

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 COUNTY OF ORANGE
3

4 JULIE BAKER)
5)

6 Plaintiff,)

7 vs.)

8 TIMOTHY CONRAD, DOES 1-50)

9 Defendant.)
10)
11)
12)

CASE NO. 05-123432

COMPLAINT FOR DAMAGES

13 **I. INTRODUCTION**

14 1. This is an action filed by Julie Baker (“Plaintiff”) against Timothy Conrad
15 (“Defendant”) based on Defendant’s killing of Plaintiff’s cat.
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17 **II. PARTIES**

18 2. Plaintiff is an individual who is, and at all relevant times herein was, a resident of the
19 City of Orange and citizen of the county of Orange in the State of California.
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21 3. Defendant is an individual who is, and at all relevant times herein was, a resident of
22 the City of Orange and citizen of the county of Orange in the State of California. He is the adjacent
23 neighbor of the plaintiff.

24 4. The true names of defendants DOES 1 through 50, inclusive, are unknown to Plaintiff
25 at this time. Plaintiff sues those defendants by such fictitious names pursuant to Section 474 of the
26 Code of Civil Procedure. Plaintiff is informed and believes, and based on that information and
27 belief alleges, that each of the Defendants designated as a DOE is legally responsible for the events
28 and happenings referred to in this Complaint, and that each of the Defendants unlawfully caused the

COMPLAINT

1 injuries and damages to Plaintiff alleged in this complaint.

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3 **III. JURISDICTION**

4 5. This Court has jurisdiction of these claims pursuant to tort actions under the common
5 law of the State of California and under California Civil Code section 3340. Venue in this Court is
6 proper because the acts complained of occurred in Orange County and the parties both live in
7 Orange County.

8 **IV. GENERAL ALLEGATIONS**

9 6. For the past five years, Plaintiff has been feeding and sheltering a colony of feral cats
10 in her neighborhood. The shelter in her backyard is visible to her neighbors and it is well known
11 that she has been caring for this group of cats. Plaintiff considers herself the owner of these cats, and
12 the California legislature has recognized that feral cats may be owned. CA Food and Agriculture
13 Code Section 31752.5 (a)(2)-(3).

14 7. Defendant has continually complained that Plaintiff's cats go onto his property. On,
15 or about, June 2, 2004, one of Plaintiff's companion cats, Missy, was trapped in Defendant's
16 backyard. Upon finding Missy, Defendant took her to the Orange County Animal Care Center
17 (OCACC) where she was euthanized.

18 8. Defendant failed to inform the OCACC that Missy was owned by Plaintiff. In
19 addition, he never informed Plaintiff that he found her cat in his trap and did not tell her that Missy
20 was at the OCACC which resulted in her death.

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22 **V. FIRST CAUSE OF ACTION**
23 **Gross Negligence**

24 9. Plaintiff incorporates by reference each and every allegation contained in paragraphs
25 1-8 as set forth above.

26 10. Defendant had a duty to the community and to Plaintiff to respect Plaintiff's property
27 and the value of Missy's life. This duty included avoiding causing harm to Missy.

28 11. Defendant breached this duty by capturing Missy and causing her to be euthanized,

1 and was therefore the proximate cause of Plaintiff's injuries.

2 12. Defendant knew and/or should have known that serious emotional and psychological
3 harm would be inflicted on Plaintiff as a result, and he was indifferent to the high degree of manifest
4 psychological danger to which the Plaintiff was exposed.

5 13. As a result of the grossly negligent conduct as alleged, Plaintiff has suffered
6 economic and noneconomic damages as more specifically set forth in the prayer below.

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8 **VI. SECOND CAUSE OF ACTION**
Conversion

9 14. Plaintiff incorporates by reference each and every allegation contained in paragraphs
10 1-13 as set forth above.

11 15. On, or about, June 2, 2004, Defendant intentionally exercised dominion or control
12 over Plaintiff's personal property, to wit, her cat Missy.

13 16. The manner in which Defendant exercised such dominion or control was both
14 inconsistent with, and seriously interfered with, Plaintiff's rights as the property owner to enjoy
15 and/or control her personal property.

16 17. As a result of the acts of conversion, Plaintiff has suffered economic and
17 noneconomic damages as more specifically set forth in the prayer below.

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19 **VII. THIRD CAUSE OF ACTION**

20 **Violation of California Code of Civil Procedure Section 3340**

21 23. Plaintiff incorporates by reference each and every allegation contained in paragraphs
22 1-22 as set forth above.

23 24. Defendant wrongfully injured Missy by abandoning her.

24 25. Defendant's acts were done willfully or with gross negligence and in disregard of
25 humanity.

26 **VIII. JURY TRIAL DEMANDED**

27 26. Plaintiff demands trial by jury on every count alleged against each Defendant.

IX. PRAYER FOR RELIEF

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WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- a. For economic damages for Missy's value pursuant to California Civil Code section 3355 in the amount of \$5,000;
- b. For economic damages for lost wages of \$600;
- c. For mental, physical and emotional pain and suffering in the amount of \$25,000;
- d. For exemplary damages in an amount according to proof;
- e. For reasonable costs and attorney's fees; and
- f. For such and further relief as the Court may deem proper.

Dated: September 23, 2004

By: _____
Attorney for Plaintiff