**, and each of them, knew or should have known prior to the December 2, 2016 event,
5 that Defendants **SHANAHAN, HRABKO, DOLAN, IGAZ**, and/or **ALMENA**, and each of them,
6 were unfit and/or incompetent to promote, advertise, organize, and/or manage the concert.

7 69. In failing to exercise reasonable care in the hiring, training, retention, and/or
8 supervision of Defendants **SHANAHAN, HRABKO, DOLAN, IGAZ**, and/or **ALMENA**, and
9 each of them, Defendants **EVENT ORGANIZERS, HRABKO, SHANAHAN**, and/or
10 **ALMENA**, and each of them, breached a duty of care owed to **PLAINTIFFS**.

11 70. As a direct and legal result of the wrongful acts and/or omissions of Defendants
12 **EVENT ORGANIZERS, HRABKO, SHANAHAN**, and/or **ALMENA**, and each of them,
13 **PLAINTIFFS** suffered the damages hereinabove set forth.

14 **THIRD CAUSE OF ACTION**
15 **SURVIVAL CAUSE OF ACTION**

16 **(Against All Defendants by Plaintiffs MARIA and MANUEL VEGA as co-representatives of**
17 **the Estate of ALEX VEGA)**

18 71. Plaintiffs hereby reallege and incorporate by reference each and every allegation set
19 forth above, as if fully set forth in detail herein.

20 72. At all times prior to this incident, and as stated herein above, Defendants, and each
21 of them, negligently, carelessly, recklessly, and/or unlawfully acted and/or failed to act so as to
22 cause the death of **ALEX**.

23 73. As a direct and legal result of the wrongful acts and/or omissions of Defendants,
24 and each of them, on December 2, 2016, and prior to **ALEX**'s death, **ALEX** suffered personal
25 injuries from smoke inhalation, the roof collapsing, and/or other objects burning and/or falling, as
26 well as property damage from his clothes and/or other belongings being partially destroyed, and
27 incurred expenses for rescue efforts, identification and/or removal of decedent's remains.

28 74. Defendants, and each of them, by themselves and/or through their employees and/or
agents, acted with oppression, fraud and/or malice when they acted with a willful and conscious

1 disregard for the rights and safety of **ALEX**. Defendants, and each of them, knew or should have
2 known that the conditions at the Ghost Ship and neighboring properties were a safety hazard that
3 posed a danger to human life, including but not limited to: inadequate means of ingress and egress;
4 a faulty and unsafe electrical system; inadequate, inoperable, and/or non-existent lighting, smoke
5 alarms, fire extinguishers, overhead sprinklers, and/or exit signs; unsafe structures and stairways;
6 obstructed and unclear walkways and exits cluttered with debris; rooms filled with flammable and
7 combustible materials; and/or lack of permitting and security for public events, among other
8 dangerous conditions. Defendants, and each of them, knew or should have known that the Ghost
9 Ship would be a venue for a music show on December 2, 2016, and that such event would lack
10 necessary and proper permits, security, and safety measures, and that the number of invitees would
11 exceed the maximum limit for safe occupancy of the Ghost Ship. Defendants, and each of them,
12 also had advanced knowledge that a failure to fix or address the aforementioned conditions would
13 result in the probability of a catastrophic event, which foreseeably would lead to harm and/or
14 injuries to the health and safety of residents and invitees. Defendants, and each of them,
15 intentionally chose not to take reasonable steps to make the Ghost Ship safe for occupancy and use
16 as a music party space, and failed to warn invitees as to the dangerous and unsafe conditions on the
17 property. Defendants, and each of them, in presenting the Ghost Ship as a music venue, engaged in
18 fraudulent conduct intended to deceive invitees by misrepresenting and concealing the dangerous
19 conditions of the property.

20 75. The wrongful acts and/or omissions of Defendants, and each of them, as herein set
21 forth, were made, adopted, approved, authorized, endorsed and/or ratified by themselves and/or
22 their officers, directors or managing agents, and were done maliciously, oppressively, fraudulently
23 and/or with willful and knowing disregard of the probable dangerous consequences for the health
24 and safety of residents and invitees, including **ALEX**. An award of punitive damages in a sum
25 according to proof at trial is, therefore, justified, warranted and appropriate under the facts and
26 circumstances of this case.

27 **WHEREFORE, PLAINTIFFS** pray for relief as set forth below.

28 ///

1 **VI. PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiffs pray judgment against Defendants as hereinafter set forth:

- 3 1. For compensatory and general damages in an amount according to proof;
- 4 2. For special damages in an amount according to proof;
- 5 3. For punitive damages as to Plaintiff's Third Cause of Action;
- 6 4. For pre- and post-judgment interest on all damages as allowed by the law;
- 7 5. For costs of suit incurred herein;
- 8 6. For attorney fees under existing law; and
- 9 7. For such other and further relief as the Court deems just and proper.

10 Dated: January 13 2017

COTCHETT, PITRE & McCARTHY, LLP

11
12 By: 

FRANK M. PITRE
Attorneys for Plaintiffs

13
14
15
16 **VII. JURY DEMAND**

17 Plaintiffs demand trial by jury on all issues so triable.

18 Dated: January 13 2017

COTCHETT, PITRE & McCARTHY, LLP

19
20 By: 

FRANK M. PITRE
Attorneys for Plaintiffs