

APR 05 2011

By: _____
DEPUTY

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8 JAVIER HERNANDEZ and
9 KIMBERLY TEAGER

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF LOS ANGELES

12 JAVIER HERNANDEZ and
13 KIMBERLY TEAGER,

14 Plaintiffs,

15 vs.

16 JASON BEGHE,

17 Defendant.

SC112116

Case No. _____

John H. Reid

COMPLAINT FOR ASSAULT
AND BATTERY AND FOR
COMPENSATORY AND
PUNITIVE DAMAGES
CASE MANAGEMENT CONFERENCE

7-26-11 830am
Date *DRP.F*

PRELIMINARY STATEMENT

21 1. This action seeks compensatory and punitive damages against defendant Jason
22 Beghe, for violent and unprovoked assaults upon plaintiffs Javier Hernandez and Kimberly
23 Teager and for violent and unprovoked batteries upon plaintiff Hernandez. Mr. Hernandez
24 was a process server merely doing his job of serving civil process upon Beghe, who violently
25 and brutally attacked and repeatedly battered him, and ran screaming after Mr. Hernandez
26 while he fled to the car of Ms. Teager, which was parked on a public road. Beghe thereafter
27 attempted to smash the window of the car next to Ms. Teager's face and failing in that effort,
28 pounded on the roof of the car while yelling at the terrified plaintiffs, denting the roof of the

1 car with his fists.

2
3 **PARTIES**

4 2. Plaintiff Javier Hernandez ("Hernandez") is an individual and is a resident of
5 Los Angeles County.

6 3. Plaintiff Kimberly Teager ("Teager") is an individual and is a resident of Los
7 Angeles County.

8 4. Defendant Jason Beghe ("Beghe") is an individual and is a resident of Los
9 Angeles County.

10
11 **JURISDICTION**

12 5. This action is within the jurisdiction of this Court pursuant as an unlimited
13 civil action alleging personal injury, seeking in excess of \$25,000. Each of the parties
14 resides in Los Angeles County.

15
16 **STATEMENT OF FACTS**

17 6. In early 2009, Plaintiff Javier Hernandez was self-employed as an
18 independent process server, working primarily through the firm of Nationwide Legal
19 Support, located in Tarzana, California.

20 7. On or about April 20, 2009, Nationwide Legal Support, where Ms. Teager
21 was employed, received an order to serve a civil deposition subpoena on Mr. Beghe. Ms.
22 Teager had never before heard of Beghe, had no knowledge of who Beghe was and had no
23 knowledge of the nature of the case in which the subpoena was to be served. Ms. Teager
24 assigned the service job to Mr. Hernandez, an independent process server and also her
25 boyfriend. Mr. Hernandez also had never previously heard of Beghe, and had no
26 knowledge of the nature of the case in which the deposition subpoena was to be served.

27 8. On April 21, 2009, in order to serve the deposition subpoena on Mr. Beghe,
28 Mr. Hernandez and Ms. Teager traveled in Ms. Teager's car to Beghe's residence in Malibu,

1 California. Ms. Teager parked her car on the street outside Beghe's home, while Mr.
2 Hernandez walked up Beghe's driveway with the subpoena. Mr. Hernandez handed Beghe
3 the subpoena, but he handed it back and refused to take it. Mr. Hernandez accordingly
4 placed the subpoena on the windshield of Mr. Beghe's car as Beghe watched and told Beghe
5 he was leaving it on the windshield for him. Mr. Hernandez then simply turned and began to
6 walk away.

7 9. Beghe became enraged, and ran down the driveway after Mr. Hernandez.
8 Beghe reached him and struck Mr. Hernandez in the back of his head with his hand or fist,
9 knocking Mr. Hernandez' phone out of his hand onto the ground. Beghe repeatedly punched
10 Mr. Hernandez in the back including "kidney punches" and on the back of his head as he
11 tried to escape. Frightened and hurt, Mr. Hernandez picked up his phone and ran down the
12 driveway to escape further battery. However, Beghe continued to run after and threaten him
13 and was now accompanied by several dogs, some of which were large and threatening, that
14 barked at and surrounded Mr. Hernandez. Mr. Hernandez was terrified and tried to flee from
15 Beghe whom Mr. Hernandez reasonably believed intended to inflict upon him further harm
16 and injury.

17 10. Ms. Teager watched this scene in horror from outside her car where she was
18 waiting for Mr. Hernandez, parked across the street from Beghe's property. Mr. Hernandez
19 reached the car and jumped into the passenger side. Ms. Teager jumped into the driver's side
20 and locked the doors as the dogs swarmed around the car. Beghe ran to the driver's side
21 window and repeatedly struck it with his fists and forearm mere inches from Ms. Teager's
22 face, attempting to smash the driver's side window. She was terrified she was going to be
23 hurt. Beghe continued his attack, and screaming at Ms. Teager and Mr. Hernandez. Unable
24 to break the driver's side window's tempered glass, Beghe pounded on the roof with his fist
25 so hard that it put a dent in the car roof. Ms. Teager quickly drove away, fleeing the attack.

26 11. Ms. Teager drove to the local Sheriff's Department office, where Mr.
27 Hernandez made a report of the incident, during which time he remained in a state of fear,
28 upset and confusion.

1 after failing to smash the window.

2 19. Plaintiffs reasonably anticipated that they would be immediately injured by
3 Beghe and the dogs he set upon them, and fled to avoid injury in the case of Ms. Teager and
4 further injury in the case of Mr. Hernandez.

5 20. Plaintiffs experienced severe emotional distress, mental anguish and fear due
6 to the assaults by Beghe. Plaintiff Hernandez also suffered loss of income and loss of
7 potential work opportunity arising out of such fear, mental anguish and injury. Ms. Teager
8 also suffered damage to her car.

9 21. Plaintiffs each accordingly seek compensatory damages in the amount of at
10 least \$500,000. Plaintiffs also seek punitive damages for the outrageous, willful and
11 malicious conduct by Beghe, in an amount to be determined at trial.

12
13 **SECOND CAUSE OF ACTION**

14 **By plaintiff Hernandez for battery**

15 22. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 21.

16 23. Beghe intentionally struck Mr. Hernandez numerous times. Mr. Hernandez did
17 not consent to being touched – much less beaten by Beghe. The beating by Beghe caused
18 Mr. Hernandez substantial physical and emotional harm and mental anguish, resulting in
19 medical bills in excess of \$15,000, loss of income, loss of future job opportunity and causing
20 him to acquire other work for fear of further battery.

21 24. Plaintiff Hernandez accordingly seeks compensation for his injuries in the
22 amount of at least \$500,000. Plaintiff Hernandez also seeks punitive damages in an amount
23 to be determined at trial.

24
25 **PRAYER FOR RELIEF**

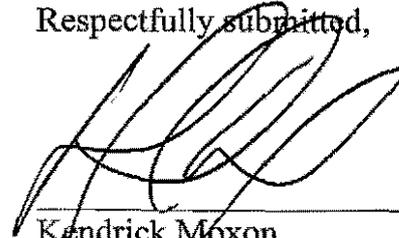
26 Plaintiffs accordingly pray for the following relief:

- 27 1. For compensatory damages in the amount of at least \$500,000 to Mr.
28 Hernandez and \$500,000 to Ms. Teager.

2. For punitive damages in an amount to be determined at trial;
3. For attorneys fees;
4. For costs of suit;
5. For any other relief the court deems just and proper.

Dated: April 5, 2011

Respectfully submitted,



Kendrick Moxon
MOXON & KOBRIN
Counsel for plaintiffs
JAVIER HERNANDEZ and
KIMBERLY TEAGER

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