

1 MICHAEL S. DANKO, ESQ., SBN 111359  
2 KRISTINE K. MEREDITH, ESQ. SBN 158243  
3 **THE DANKO LAW FIRM**  
4 247 N. San Mateo Drive  
5 San Mateo, CA 94401  
6 Telephone: (650) 342-6100  
7 Facsimile: (650) 342-3483

8 Attorneys for Plaintiffs

**ENDORSED FILED**  
SAN MATEO COUNTY

DEC 14 2010

Clerk of the Superior Court  
By T. Judd  
DEPUTY CLERK

9  
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 IN AND FOR THE COUNTY OF SAN MATEO

12 GALE K. GOTTLIEB, individually and as  
13 Successor-in-Interest to the ESTATE OF DR.  
14 KENNETH I. GOTTLIEB, Deceased, and  
15 MICHAEL K. GOTTLIEB, individually and  
16 as Successor-in-Interest to the ESTATE OF  
17 DR. KENNETH I. GOTTLIEB, Deceased,  
18 and TAMAR GOTTLIEB MCLACHLAN,  
19 individually and as Successor-in-Interest to  
20 the ESTATE OF DR. KENNETH I.  
21 GOTTLIEB, Deceased,

22 Plaintiffs,

23 vs.

24 FARIDE KHALAF, an individual; and DOES  
25 ONE through FIFTY, inclusive,

26 Defendants.

Case No.

**CIV 501501**

**COMPLAINT FOR DAMAGES**

**(Wrongful Death)**

**JURY TRIAL DEMANDED**

27 Come now plaintiffs GALE K. GOTTLIEB, individually and as Successor-in-Interest to  
28 the ESTATE OF DR. KENNETH I. GOTTLIEB, Deceased, and MICHAEL K. GOTTLIEB,  
individually and as Successor-in-Interest to the ESTATE OF DR. KENNETH I. GOTTLIEB,  
Deceased, and TAMAR GOTTLIEB MCLACHLAN, individually and as Successor-in-Interest  
to the ESTATE OF DR. KENNETH I. GOTTLIEB, Deceased, as and for their Complaint  
pursuant to C.C.P. §473, allege as follows:

1 FIRST CAUSE OF ACTION

2 1. That the true names, capacities or involvement, whether individual, corporate,  
3 governmental or associate, of the defendants named herein as DOE are unknown to plaintiffs  
4 who therefore sues said defendants by such fictitious names. Plaintiffs pray leave to amend this  
5 Complaint to show their true names and capacities when the same have been finally  
6 determined. Plaintiffs are informed and believe, and upon such information and belief allege,  
7 that each of the defendants designated herein as DOE is negligently or otherwise legally  
8 responsible in some manner for the events and happenings herein referred to, and negligently or  
9 otherwise caused injury and damages proximately thereby to plaintiffs, as is hereinafter alleged.  
10

11 2. At all times herein mentioned, each and every of the defendants herein was the  
12 agent, servant and employee, each of the other, and each was acting within the course and  
13 scope of his agency, service and employment, with the permission, consent and ratification,  
14 each of the other.  
15

16 3. At all times herein mentioned, plaintiff GALE K. GOTTLIEB was DR.  
17 KENNETH I. GOTTLIEB's wife.

18 4. At all times herein mentioned, plaintiff MICHAEL K. GOTTLIEB was DR.  
19 KENNETH I. GOTTLIEB's son.  
20

21 5. At all times herein mentioned, plaintiff TAMAR GOTTLIEB MCLACHLAN  
22 was Dr. KENNETH I. GOTTLIEB's daughter.

23 6. At all times herein mentioned, defendants FARIDE KHALAF and DOES ONE  
24 through FIFTY, inclusive, and each of them, were and are individuals and residents of the  
25 County of San Mateo, State of California engaged in the maintenance, overhaul and repair of  
26 airplanes, including the subject airplane identified as a 1998 Cessna 182S, registration N23750,  
27 owned by SIERRA MADRE FLYING CORPORATION.  
28



1 maintenance, overhaul, modification, supply, and replacement of component parts, and as a  
2 result, defendants, and each of them, expressly warranted that said aircraft, its component parts,  
3 and its systems were "airworthy," were safe and fit for use, and could be safely flown.


4  
5 13. In fact, said aircraft, its component parts, and its systems were not safe and fit  
6 for normal use, but were in a dangerous and defective condition, by virtue of defects in the  
7 design, construction, maintenance, overhaul, modification, supply, and replacement of the  
8 aircraft, its component parts, and its systems.

9 14. As a proximate result of the breach of the express and implied warranties,  
10 plaintiffs' decedent who had not been warned by defendants of said defects and dangerous  
11 conditions and thus had no knowledge of said defects and conditions, but believed that the  
12 aircraft was safe to fly, as warranted by defendants, and each of them, was injured as alleged  
13 hereinabove.  
14

15 WHEREFORE, plaintiffs pray judgment against defendants, and each of them, as to  
16 each cause or action as follows:

- 17 A. For general damages in an amount according to proof;
- 18 B. For special damages in an amount according to proof;
- 19 C. For prejudgment interest;
- 20 D. For costs of suit herein incurred; and
- 21 E. For such other and further relief as the Court may deem appropriate.

22  
23  
24 Dated: December 8, 2010

By:   
MICHAEL S. DANKO  
Attorney for Plaintiffs

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**JURY DEMAND**

Plaintiffs hereby demand a trial by jury.

Dated: December 8, 2010

By:   
MICHAEL S. DANKO  
Attorney for Plaintiffs