

1 **LAW OFFICES OF PERRY C. WANDER**  
2 Perry C. Wander (SBN: 102523)  
3 9454 Wilshire Boulevard, Penthouse  
4 Beverly Hills, California 90212  
5 Telephone: 310-274-9985  
6 Facsimile: 310-274-9987  
7 Email: pcwlaw@msn.com

8 Attorney for Plaintiffs Lovisa Jansson and Alva Lodberg Lantz

9  
10 **UNITED STATES DISTRICT COURT**

11  
12 **CENTRAL DISTRICT OF CALIFORNIA**

13  
14 LOVISA JANSSON, ALVA LIDBERG  
15 LANTZ

16 Plaintiffs,

17 vs.  
18 DEREK JAMES MINA, AND LISA MARIE  
19 MINA,

20 Defendants.

21 **CASE NO.:**

22 **COMPLAINT FOR DAMAGES**

23

24

25

26

27

28

- 1. NEGLIGENCE**
- 2. GROSS NEGLIGENCE**
- 3. TO ESTABLISH DISPOSITION OF  
VICIOUS DOG**

1 Plaintiffs LOVISA JANSSON and ALVA LIDBERG LANTZ (hereinafter "Plaintiffs"),  
2 hereby allege, based upon information and belief, except as to allegations concerning Plaintiffs, or  
3 her counsel, which allegations are made upon Plaintiffs' personal knowledge, against defendant(s)  
4 DEREK JAMES MINA, LISA MARIE MINA, (hereinafter "defendants"), as follows:  
5

6 **PARTIES**

7 1. Plaintiff, LOVISA JANSSON, is now, and at all times mentioned was, a resident of  
8 Sweden.

9 2. Plaintiff, ALVA LIDBERG LANTZ, is now, and at all times mentioned was, a  
10 resident of Sweden.

11 3. Defendant, DEREK JAMES MINA, is now, and at all times mentioned was, a  
12 resident of Campe Verde, Arizona and the owner of the real property commonly described as 2149  
13 S Diamond Creek Lane, Campe Verde, AZ 86322.

14 4. Defendant, LISA MARIE MINA, is now, and at all times mentioned was, a resident  
15 of Campe Verde, Arizona and the owner of the real property commonly described as 2149 S  
16 Diamond Creek Lane, Campe Verde, AZ 86322.

17 5. On or about October 21, 2015, in Campe Verde, Arizona, defendants were the  
18 owner and keeper of three vicious dogs, (hereinafter "the dog(s)'), which were accustomed to  
19 attack and bite people.

20 6. At all times mentioned, defendants wrongfully kept the dogs, well knowing the dogs  
21 to be of a ferocious, vicious, disposition and accustomed to attack and bite people.

## **JURISDICTION AND VENUE**

7. This Court has jurisdiction of this case under 28 U.S.C. § 1332 because the citizenship of the parties is entirely diverse and the amount in controversy exceeds \$75,000.00.

9. At all times mentioned, Plaintiffs were, and still are, citizens of Sweden.

10. At all times mentioned, Defendants were, and still are, residents of the State of Arizona.

11. Plaintiffs bring this lawsuit against Defendants, complaining about the grossly negligent supervision of Defendants dogs, which caused real harm and injury to Plaintiffs. Plaintiffs real medical expenses, pain and suffering.

12. Additionally, Plaintiffs pray for costs of suit and attorney's fees in this action; for compensatory, special, exemplary and punitive damages; for interest in an amount according to proof at trial, and for such other and further relief as the court may deem just and proper.

13. Accordingly, the amount in controversy far exceeds the \$75 000.00 threshold.

## GENERAL ALLEGATIONS

14. Plaintiffs are informed and believe and thereon allege that at all times herein mentioned, each of the defendants was the agent, servant or employee of the remaining defendant(s) and was at all times acting within the course and scope of said agency or relationship.

15. Plaintiffs allege upon information and belief, that the defendants and each of them, are in some manner or means negligently responsible for the damages allegedly sustained by Plaintiffs herein, and for the damages sustained by the Plaintiffs herein.

16. Plaintiffs are informed and believe and thereon allege that each of the defendant(s) designated herein as a fictitiously named defendant(s) is in some manner responsible for the events and occurrences herein referred to, and caused the damage to the Plaintiffs as herein alleged.

1       17. Plaintiffs are presently unaware of the true names or capacities of defendant(s),  
2 DOES 1 through 10, Inclusive and therefore sues said defendant(s) under such fictitious  
3 designations. When Plaintiffs become aware of their true names and capacities, they will amend  
4 the caption of this action to reflect their true names and capacities.  
5

6       18. At all times mentioned herein, each of the defendant(s) named in the caption of this  
7 Complaint and DOES 1 through 10, Inclusive, was and is the agent, servant, and employee of each  
8 of the other defendant(s), and all of the things alleged to have been done by said defendant(s) were  
9 done in the capacity, scope, and course of said agency, servitude, and employment.  
10

#### STATEMENT OF FACTS

11       19. On or about October 21, 2015, while visiting at defendants' property, the dogs,  
12 suddenly and without provocation on the part of Plaintiffs, viciously and violently lunged and  
13 attacked and bit Plaintiffs. The dogs' attack knocked resulted in serious injuries to the Plaintiff's  
14 bodies and extremities, requiring three surgeries and multiple hospital visits to heal.  
15

16       20. As a proximate result of the actions of the dogs, Plaintiffs sustained severe injuries  
17 that required medical attention according to proof at trial.  
18

19       21. While Defendants were away at work, Ms. Lantz heard rowdy noises suggesting  
20 something had been broken or disturbed. Soon thereafter, Ms. Lantz heard aggressive dog growls,  
21 then saw Defendants' first dog (known as "Patches"), out of his cage and approaching  
22 Defendants' second dog (known as "Ally") hostilely.  
23

24       22. Defendants' dog, Patches, was known to have extremely dangerous tendencies. Due  
25 to the negligent maintenance and restraint of Patches, the dog managed to easily escape its cage  
26 and commence a violent dogfight with the second dog, Ally. The dog's ferocious tendencies were  
27 well-known to Defendants, and conducted itself in similarly aggressive and violent manners in the  
28 past. These dangerous tendencies include, but are not limited to, trying to kill other dogs, fighting  
4

1 other dogs, and biting and injuring Defendants on multiple occasions.

2       23. In a good faith attempt to halt the fight and protect the dogs, Ms. Lantz opened  
3 Patches' cage and gestured for it to return. Despite not instigating an attack or approaching the  
4 dog, Patches (approximately 50 lbs.) lunged at Ms. Lantz and knocked her to the ground. While  
5 on the ground, Ms. Lantz was stuck in the middle of the brutal dogfight and further attacked and  
6 bitten by both dogs.

7       24. Plaintiff, Ms. Jansson, heard Ms. Lantz' cries for help, and soon thereafter found her  
8 on the ground being attacked. During Ms. Jansson's attempt to save Ms. Lantz from further injury  
9 and trauma, she noticed Defendants' third dog (known as "Jake") leaving a bedroom in the house  
10 and approaching the dogfight. As Jake forcefully ran by Ms. Jansson, she felt an excruciating pain  
11 in her ankle; Patches was biting into her left leg and through her Achilles. Once she broke free of  
12 the dog's bite, she was unable to walk, became faint and fell to the ground.

13       25. After moments of screams and panic, Ms. Jansson was able to regain her strength  
14 and hop on one leg to a phone, at which time she dialed 911. An ambulance, animal control and  
15 local police arrived at Defendants' home to find Ms. Jansson in severe pain and Ms. Lantz  
16 immobilized on the ground.

17       26. Both Plaintiffs were rushed to the Emergency Room and received stitches in  
18 connection to the dog bites.

19       27. In addition to the stitches, Ms. Jansson underwent two surgeries to remove Patches'  
20 embedded teeth and bone fragments from her ankle. An area of bone was broken off Ms.  
21 Jansson's fibula.

22       28. At the time of the attack, Plaintiffs were visiting Arizona from Sweden, as one stop  
23 on a three-month road trip vacation through the United States.

29. As a result of Defendants' dogs, Plaintiffs were forced to spend much of their vacation in multiple hospitals, urgent care facilities and doctors' offices.

30. Plaintiffs have suffered, and continue to suffer, severe physical and emotional pain and trauma from the attacks occurring on October 21, 2015. Plaintiff's injuries include, but are not limited to, osteomyelitis-inflammation of bone caused by infection, soft tissue scarring, decreased range of motion near wound sites, discomfort performing standard daily tasks and walking, biomechanical imbalances, back pain and psychological PTSD. Further, both Ms. Lantz and Ms. Jansson have noticeable and unsightly scarring from the dog bites and subsequent surgeries on their ankles, legs, arms and hands.

31. Emotionally, Ms. Jansson has expressed irritability, anxiety, sadness, frustration, and lack of concentration. As part of her PTSD, she experiences frequent nightmares and recurring flashbacks of her own sore flesh and blood. Ms. Jansson still recalls vividly the attack, the dog's sharp canine teeth in her ankle, her attempt to escape the grip, and her friend screaming in pain. Ms. Jansson also requires scar revision surgery.

**FIRST CAUSE OF ACTION FOR NEGLIGENCE**  
(Against Defendants Derek J. Mina and Lisa M. Mina)

32. Plaintiff hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein.

33. On or about October 21, 2015, defendants did carelessly, recklessly, and negligently own, keep, maintain, possess and/or control the dog, which defendants knew, or in the exercise of reasonable care and diligence should have known was violent, vicious and had a tendency to attack, bite and assault persons without reason or provocation.

34. On such date, and as a direct and proximate result of the negligence and carelessness of the defendants in failing to warn the Plaintiffs of the vicious nature of such animals or protect

1 the Plaintiffs from such animals, such animals savagely attacked and bit the Plaintiffs directly and  
2 proximately resulting in great physical, mental and nervous pain, suffering, anguish and injuries  
3 all in an amount, scope and extent subject to proof at trial.

4  
5 35. On such date, defendant(s) owed a duty of care to the Plaintiffs to exercise  
6 reasonable care and precautions in the supervision, training and securing of the dog so as to  
7 prevent foreseeable harm to the Plaintiffs and others like them, but that notwithstanding such  
8 duties, the defendants did breach and violate same in manners including but not limited to:

9 (a) Failing to take reasonable, precautions to secure the dog from attacking,  
10 and biting the Plaintiffs;

11 (b) Failing to adequately restrain, leash, cage or otherwise secure the dog  
12 when defendants knew, or had reason to know of the dog's vicious propensities and the likelihood  
13 of it attacking and biting the Plaintiff;

15 (c) In inadequately training and/or supervising and/or tending such animals; and

16 (d) In otherwise negligently failing to exercise that degree of care, diligence, caution  
17 and reasonable precautions as would be demonstrated by a reasonably prudent person under the  
18 same or similar circumstances so as to prevent any risk of foreseeable harm to the Plaintiff.

19  
20 36. As a direct and proximate result of the said negligence, carelessness and unlawful  
21 conduct of the defendants, and each of them, as hereinabove set forth, Plaintiffs were hurt and  
22 injured in her health, strength, activity, and sustained injuries to her muscular, spinal and nervous  
23 systems and was caused great pain and suffering. Plaintiffs are informed and believe and based  
24 thereon allege that said injuries will result in some permanent disability to said Plaintiffs, all to her  
25 general damage in a sum in excess of the minimum jurisdiction of this Court.

26  
27 37. As a further direct and proximate result of the said conduct of defendants, and each  
28 of them, Plaintiffs were required to, and did employ physicians, surgeons, doctors and specialists

1 to examine, treat and care for Plaintiffs, and did incur medical and incidental expenses in an  
2 amount which is unknown at this time. Plaintiffs are informed and believe and based thereon  
3 allege that additional expenses may be incurred in the future, in an amount which is unknown at  
4 this time. Plaintiffs will seek leave of Court to amend this Complaint to set forth the correct  
5 amounts of all medical and incidental expenses when the same have been ascertained.  
6

7 38. As a further direct and proximate result of the said conduct of defendants, and each  
8 of them, as hereinabove set forth, Plaintiffs were prevented from continuing forth in their  
9 scheduled travels, resulting in additional expenses. Plaintiffs are informed and believe and based  
10 thereon allege that she will, in the future, be prevented from so attending to her usual occupation,  
11 as a result of the injuries. The exact nature and amount of the damage sustained as a result thereof  
12 is, at this time, unknown to Plaintiffs, who will ask leave of Court to amend this Complaint, if  
13 required, to allege the same with certainty when ascertained.  
14

15 **SECOND CAUSE OF ACTION FOR GROSS NEGLIGENCE**  
16 (Against Defendants Derek J. Mina and Lisa M. Mina)

17 39. Plaintiff hereby incorporates by reference the allegations contained in the foregoing  
18 paragraphs as if fully set forth herein.

19 40. At such place, date and time, defendants knew that the dogs were vicious and violent  
20 and the dogs had a tendency and propensity to bite and attack persons without provocation or  
21 reason.

22 41. As a direct result of the failure of the defendants to warn the Plaintiff of the violent  
23 propensities of the dogs and to protect Plaintiffs from the dogs, Plaintiffs were caused to sustain  
24 great and permanent injuries when the dogs savagely attacked the Plaintiffs, in an amount, scope  
25 and extent as subject to proof at trial.

42. Plaintiffs injuries were sustained as a result of Defendants carelessness in reckless disregard for the safety or lives of others, and constitutes a conscious violation of other people's, including, but not limited to the Plaintiffs', right of safety.

43. Defendants' conscious and reckless disregard for Plaintiff's safety includes, but is not limited to:

(a) Knowingly subjecting Plaintiffs access to the dogs with the knowledge that the dogs have dangerous and violent tendencies:

(b) Knowingly leaving Plaintiffs alone and in the presence of the violent dogs, despite actual knowledge of the dogs' violent tendencies:

(c) Recklessly failing to adequately secure the dogs in cages sufficient to restrain dogs of that size, with the knowledge and foresight that the dogs would be able to break free while Plaintiffs were licensed to be on the property

43. Defendants, DEREK J. MINA, LISA M. MINA, AND DOES 1-10, INCLUSIVE, knowingly failed to take reasonable precautions to protect Plaintiff, which constituted a conscious disregard of Plaintiff's rights as a licensee of the Defendants, and justifies an award of punitive and exemplary damages, in a sum of \$500,000 according to proof at trial.

## **THIRD CAUSE OF ACTION TO ESTABLISH DISPOSITION OF VICIOUS DOG**

**DISPOSITION OF VENUES DOG**  
(Against Defendants Derek J. Mina and Lisa M. Mina)

44. Plaintiff hereby incorporates by reference the allegations contained in the foregoing paragraphs as if fully set forth herein

45. At all times mentioned, the dogs created a significant threat to public safety, were ferocious, vicious, and of a mischievous disposition and accustomed to attack and bite humans, and in fact did bite the Plaintiffs as alleged herein.

1       46. At all times mentioned, Arizona Revised Statutes § 11-1014 was in full force and  
2 effect. Pursuant to A.R.S. § 11-1014, if the dog is determined to be vicious, the county  
3 enforcement agency may destroy the vicious animal by order of justice of the peace or a city  
4 magistrate, upon notice to the owner and a hearing. Additional procedures and processes to protect  
5 all parties may be implemented, and the owner of a vicious animal shall be responsible for any  
6 fees incurred by the enforcement agent for the impounding and disposing of the vicious animal.

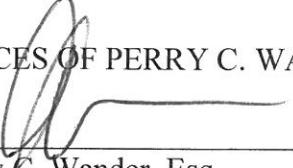
7 WHEREFORE, Plaintiffs request judgment against defendants for:

8       1. General compensatory damages, according to proof;  
9       2. Punitive damages, according to proof;  
10       3. Special damages for medical expenses, according to proof;  
11       4. Special damages for lost wages and income, according to proof;  
12       5. Interest according to law;  
13       6. Cost of suit; and  
14       7. A finding that the dog is vicious and should be destroyed;  
15       8. Such other and further relief as the Court may deem just and proper.

16       Dated: January 10, 2017

17       LAW OFFICES OF PERRY C. WANDER

18       By \_\_\_\_\_

19         
20       Perry C. Wander, Esq.  
21       Attorney for Plaintiffs  
22       Lovisa Jansson and Alva Lodberg Lantz