

**SUMMONS  
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:** ERIC CARPENTER, an individual;  
**(AVISO AL DEMANDADO):** MICHAEL ANTHONY VITAR, an individual; THOMAS MOLNAR, an individual; EUGENE ELBERT, an individual; MICHAEL CIRLIN, and individual, and DOES 1-20, inclusive

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

**CONFORMED COPY  
OF ORIGINAL FILED  
Los Angeles Superior Court**

**JUL 27 2017**

**Sherri R. Carter, Executive Officer/clerk**

**By Shaunya Bolden, Deputy**

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

**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 CALIFORNIA, COUNTY OF LOS ANGELES  
111 N. Hill Street  
Los Angeles, CA 90012  
Central District

CASE NUMBER:  
(Número del Caso): **BC 67 0121**

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):  
David M. Ring -- #151124 310-209-4100 Tel 310-208-5052 Fax  
TAYLOR & RING  
1230 Rosecrans Ave., Suite 360 **SHERRI R. CARTER** **SHAUNYA BOLDEN**  
Manhattan Beach, CA 90266

DATE: **JUL 27 2017** Clerk, by \_\_\_\_\_, Deputy  
(Fecha) (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)).

**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):

[SEAL]

1 David M. Ring (State Bar No. 151124)  
2 Brendan P. Gilbert (State Bar No. 274631)  
3 **TAYLOR & RING**  
4 1230 Rosecrans Ave., Suite 360  
5 Manhattan Beach, CA 90266  
6 Telephone: (310) 209-4100

**CONFORMED COPY**  
OF ORIGINAL FILED  
Los Angeles Superior Court

**JUL 27 2017**

Sherril R. Carter, Executive Officer/Clerk  
By Shaunya Bolden, Deputy

Attorneys for Plaintiff,  
SAMUEL CHANG

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF LOS ANGELES**

11 SAMUEL CHANG, )

12 Plaintiff, )

13 -vs.- )

14 ERIC CARPENTER, an individual; )

15 MICHAEL ANTHONY VITAR, )

16 an individual; )

17 THOMAS MOLNAR, an individual; )

18 EUGENE ELBERT, an individual; )

19 MICHAEL CIRLIN, an individual, and )

20 DOES 1-20, inclusive, )

21 Defendants. )

Case No.:

**BC 67 0121**

**COMPLAINT FOR PERSONAL  
INJURIES AND DAMAGES:**

**1. ASSAULT**

**2. BATTERY**

**3. INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS**

**4. FALSE IMPRISONMENT**

**5. NEGLIGENCE**

**[DEMAND FOR JURY TRIAL]**

23  
24 Plaintiff SAMUEL CHANG hereby complains and alleges against Defendants, and each of  
25 them, as follows:

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1 **GENERAL ALLEGATIONS**

2 1. At all relevant times, Plaintiff SAMUEL CHANG (“Plaintiff”) is, and was, an  
3 individual residing within the County of Los Angeles, State of California.

4 2. Plaintiff is informed and believes and thereon alleges that, at all relevant times,  
5 Defendant ERIC CARPENTER is, and was, a resident of the County of Los Angeles, State of  
6 California. Upon information and belief, defendant ERIC CARPENTER was a member of the Los  
7 Angeles Fire Department at the time of the incident detailed below.

8 3. Plaintiff is informed and believes and thereon alleges that, at all relevant times,  
9 Defendant MICHAEL ANTHONY VITAR is, and was, a resident of the County of Los Angeles, State  
10 of California. Upon information and belief, defendant MICHAEL ANTHONY VITAR was a member  
11 of the Los Angeles Fire Department at the time of the incident detailed below.

12 4. Plaintiff is informed and believes and thereon alleges that, at all relevant times,  
13 Defendant THOMAS MOLNAR is, and was, a resident of the County of Los Angeles, State of  
14 California.

15 5. Plaintiff is informed and believes and thereon alleges that, at all relevant times,  
16 Defendant EUGENE ELBERT is, and was, a resident of the County of Los Angeles, State of  
17 California.

18 6. Plaintiff is informed and believes and thereon alleges that, at all relevant times,  
19 Defendant MICHAEL CIRLIN is, and was, a resident of the County of Los Angeles, State of  
20 California.

21 7. Plaintiff is informed and believes and thereon alleges that DOES 1 through 20, and  
22 each of them, were, and now are, residents of the County of Los Angeles, State of California and/or  
23 were, and now are, engaged in activities in the County of Los Angeles, State of California and/or their  
24 principal places of business were, and now are, located in the County of Los Angeles, State of  
25 California.

26 8. The true names and capacities, whether individual, corporate, associate or otherwise of  
27 defendants DOES 1 through 20, inclusive, are unknown to Plaintiff, who therefore sues said  
28 defendants by such fictitious names. Plaintiff is informed and believes and thereon alleges that each of

1 the defendants designated herein as a fictitiously named defendant is in some manner responsible for  
2 the events and happenings herein referred to, either contractually or tortiously, and caused the damage  
3 to Plaintiff as herein alleged. When Plaintiff ascertains the true names and capacities of DOES 1  
4 through 20, inclusive, it will seek leave of this court to amend its complaint by setting forth the same.

5 9. At all times herein mentioned, each of the defendants named in the caption of this  
6 complaint, which is incorporated herein by this reference, was and is the agent, servant and employee  
7 of each of the other defendants, and all of the things alleged to have been done by said defendants  
8 were done in the capacity of and as agent of the other defendants.

9  
10 **FACTS COMMON TO ALL CAUSES OF ACTION**

11 10. On Halloween, October 31, 2015, Plaintiff, who was 23 years old at the time, went to  
12 his grandmother's house in Chatsworth, California to visit with her and help her hand out candy to  
13 children trick or treating in her neighborhood. Because Plaintiff had grown up in this same  
14 neighborhood when he was younger, he had fond memories of himself trick or treating in the area.

15 11. After handing out candy at his grandma's house, Plaintiff decided to walk around the  
16 neighborhood and continue to hand out candy to kids trick or treating, as well as take pictures of some  
17 of the Halloween decorations that had been put up on houses nearby.

18 12. While Plaintiff was walking around the neighborhood, he was suddenly approached by  
19 Defendants, who came from a party across the street from where Plaintiff was standing. Defendants  
20 told Plaintiff that they didn't want him handing out candy in their neighborhood, and that he needed to  
21 leave. Due to Defendants appearing intoxicated and acting very aggressively, Plaintiff slowly started  
22 to retreat while simultaneously telling Defendants that he did not want any trouble and had no problem  
23 leaving the area. Despite this, Defendants continued to aggressively follow Plaintiff while he was  
24 retreating from them. Plaintiff asked Defendants why they were following him, and one  
25 disingenuously responded "we're just walking down the street." Plaintiff became so intimidated and  
26 fearful for his wellbeing at this point that he began yelling out to neighbors in the area, asking them to  
27 call the police.  
28

1           13.     Becoming increasingly fearful for his safety, Plaintiff attempted to run away from  
2 Defendants who were continuing to stalk and follow him. Defendants chased after Plaintiff and  
3 tackled him to the ground. Once on the ground, Defendants pinned Plaintiff down, beat him, and then  
4 began choking him. While this was happening, a wife of one of the defendants video recorded the  
5 attack with her cell phone instead of using it to call the police. Plaintiff continued to cry out for help  
6 and pleaded for Defendants to just let him go home but soon lost consciousness due to being choked.  
7 Plaintiff then went into cardiac arrest, stopped breathing, and no longer had a pulse.

8           14.     When Defendants finally called 911, they lied to the police by saying that Plaintiff was  
9 on PCP. Defendants also lied to the police by saying that Plaintiff had a weapon on him. Defendants  
10 made up these lies in a desperate attempt to justify their reprehensible conduct. Once emergency  
11 responders arrived, Defendants made no mention of the fact that they had attacked Plaintiff and  
12 choked him to the point that that it caused him to go into cardiac arrest. Fortunately, Plaintiff was  
13 revived at the scene and immediately transported to a nearby hospital to receive emergency medical  
14 treatment.

15           15.     After arriving at the hospital, multiple tests that were run on Plaintiff confirmed that he  
16 was indeed near death due to the injuries inflicted upon him by Defendants, the most serious of which  
17 being a traumatic brain injury and kidney failure. As result, Plaintiff was hospitalized in the intensive  
18 care unit and followed by the critical care team for over two weeks before finally being discharged  
19 from the hospital.

20           16.     For his misconduct, defendant Eric Carpenter was convicted of violating California  
21 Penal Code section 245(A)(4) - assault upon the person of another by any means of force likely to  
22 produce great bodily injury. For their misconduct, defendants Michael Anthony Vitar and Thomas  
23 Molnar were both convicted of violating California Penal Code section 242 - willful and unlawful use  
24 of force upon the person of another.

25           17.     Defendants Eric Carpenter and Michael Anthony Vitar were both suspended by the Los  
26 Angeles County Fire Department for six months without pay as a result of their misconduct.

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1 **FIRST CAUSE OF ACTION**

2 **ASSAULT**

3 **(On Behalf of Plaintiff and Against All Defendants and DOES 1-20)**

4 18. Plaintiff re-alleges and incorporates herein by reference each and every allegation  
5 contained in paragraph 1 through 17.

6 19. As described above, Defendants committed overt acts with the intent to either inflict a  
7 harmful and/or offensive touching or cause Plaintiff to fear such contact. These acts included but are  
8 not limited to Defendants aggressively following Plaintiff while he was trying to retreat, tackling  
9 Plaintiff to the ground, beating him while he was on the ground, and choking Plaintiff to the point of  
10 losing consciousness and going into cardiac arrest.

11 20. Defendants knew, or should have known, that their overt acts were substantially certain  
12 to result in Plaintiff fearing of immediate harmful or offensive contact. In response to these overt acts,  
13 Plaintiff had a reasonable apprehension of immediate harmful or offensive contact. Plaintiff did not  
14 consent to these overt acts, these acts were a substantial factor in bringing about harm to Plaintiff, and  
15 Plaintiff suffered actual harm as a result.

16 21. As a direct and legal result of Defendants' misconduct, Plaintiff suffered injuries  
17 including, but not limited to, physical injuries, mental pain and suffering, emotional distress, past and  
18 future costs of medical care and treatment, and other economic and non-economic damages in an  
19 amount not yet ascertained, but which exceed the minimum jurisdictional limits of this Court.

20 22. In committing the acts described herein, Defendants acted with willfulness, malice, and  
21 oppression, justifying an award of punitive damages against them.

22 **SECOND CAUSE OF ACTION**

23 **BATTERY**

24 **(On Behalf of Plaintiff and Against All Defendants and DOES 1-20)**

25 23. Plaintiff re-alleges and incorporates herein by reference each and every allegation  
26 contained in paragraphs 1 through 22.  
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1           24. As described above, Defendants harmfully and/or offensively physically contacted  
2 Plaintiff's person (or caused Plaintiff's person to be contacted). These acts included but are not  
3 limited to Defendants tackling Plaintiff to the ground, beating him while he was on the ground, and  
4 choking Plaintiff to the point of losing consciousness and going into cardiac arrest. On all of these  
5 offensive occasions, Plaintiff did not consent to the harmful or offensive contact. As a result of these  
6 harmful or offensive contacts by Defendants, Plaintiff was in fact harmed.

7           25. As a direct and legal result of Defendants' misconduct, Plaintiff suffered injuries  
8 including, but not limited to, physical injuries, mental pain and suffering, emotional distress, past and  
9 future costs of medical care and treatment, and other economic and non-economic damages in an  
10 amount not yet ascertained, but which exceed the minimum jurisdictional limits of this Court.

11           26. In committing the acts described herein, Defendants acted with willfulness, malice, and  
12 oppression, justifying an award of punitive damages against them.

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14                                   **THIRD CAUSE OF ACTION**

15                                   **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

16                                   **(On Behalf of Plaintiff Against All Defendants and DOES 1-20)**

17           27. Plaintiff re-alleges and incorporates herein by reference each and every allegation  
18 contained in paragraphs 1 through 26.

19           28. As described above, Defendants exhibited extreme and outrageous conduct directed  
20 towards Plaintiff that was beyond all bounds of decency tolerated by society. This conduct included  
21 but is not limited to Defendants aggressively following Plaintiff while he was trying to retreat, tackling  
22 Plaintiff to the ground, beating him while he was on the ground, and choking Plaintiff to the point of  
23 losing consciousness and going into cardiac arrest. This conduct was done with the intention to cause,  
24 or with reckless disregard of the probability of causing, Plaintiff to suffer severe emotional distress.  
25 As a result, Plaintiff suffered severe and enduring emotional distress which was actually and  
26 proximately caused by Defendants' extreme and outrageous conduct.

27           29. As a direct and legal result of Defendants' misconduct, Plaintiff suffered injuries  
28 including, but not limited to, physical injuries, mental pain and suffering, emotional distress, past and

1 future costs of medical care and treatment, and other economic and non-economic damages in an  
2 amount not yet ascertained, but which exceed the minimum jurisdictional limits of this Court.

3 30. In committing the acts described herein, Defendants acted with willfulness, malice, and  
4 oppression, justifying an award of punitive damages against them.

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6 **FOURTH CAUSE OF ACTION**

7 **FALSE IMPRISONMENT**

8 **(On Behalf of Plaintiff Against All Defendants and DOES 1-20)**

9 31. Plaintiff re-alleges and incorporates herein by reference each and every allegation  
10 contained in paragraphs 1 through 30.

11 32. As described above, Defendants intentionally exercised force, or threat of force, to  
12 restrain, detain and confine Plaintiff, depriving Plaintiff of his liberty and compelling him to stay  
13 where he did not want to remain. This includes but is not limited to when Defendants tackled Plaintiff  
14 to the ground, beat him while he was on the ground, and choked Plaintiff to the point of losing  
15 consciousness and going into cardiac arrest. As a result of this conduct: 1) Plaintiff was detained,  
16 restrained and confined for an appreciable length of time; 2) Defendants intended to detain, restrain  
17 and confine Plaintiff; 3) Plaintiff did not consent to the detention, restraint and confinement; and 4)  
18 Plaintiff was in fact harmed as a direct result of the detention, restraint and confinement.

19 33. As a direct and legal result of Defendants' misconduct, Plaintiff suffered injuries  
20 including, but not limited to, physical injuries, mental pain and suffering, emotional distress, past and  
21 future costs of medical care and treatment, and other economic and non-economic damages in an  
22 amount not yet ascertained, but which exceed the minimum jurisdictional limits of this Court.

23 34. In committing the acts described herein, Defendants acted with willfulness, malice, and  
24 oppression, justifying an award of punitive damages against them.

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1 **FIFTH CAUSE OF ACTION**

2 **NEGLIGENCE**

3 **(On Behalf of Plaintiff Against All Defendants and DOES 1-20)**

4 35. Plaintiff re-alleges and incorporates herein by reference each and every allegation  
5 contained in paragraphs 1 through 34.

6 36. Defendants owed Plaintiff a duty of care to not actively engage in conduct that could  
7 cause him any harm, and they breached this duty by causing Plaintiff to suffer significant personal  
8 injuries as a result of their actions.

9 37. Defendants also owed Plaintiff a duty to act affirmatively to prevent him from suffering  
10 harm from the peril that they created, and they breached this duty by allowing Plaintiff to suffer  
11 significant personal injuries as a result of their actions.

12 38. As a direct and legal result of Defendants' conduct, Plaintiff suffered injuries including,  
13 but not limited to, physical injuries, mental pain and suffering, emotional distress, past and future costs  
14 of medical care and treatment, and other economic and non-economic damages in an amount not yet  
15 ascertained, but which exceed the minimum jurisdictional limits of this Court.

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1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff SAMUEL CHANG prays for judgment against Defendants, and each  
3 of them, as follows:

- 4 1. For an award of special (economic) and general (non-economic) damages according to  
5 proof;
- 6 2. For punitive damages against all Defendants;
- 7 3. For costs of suit incurred herein;
- 8 4. For such other and further relief as the Court deems just and proper.

9  
10 DATED: July 27, 2017

**TAYLOR & RING**

11  
12 By:  \_\_\_\_\_

13 David M. Ring  
14 Brendan P. Gilbert  
15 Attorneys for Plaintiff  
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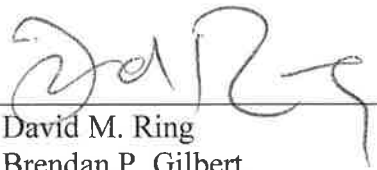
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**DEMAND FOR JURY TRIAL**

Plaintiff SAMUEL CHANG hereby demands that his action for personal injuries and damages be determined by trial by jury.

DATED: July 27, 2017

**TAYLOR & RING**

By:   
David M. Ring  
Brendan P. Gilbert  
Attorneys for Plaintiff