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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PIMA

VIRGINIA DUDKIEWICZ, a single woman,

No.:

Plaintiff,

COMPLAINT

vs.

(Tort Motor Vehicle)

MATHESON POSTAL SERVICES, INC.,
a foreign corporation; CHRISTOPHER
E. MANSFIELD and JANE DOE
MANSFIELD, a married couple; ABC
CORPORATIONS 1-10; XYZ
PARTNERSHIPS 1-10; JOHN DOES 1-
10; AND JANE DOES 1-10,

Assigned To:

Defendants.

Plaintiff, Virginia Dudkiewicz, a single woman, for her Complaint against
Defendants alleges:

1. Venue and jurisdiction are proper.
2. All acts complained of herein occurred in the furtherance of Defendants' marital community.
3. Defendant Matheson Postal Services, Inc. (Matheson) is a foreign corporation duly authorized to do business in Arizona.

1 4. Defendants Christopher E. Mansfield and Jane Doe Mansfield are a married
2 couple that live in Pima County, Arizona.

3 5. All acts complained of herein were done by Defendants or by their agents
4 whose identities are presently unknown to Plaintiff, and who committed some or all
5 authorized acts.

6 6. ABC Corporations 1-10 are Arizona or foreign corporations whose identity is
7 presently unknown to Plaintiff, and who may share wholly or in part for the injuries to
8 Plaintiff.

9 7. XYZ Partnerships 1-10 are Arizona or foreign general or limited
10 partnerships whose identity is presently unknown to Plaintiff, and who may share wholly
11 or in part for the injuries to Plaintiff.

12 8. Defendants John Does 1-10 and Jane Does 1-10 are other foreign or
13 domestic corporations or individuals subject to the jurisdiction of this Court, who may share
14 wholly or in part for the injuries to Plaintiff, but whose identities are not presently known to
15 the Plaintiff.

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17 **GENERAL ALLEGATIONS**

18 9. Plaintiff realleges paragraphs 1 through 8.

19 10. On December 30, 2009, a Matheson Postal Services truck was being driven
20 by Christopher E. Mansfield when it began backing up and going southbound in the
21 northbound curb lane on North Rosemont Boulevard near the intersection with East
22 Burns Place, Tucson, Pima County, Arizona. The Defendants' actions caused a collision
23 with a vehicle driven by Plaintiff (the collision).

24 11. Defendant Christopher E. Mansfield was an employee of Defendant
25 Matheson.

1 12. Defendant Christopher E. Mansfield was in the course and scope of his
2 employment with Matheson at the time of the collision.

3 13. Defendant Matheson is legally responsible for the acts of Defendant
4 Christopher E. Mansfield under respondeat superior or otherwise.

5 14. Plaintiff was seriously injured in the collision and sustained damages as a
6 result thereof.

7 15. The collision occurred due to the negligent, grossly negligent and/or
8 reckless conduct of one or more of the Defendants.

9 16. Defendants' negligence caused permanent injuries and damages to
10 Plaintiff, including but not limited to, past and future medical expenses, disability, pain
11 and suffering, loss of enjoyment of life, mental anguish, property damage, and
12 miscellaneous out-of-pocket expenses.

13 **COUNT I – NEGLIGENCE & NEGLIGENCE PER SE**

14 17. Plaintiff realleges paragraphs 1 through 16.

15 18. The Defendants' negligence and negligence per se were causes of the
16 collision.

17 19. Defendants' conduct caused Plaintiff's injuries.

18 **COUNT II - NEGLIGENT SUPERVISION & TRAINING**

19 20. Plaintiff realleges paragraphs 1 through 19.

20 21. Defendant Matheson was negligent or reckless in its hiring, training and/or
21 supervision of Defendant Christopher E. Mansfield.

22 22. Defendant Matheson's negligence in hiring, directing, instructing and
23 supervising Defendant Christopher E. Mansfield was the cause of or was one of the
24 causes of the collision.
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COUNT III - NEGLIGENT ENTRUSTMENT

23. Plaintiff realleges paragraphs 1 and 22.

24. The vehicle driven by Defendant Christopher E. Mansfield was owned by Defendant Matheson.

25. Defendant Matheson negligently entrusted its commercial vehicle to Defendant Christopher E. Mansfield with knowledge, actual or constructive, that he did not have the experience and/or training to safely drive the commercial vehicle.

26. Defendant Matheson's negligent entrustment was the cause or was one of the causes of the collision.

27. The Defendants' conduct caused the Plaintiff's injuries.

COUNT IV - PUNITIVE DAMAGES

28. Plaintiff realleges paragraphs 1 through 27.

29. Defendants consciously pursued a course of conduct knowing it created a substantial risk of significant harm to others. Such conduct showed a wanton disregard for public safety and was so egregious that an evil mind can be inferred. As such, Plaintiff is entitled to an award of punitive damages.

WHEREFORE, Plaintiff is entitled to judgment in her favor and against Defendants for the following relief:

1. Money damages sufficient to fully and fairly compensate the Plaintiff for her injuries and damages.

2. Legal costs.

3. Punitive damages.

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4. Such other and further relief as the court may deem just and equitable.

DATED this ___ day of February, 2010.

GOLDBERG & OSBORNE

By _____
David J. Diamond
D. Greg Sakall
Attorneys for Plaintiff