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(SPACE BELOW FOR FILING STAMP ONLY)

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 5 **STATE BAR NO. 57911**  
 6 **ATTORNEYS FOR PLAINTIFFS**

**CONFIRMED COPY  
 ORIGINAL FILED  
 Superior Court of California  
 County of Los Angeles**

**JUL 13 2016**

Sherril N. ...  
 By: Deputy  
 Sherril Chambers

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

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**GAYLE YASHAR and MORTY  
 YASHAR,**

**Plaintiffs,**

**v.**

**QUE SKYSPACE, LLC; LEGENDS  
 HOSPITALITY, LLC; DOE 1, DOE 2,  
 DOE 3, DOE 4, DOE 5, DOE 6 and  
 DOES 7 through 50,**

**Defendants.**

**CASE NO. BC 6 2 6 3 0 7**

**COMPLAINT FOR DAMAGES FOR  
 PERSONAL INJURIES**

**THE LAW OFFICES OF BARRY NOVACK**

**Dated: July 13, 2016**

By:   
**BARRY NOVACK**  
 Attorneys for Plaintiffs

1 **PLAINTIFF, GAYLE YASHAR, ALLEGES FIRST CAUSE OF ACTION AGAINST ALL**  
2 **DEFENDANTS FOR NEGLIGENCE:**

3 1

4 The full extent of the facts linking the fictitiously designated defendants with this cause of action is  
5 unknown to plaintiff, or the true names or capacities, whether individual, plural, corporate,  
6 partnership, associate, or otherwise, of defendants DOES 1 through 50 are unknown to plaintiff.  
7 Plaintiff therefore sues said defendants by such fictitious names. Plaintiff is informed, believes, and  
8 alleges, that each of the defendants designated herein as a DOE is negligently, wantonly, recklessly,  
9 tortiously, and unlawfully responsible in some manner for the events and happenings herein referred  
10 to and negligently, wantonly, recklessly, tortiously, and unlawfully proximately caused injury and  
11 damages to plaintiff, as herein alleged. Plaintiff will hereafter ask leave of Court to amend this  
12 Complaint to show said defendants' true names and capacities after the same have been ascertained.

13 2

14 At all times herein mentioned each defendant was the actual or ostensible agent of each and all of  
15 the other defendants and was acting within the course and scope of said agency.

16 3

17 The event giving rise to this cause of action occurred on or about July 3, 2016, at the Skyspace  
18 Attraction located at 633 West 5th Street, Los Angeles, CA 90071.

19 4

20 At all times herein mentioned the OWNERS of the property where this accident occurred were the  
21 following defendants: ALL DEFENDANTS.

22 5

23 At all times herein mentioned the Lessors of the property where this accident occurred were the  
24 following defendants: ALL DEFENDANTS.

25 6

26 At all times herein mentioned herein mentioned the persons acting as Managers and Maintainers of  
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1 the property where this accident occurred were the following defendants: ALL DEFENDANTS.

2 7

3 At all times herein mentioned the persons acting as Managers and Maintainers of the property where  
4 this accident occurred who had a responsibility to maintain the property in a safe condition were  
5 doing so with the knowledge, permission and consent of the following defendants: ALL  
6 DEFENDANTS.

7 8

8 At all times herein mentioned the persons acting as Managers, Maintainers and Lessors of the  
9 property where this accident occurred were the agent, servant and employee of and acting within the  
10 course and scope of said agency and employed by the following defendants: ALL DEFENDANTS.

11 9

12 Defendant OUE SKYSPACE, LLC is a limited liability company that has its principal place of  
13 business and resides in Los Angeles County, California.

14 10

15 Defendant LEGENDS HOSPITALITY, LLC is a limited liability company having business within  
16 California.

17 11

18 Defendants OUE Skyspace, LLC, Legends Hospitality LLC, and DOES 21 - 25 operate OUE  
19 Skyspace LA ("SKYSPACE"), which consists of an observation deck and a 45 foot, fully-enclosed  
20 outdoor glass slide that leads from the 70th to the 69th floor ("SKYSLIDE").

21 12

22 At all times herein mentioned the following defendants were involved in the design and construction  
23 of the SKYSPACE: DOES 1-20.

24 13

25 At the time and place of the events hereinafter mentioned, the defendants, and each of them, were  
26 engaged in a joint venture and common enterprise and acting within the scope of, and in pursuance  
27 of, the joint venture and common enterprise.

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2 From the time SKYSPACE opened to the public on or about June 25, 2016 up until the date of this  
3 incident on July 3, 2016, defendants became aware that riders of the SKYSLIDE were suffering  
4 injuries including an ankle fracture. Defendants knew or should have known that these injuries were  
5 caused by the dangerous, unsafe and defective design and operation of the SKYSLIDE. Defendants  
6 increased the ordinary risk inherent associated with going down a slide by failing to provide a  
7 sufficiently long and continuous deceleration area at the end of the slide to allow the riders to slow  
8 down to a safe speed before encountering a change in surface elevation and change in surface  
9 coefficient of friction, and then added stacked mats at the end of the slide runout area. This created  
10 a gap that trapped the covered feet of riders. This increased the risk of serious injury for an ankle  
11 fracture which was far beyond the risk assumed by the uninformed and unsuspecting riders.

12  
13 In addition, defendants failed to warn riders of the increased risk associated with riding the  
14 SKYSLIDE, including the risk of suffering an ankle fracture due to the deficient design and grossly  
15 negligent operation of the SKYSLIDE.

16  
17 Despite knowing of serious injuries that occurred before plaintiff GAYLE YASHAR rode the  
18 SKYSLIDE, defendants failed to warn riders that the risk of serious injury was far greater than that  
19 inherent in going down a slide.

20  
21 The conduct of defendants was an extreme departure from what a reasonably careful operator of such  
22 an attraction would do in the same situation to prevent harm to their guests who purchased tickets  
23 to go down the SKYSLIDE. Defendants' conduct was especially egregious as they had knowledge  
24 that riders were suffering serious injury by reason of the dangerous and defective design, and  
25 negligent operation of the SKYSLIDE, and they concealed this enhanced risk from their guests.

26  
27 At said time and place, defendants were grossly negligent in the operation of the SKYSLIDE when  
28 plaintiff Gayle Yashar went down the slide and suffered an ankle fracture and other injuries.

THIS PROPERTY refers to SKYSPACE, and in particular the SKYSLIDE.

At said time and place the defendants proximately caused injuries and damages to said plaintiff by negligently, wantonly, recklessly, tortiously and unlawfully:

- 1. Entrusting, permitting, managing, maintaining, servicing, repairing, inspecting, testing, controlling and operating THIS PROPERTY; and
- 2. Designing, constructing and owning THIS PROPERTY; and
- 3. Instructing others regarding THIS PROPERTY and its use, maintenance, care and operation; and
- 4. Failing to warn, instruct, advise, protect and guard users regarding THIS PROPERTY; and
- 5. Conducting themselves with reference to this property and to plaintiff so as to cause THIS PROPERTY to be in a dangerous, defective, hazardous and unsafe condition and a concealed trap and to proximately cause injury and damages to plaintiff, including an ankle fracture.

As a proximate result thereof this plaintiff sustained permanent bodily injuries, and has had, and in the future will have, pain, suffering, worry and anxiety, all to plaintiff's general damages in an amount within the jurisdiction of the Court, and according to proof.

As a proximate result thereof this plaintiff incurred, and in the future will incur, medical and related expenses all to plaintiff's damage in such amount as will be proven at trial.

As a proximate result thereof this plaintiff has lost, and in the future will lose, the ability to do plaintiff's usual work and has, and will have, lost earning capacity all to plaintiff's damage in such amount as will be proven at trial.

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As a proximate result thereof plaintiff has lost the use of and interest on the money owed to plaintiff as permitted by law:

- A. On the general damages.
- B. On the medical expenses incurred to judgment.
- C. On the loss of earnings to judgment.

1 **PLAINTIFF, MORTY YASHAR, ALLEGES SECOND CAUSE OF ACTION AGAINST ALL**  
2 **DEFENDANTS FOR LOSS OF CONSORTIUM:**

3 25

4 Plaintiff Morty Yashar refers to and incorporates by reference paragraphs 1 through 24 as if fully set  
5 forth herein.

6 26

7 At all times herein mentioned plaintiff Morty Yashar and plaintiff Gayle Yashar were and are  
8 husband and wife.

9 27

10 As a proximate result of this incident, plaintiff Gayle Yashar has been unable to perform said work,  
11 services and duties as a spouse as before, and will be unable to perform the same in the future. By  
12 reason thereof, this plaintiff, Morty Yashar , has been deprived and in the future will be deprived of  
13 the work, services, duties, companionship and consortium of said spouse all to this plaintiff's further  
14 damage in such amount as will be proven at the time trial.

1 WHEREFORE THE FOLLOWING JUDGMENT AGAINST THE DEFENDANTS AND  
2 EACH OF THEM IS PRAYED FOR BY PLAINTIFF GAYLE YASHAR IN HER FIRST  
3 CAUSE OF ACTION:

- 4 1. Costs of suit;
- 5 2. Such other and further relief as this Court deems proper;
- 6 3. General damages in an amount within the jurisdiction of the Superior Court,  
7 and according to proof;
- 8 4. Medical and related expenses according to proof;
- 9 5. Loss of earnings and impaired earning capacity according to proof; and,
- 10 6. Prejudgment interest according to proof.

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1 WHEREFORE THE FOLLOWING JUDGMENT AGAINST THE DEFENDANTS AND  
2 EACH OF THEM IS PRAYED FOR BY PLAINTIFF, MORTY YASHAR, IN HIS SECOND  
3 CAUSE OF ACTION:

- 4 1. Costs of suit;
- 5 2. Such other and further relief as this Court deems proper;
- 6 3. General damages in an amount within the jurisdiction of the Superior Court,  
7 and according to proof; and
- 8 4. Prejudgment interest according to proof.

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