

CIVIL COVER SHEET

A- 11- 634304- C

County, Nevada

X

Case No. _____
(Assigned by Clerk's Office)

I. Party Information

Plaintiff(s) (name/address/phone):
Kellie Obong as parent and legal guardian of: Takara Davis c/o
Attorney (name/address/phone):
BAKER LAW OFFICES, 500 S. 8th Street, LV, NV 89101

Defendant(s) (name/address/phone):
Lusine Vartanyan, Armen Vartanyan & Armine Arshakyan
3580 Teton Hills St., LV, NV 89147
Attorney (name/address/phone):

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

Arbitration Requested

Civil Cases

Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	Negligence <input checked="" type="checkbox"/> Negligence – Auto <input type="checkbox"/> Negligence – Medical/Dental <input type="checkbox"/> Negligence – Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence – Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
Probate	Other Civil Filing Types	
Estimated Estate Value: _____ <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Foreclosure Mediation <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment – Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters

III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

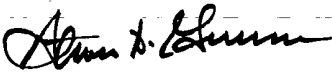
- | | | |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88 | <input type="checkbox"/> Investments (NRS 104 Art. 8) | <input type="checkbox"/> Enhanced Case Mgmt/Business |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90) | <input type="checkbox"/> Trademarks (NRS 600A) | |

2/1/2011

/s/ Christian M. Morris, Esq.

Date

Signature of initiating party or representative


CLERK OF THE COURT

1 **COMP**
LLOYD W. BAKER, ESQ.
2 Nevada Bar No. 6893
CHRISTIAN MORRIS, ESQ.
3 Nevada Bar No. 11218
BAKER LAW OFFICES
4 500 South Eighth Street
Las Vegas, NV 89101
5 (702) 360-4949
Attorneys for Plaintiff

6 **DISTRICT COURT**

7 **COUNTY OF CLARK, STATE OF NEVADA**

8 KELLIE OBONG, as parent and legal guardian of:)
TAKARA DAVIS, an individual;)
9 Plaintiff,)
10 vs.)
11 LUSINE VARTANYAN, an individual;)
ARMINE ARSHAKYAN, an individual; and)
12 ARMEN VARTANYAN, an individual;)
DOES I through X, and ROE CORPORATIONS)
13 I through X, inclusive,)
14 Defendants)

Case No. :
Dept. No.:

A- 11- 634304- C

X

15 **COMPLAINT**

16 COMES NOW Plaintiff, KELLIE OBONG as parent and legal guardian of TAKARA
17 DAVIS, by and through her attorney, LLOYD W. BAKER, ESQ., and CHRISTIAN M. MORRIS,
18 ESQ., of BAKER LAW OFFICES, and hereby allege as follows:

19 **GENERAL ALLEGATIONS**

20 **I.**

21 That at all relevant times, Plaintiff, KELLIE OBONG as parent and legal guardian of
22 TAKARA DAVIS, (hereinafter referred to as "PLAINTIFF") is and was a resident of Clark County,
23 State of Nevada.

24 **II.**

25 That at all relevant times, it is believed that the Defendant, LUSINE VARTANYAN,
26 (hereinafter referred to as "DEFENDANT LUSINE") was a resident of Clark County, State of
27 Nevada.

28

1 III.

2 That at all relevant times, it is believed that the Defendant, ARMEN VARTANYAN,
3 (hereinafter referred to as "DEFENDANT ARMEN") was a resident of Clark County, State of
4 Nevada.

5 IV.

6 That at all relevant times, it is believed that the Defendant, ARMINE ARSHAKYAN,
7 (hereinafter referred to as "DEFENDANT ARSHAKYAN") was a resident of Clark County, State
8 of Nevada.

9 V.

10 Based upon information and belief, that at all relevant times, Defendants LUSINE, ARMEN
11 and ARSHAKYAN, were, and still are, related as family.

12 VI.

13 That all the facts and circumstances that gave rise to the subject lawsuit occurred in Clark
14 County, State of Nevada.

15 VII.

16 That the true names or capacities, whether individual, corporate, associate, or otherwise, of
17 Defendants, DOES and ROES I through X inclusive, are unknown to Plaintiff, who therefore sue
18 said Defendants by such fictitious names. Plaintiff is informed and believes and thereon alleges that
19 each of the Defendants including those designated herein as DOE and ROE is negligently
20 responsible in some manner for the events and happenings herein referred to and negligently caused
21 injury and damages proximately thereby to the Plaintiff as herein alleged; that Plaintiff will ask leave
22 of this Court to amend this Complaint to insert the true names and capacities of said Defendants
23 DOES and ROES I through X, inclusive, when the same have been ascertained by Plaintiff, together
24 with appropriate charging allegations, and to join such Defendants in this action.

25
26
27
28 ////

1 **VIII.**

2 At all material times, Defendants, and each of them, were individuals and/or entities who
3 were and are agents, masters, servants, employers, employees, owners, managers, joint venturers,
4 representatives and/or business associates with respect to the other named Defendants, and with
5 respect to each other, and were residents, doing business and/or acting within the course and scope
6 of their authority in Clark County, Nevada, as such agents, masters, servants, employers, employees,
7 owners, managers, joint venturers, representatives and/or business associates, and with the consent,
8 knowledge, authorization, ratification and permission of each other.

9 **IX.**

10 At all times relevant hereto, Defendants, and each of them, were responsible for the acts and
11 omissions of themselves and each other Defendant and held a special relationship with the other
12 Defendants and with others, non delegable in nature, and subject to a peculiar and high risk of harm
13 for the breach thereof.

14 **X.**

15 That on or about January 4, 2011, at approximately 2:30 p.m., PLAINTIFF, a thirteen year
16 old pedestrian, was crossing Durango Drive in the vicinity of Nevso Dr., in Clark County, Nevada,
17 with a group of other students on her way home from school, when she was hit by a 2009 Toyota
18 Camry, license plate 089VMD, operated by Defendant LUSINE.

19 **XI.**

20 That at or about the same time and in the same vicinity, upon information and belief,
21 Defendant LUSINE. exited out of parking lot located at 4426 Durango Dr., and proceeded
22 southbound on Durango Dr. Defendant LUSINE entered the center turn lane, attempting to merge
23 into southbound traffic when she negligently impacted PLAINTIFF's body with the 2009 Toyota
24 Camry owned by Defendants ARMEN and ARSHAKYAN.

25
26
27
28 ////

1 **XII.**

2 As a result of Defendant LUSINE's negligent operation of the vehicle, PLAINTIFF's body
3 was first impacted by the front end of the vehicle. The impact caused PLAINTIFF to be propelled
4 off the ground and into the windshield of the vehicle. PLAINTIFF's head shattered the windshield.
5 After the impact, PLAINTIFF's body was thrown southbound on Durango, approximately one
6 hundred feet; landing on the asphalt in the center turn lane of Durango Drive.

7 **XIII.**

8 Defendant LUSINE did not stop her vehicle immediately after impacting PLAINTIFF.
9 Defendant LUSINE continued to drive southbound on Durango Dr., she finally stopped the vehicle
10 in the vicinity of Rochelle and Durango, past where PLAINTIFF's body came to land.

11 **XIV.**

12 Defendant LUSINE drove away from the accident scene in the 2009 Toyota Camry with a
13 shattered driver's side windshield, extensive damage to the hood, blood splatter and damage to the
14 driver's side of the vehicle.

15 **XV.**

16 That Defendants LUSINE, ARMEN and Defendant ARSHAKYAN had the windshield and
17 left driver' side of the vehicle repaired prior to PLAINTIFF being able to inspect the vehicle.

18 **XVI.**

19 That at all relevant times, the 2009 Toyota Camry, license plate 089VMD, was owned by
20 Defendant ARSHAKYAN and Defendant ARMEN, a family member of Defendant VARTANYAN.

21 **XVII.**

22 That at all times relevant, Defendant LUSINE was a permissive operator of the 2009 Toyota
23 Camry.

24 **XVIII.**

25 As a result of Defendant LUSINE's negligence, PLAINTIFF has suffered severe,
26 debilitating, and permanent damage to her body and mind.

1 **FIRST CAUSE OF ACTION**

2 **(NEGLIGENCE)**

3 **XIX.**

4 As and for her First Cause of Action, the Plaintiff repeats and realleges each and every
5 allegation contained in the paragraphs above as though fully set forth herein and further alleges:

6 **XX.**

7 The Defendant LUSINE, and each of the Defendants, at the time of the collision herein was
8 negligent and careless in the following particulars including, but not limited to:

- 9 a. In failing to keep use proper caution when operating a vehicle near a middle school;
10 b. In operating Defendants' vehicle without due caution and with disregard for the lives
11 and safety of others, specifically that of the Plaintiff;
12 c. In failing to maintain a proper lookout for pedestrians;
13 d. In failing to maintain proper lookout for the road in front of the vehicle when
14 attempting to merge into traffic;
15 e. In accelerating at a rapid rate of speed and failing to maintain control of the vehicle;
16 and,
17 f. In repairing the subject vehicle prior to Plaintiff being able to inspect the evidence
18 of the incident.

19 **XXI.**

20 Said incident was due to negligence, carelessness and recklessness on Defendant LUSINE's
21 part, and of each of the Defendants, in her failure to keep her vehicle under proper control, and
22 failing to keep a lookout for the road ahead of the vehicle, and not from any negligence on Plaintiff's
23 part.

24 ////

25
26 ////

27
28 ////

1 **XXII.**

2 That as a direct and proximate result of the Defendants' negligence, and each of them, the
3 Plaintiff was injured and caused to suffer great pain of body and mind in an amount in excess of Ten
4 Thousand Dollars (\$10,000.00) in general damages. Plaintiff received injuries to her brain, head,
5 ears, eyes, elbow, knee, neck, back, and body.

6 **XXIII.**

7 As a result of the Defendants' negligence, the Plaintiff has suffered injuries to her person,
8 which injuries have required and may still require treatment and care and from which the Plaintiff
9 has suffered great pain, discomfort, upset, emotional and mental frustration, reduced physical,
10 emotional and mental ability, and the inability to live her life in the manner it was conducted prior
11 to the injury.

12 **XXIV.**

13 As further direct and proximate result of Defendants' negligence, the Plaintiff has been
14 forced to incur medical expenses for treatment for her injuries in an amount in conformance to proof
15 at trial, but which amount exceeds \$10,000.00. The Plaintiff may incur future medical expenses as
16 well in an amount as not yet ascertained, but according to proof at trial.

17 **XXV.**

18 Prior to the injuries complained of herein, PLAINTIFF, was an able-bodied teenager, capable
19 of attending school, playing with her siblings and friends, and engaging in various activities for
20 which PLAINTIFF was otherwise suited. By reason of the incident, and as a direct and proximate
21 result of the negligence of the said Defendants, and each of them, PLAINTIFF was caused to be
22 disabled and limited and restricted in her scholastic endeavors, emotional relationships, and
23 creativity, which affects PLAINTIFF's ability to work in the future and may cause PLAINTIFF to
24 suffer future a loss of wages in an unascertainable amount as of this time, and/or diminution of
25 PLAINTIFF's earning capacity and future loss of wages, all to her damage in a sum not yet
26 ascertainable, the allegations of which PLAINTIFF prays leave of Court to insert herein when the
27 same shall be fully determined.

1 **XXVI.**

2 That it has been necessary for PLAINTIFF to retain the services of an attorney to prosecute
3 this action and she is, therefore, entitled to reasonable attorney's fees and costs of this action, and
4 prejudgment interest herein.

5 **SECOND CAUSE OF ACTION**

6 **(NEGLIGENCE PER SE - NRS 484B.280, NRS 484.219, NRS 484.221, NRS 484.223, NRS**
7 **484.379, & NRS 484A.065)**

8 **XXVII.**

9 As and for her Second Cause of Action, the PLAINTIFF repeats and realleges each and every
10 allegation contained in the Paragraphs above as though fully set forth herein and further alleges as
11 follows:

12 **XXVIII.**

13 Nevada Revised Statutes and/or city/county ordinances have been violated by the
14 Defendants. Violation of the ordinance and/or statutes proximately caused the injuries complained
15 of in PLAINTIFF's First Cause of Action.

16 **XXIX.**

17 That PLAINTIFF is among the class of persons Nevada's motor vehicle statutes are designed
18 to protect including, but not limited to: NRS 484B.280, NRS 484.219, NRS 484.221, NRS 484.223,
19 NRS 484.379, & NRS 484A.065. Defendant LUSINE, was operating her vehicle in a reckless
20 manner, by accelerating at a rapid rate of speed and failing to look at the road ahead of her vehicle
21 as she attempted to merge into the southbound travel lanes of Durango Drive striking PLAINTIFF's
22 body, causing injuries to PLAINTIFF, and failing to stop her vehicle even after she struck
23 PLAINTIFF.
24 PLAINTIFF.

25
26
27
28 *////*

1 **XXX.**

2 The injuries sustained by PLAINTIFF resulted directly and proximately from the operation
3 of the automobile by Defendant LUSINE in violation of the ordinance and/or statutes and not from
4 any negligence of PLAINTIFF.

5 **XXXI.**

6 That as a direct and proximate result of the Defendant LUSINE's violation of the above
7 mentioned ordinances and/or statutes, and each of them, PLAINTIFF was seriously injured and
8 caused to suffer great pain of body and mind in an amount in excess of Ten Thousand Dollars
9 (\$10,000.00) in general damages.

10 **XXXII.**

11 As further direct and proximate result of Defendant LUSINE's violation of the above
12 mentioned ordinance and/or statutes, PLAINTIFF has been forced to incur medical expenses for
13 treatment for her injuries in an amount in excess of Ten Thousand Dollars (\$10,000.00).

14 **XXXIII.**

15 Prior to the injuries complained of herein, PLAINTIFF, TAKARA DAVIS, was an able-
16 bodied teenager, capable of being attending school, playing with her siblings and friends, and
17 engaging in various activities for which PLAINTIFF was otherwise suited. By reason of the
18 incident, and as a direct and proximate result of the negligence of the said Defendants, and each of
19 them, PLAINTIFF was caused to be disabled and limited and restricted in her scholastic endeavors,
20 emotional relationships, and creativity, which affects PLAINTIFF's ability to work in the future and
21 may cause PLAINTIFF to suffer future a loss of wages in an unascertainable amount as of this time,
22 and/or diminution of PLAINTIFF's earning capacity and future loss of wages, all to her damage in
23 a sum not yet ascertainable, the allegations of which PLAINTIFF prays leave of Court to insert
24 herein when the same shall be fully determined.

25 **XXXIV.**

26 That it has been necessary for the PLAINTIFF to retain the services of an attorney to
27 prosecute this action and they are, therefore, entitled to reasonable attorney's fees and costs of this
28 action, and prejudgment interest herein.

1 **THIRD CAUSE OF ACTION**

2 **(Family Purpose/Permissive Use Doctrine Pursuant to NRS 41.440)**

3 **XXXV.**

4 As and for her Third Cause of Action, the PLAINTIFF repeats and realleges each and every
5 allegation contained in Paragraphs as though fully set forth herein and further alleges:

6 **XXXVI.**

7 At all time relevant, Defendants, ARMEN and ARSHAKYAN, and each of the Defendants,
8 gave express and implied permission for Defendant LUSINE to operate the subject Toyota Camry.

9 **XXXVII.**

10 Defendant LUSINE, and each of the Defendant, operated the subject Toyota Camry
11 negligently, thereby proximately causing the aforementioned accident and subsequent injuries to
12 PLAINTIFF.

13 **XXXVIII.**

14 Pursuant to NRS 41.440 Defendant ARMEN and Defendant ARSHAKYAN are jointly and
15 severally liable for the negligence of Defendant LUSINE in proximately causing the accident and
16 subsequent injuries to PLAINTIFF.

17 **XXXIX.**

18 That as a direct and proximate result of the Defendants' violation of the above mentioned
19 ordinance and/or statutes, and each of them, PLAINTIFF was seriously injured as previously
20 described and caused to suffer great pain of body and mind in excess of Ten Thousand Dollars
21 (\$10,000.00) in general damages.

22 **XL.**

23 As further direct and proximate result of Defendants' violation of the above mentioned
24 ordinance and/or statutes, and negligence, PLAINTIFF has been forced to incur medical expenses
25 for treatment for her injuries in an amount in conformance to proof at trial. PLAINTIFF may incur
26 future medical expenses as well in an amount as yet not ascertained.

27
28
////

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

XLI.

That prior to the injuries sustained and complained of herein, PLAINTIFF was an able-bodied person and physically capable of engaging in all other activities for which she was otherwise suited.

XLII.

That by reason of the violation of the ordinance and/or statutes by the Defendants and as a proximate result thereof, PLAINTIFF has incurred pain and suffering and has been required to and did lose the ability to perform many daily life activities.

XLIII.

That it has been necessary for PLAINTIFF to retain the services of an attorney to prosecute this action and he is, therefore, entitled to reasonable attorney's fees and costs of this action, and prejudgment interest herein.

////

////

////

////

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff, TAKARA DAVIS, expressly reserves her rights to amend her
3 Complaint at the time of trial of the actions herein to include all items of damage not yet ascertained,
4 and prays for judgment against the Defendants as follows:

- 5 1. For general compensatory damages, including past, present, and future pain and
6 suffering and loss of enjoyment of life, in an amount to be proved at trial;
- 7 2. For special damages, including but not limited to, lost wages, medical and
8 incidental expenses as well as future medical expenses in an amount in
9 conformance to proof at trial;
- 10 3. For an award in excess of Ten Thousand Dollars as compensation for all general
11 and
12 special damages suffered by the PLAINTIFF as a consequence of the negligence
13 of the Defendant;
- 14 4. For reasonable attorney's fees and costs of this action, and prejudgement
15 interest herein; and
- 16 5. For such other and further relief as the Court deems just and proper under the
17 circumstances.

18 DATED this 31st day of January, 2011.

19 BAKER LAW OFFICES

20 By: 

21 LLOYD W. BAKER, ESQ.
22 Nevada Bar No.: 6893
23 CHRISTIAN M. MORRIS, ESQ.
24 Nevada Bar No.: 11218
25 500 South Eighth Street
26 Las Vegas, Nevada 89101
27 Telephone #: (702) 360-4949
28 Attorneys for Plaintiff