

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): LAW OFFICES OF DAVID KYLE SBN 55821 3941 South Bristol Street, Suite D520 Santa Ana, CA 92704 TELEPHONE NO: 714-444-2522 FAX NO. (Optional): 714-444-3422 E-MAIL ADDRESS (Optional): latriallawyer@yahoo.com ATTORNEY FOR (Name): Plaintiff	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO STREET ADDRESS: 600 Union Ave MAILING ADDRESS: Same CITY AND ZIP CODE: Fairfield, CA 94533 BRANCH NAME: Hall of Justice	
PLAINTIFF: Walter C. Nikkel DEFENDANT: Pacific Gas & Electric Company, Wellington Energy, Landis & Gyr,	
<input checked="" type="checkbox"/> DOES 1 TO 200	
COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Product Liability <input checked="" type="checkbox"/> Property Damage <input checked="" type="checkbox"/> Wrongful Death <input type="checkbox"/> Personal Injury <input checked="" type="checkbox"/> Other Damages (specify): As prayed for	
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited	CASE NUMBER:

1. Plaintiff (name or names): Walter C. Nikkel
 alleges causes of action against defendant (name or names):
 Pacific Gas & Electric Company, Wellington Energy, Landis & Gyr
2. This pleading, including attachments and exhibits, consists of the following number of pages:
3. Each plaintiff named above is a competent adult
 - a. except plaintiff (name):
 - (1) a corporation qualified to do business in California
 - (2) an unincorporated entity (describe):
 - (3) a public entity (describe):
 - (4) a minor an adult
 - (a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) other (specify):
 - (5) other (specify):
 - b. except plaintiff (name):
 - (1) a corporation qualified to do business in California
 - (2) an unincorporated entity (describe):
 - (3) a public entity (describe):
 - (4) a minor an adult
 - (a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) other (specify):
 - (5) other (specify):

Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

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4. Plaintiff (name):
 is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

- a. **except** defendant (name): Pacific Gas & Electric Co. **except** defendant (name): Landis & Gyr
- | | |
|---|---|
| (1) <input type="checkbox"/> a business organization, form unknown
(2) <input checked="" type="checkbox"/> a corporation
(3) <input type="checkbox"/> an unincorporated entity (describe):

(4) <input type="checkbox"/> a public entity (describe):
(5) <input type="checkbox"/> other (specify): | (1) <input checked="" type="checkbox"/> a business organization, form unknown
(2) <input type="checkbox"/> a corporation
(3) <input type="checkbox"/> an unincorporated entity (describe):

(4) <input type="checkbox"/> a public entity (describe):
(5) <input type="checkbox"/> other (specify): |
|---|---|

- b. **except** defendant (name): Wellington Energy
- (1) a business organization, form unknown
 (2) a corporation
 (3) an unincorporated entity (describe):

 (4) a public entity (describe):
 (5) other (specify):

- d. **except** defendant (name):
- (1) a business organization, form unknown
 (2) a corporation
 (3) an unincorporated entity (describe):

 (4) a public entity (describe):
 (5) other (specify):

Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

- a. Doe defendants (specify Doe numbers): 1 - 20 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. Doe defendants (specify Doe numbers): 21 - 25 are persons whose capacities are unknown to plaintiff.

7. Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

- a. at least one defendant now resides in its jurisdictional area.
 b. the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
 c. injury to person or damage to personal property occurred in its jurisdictional area.
 d. other (specify):

9. Plaintiff is required to comply with a claims statute, and

- a. has complied with applicable claims statutes, or
 b. is excused from complying because (specify):

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10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):
- a. Motor Vehicle
 - b. General Negligence
 - c. Intentional Tort
 - d. Products Liability
 - e. Premises Liability
 - f. Other (*specify*):

11. Plaintiff has suffered
- a. wage loss
 - b. loss of use of property
 - c. hospital and medical expenses
 - d. general damage
 - e. property damage
 - f. loss of earning capacity
 - g. other damage (*specify*):

12. The damages claimed for wrongful death and the relationships of plaintiff to the deceased are
- a. listed in Attachment 12.
 - b. as follows:

loss of comfort, society, companionship, mental, emotional and nervous pain and suffering and other damages and injuries in an amount, extent and scope not yet presently fully known.

13. The relief sought in this complaint is within the jurisdiction of this court.

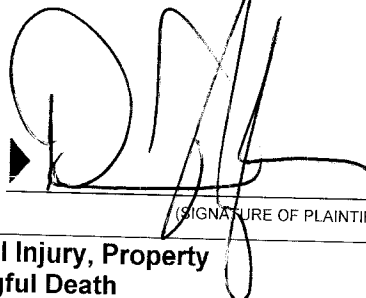
14. **Plaintiff prays** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for
- a. (1) compensatory damages
 - (2) punitive damages
- The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):
- (1) according to proof
 - (2) in the amount of: \$

15. The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: 6/10/12

David Kyle

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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First _____ **CAUSE OF ACTION—Products Liability** Page 4
 (number)

ATTACHMENT TO Complaint Cross - Complaint
 (Use a separate cause of action form for each cause of action.)

Plaintiff (name): Walter C. Nikkel

Prod. L-1. On or about (date): July 9, 2010 plaintiff was injured by the following product:

an electrical device commonly known as "smart meter" which was manufactured, designed, assembled, retailed, sold, distributed, installed, maintained and involuntarily placed into the stream of commerce.

Prod. L-2. Each of the defendants knew the product would be purchased and used without inspection for defects. The product was defective when it left the control of each defendant. The product at the time of injury was being

- used in the manner intended by the defendants.
- used in the manner that was reasonably foreseeable by defendants as involving a substantial danger not readily apparent. Adequate warnings of the danger were not given.

Prod. L-3. Plaintiff was a

- purchaser of the product. user of the product.
- bystander to the use of the product. other (specify):

PLAINTIFF'S INJURY WAS THE LEGAL (PROXIMATE) RESULT OF THE FOLLOWING:

Prod. L-4. **Count One—Strict liability** of the following defendants who

a. manufactured or assembled the product (names):

Pacific Gas & Electric Company, Landis & Gyr

Does 1 _____ to 8 _____

b. designed and manufactured component parts supplied to the manufacturer (names):

Does 9 _____ to 11 _____

c. sold the product to the public (names):

Does 12 _____ to 15 _____

Prod. L-5. **Count Two—Negligence** of the following defendants who owed a duty to plaintiff (names):

Does 1 _____ to 15 _____

Prod. L-6. **Count Three—Breach of warranty** by the following defendants (names):

Does 1 _____ to 15 _____

a. who breached an implied warranty

b. who breached an express warranty which was
 written oral

Prod. L-7. The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are
 listed in Attachment-Prod. L-7 as follows:

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Second _____ **CAUSE OF ACTION—General Negligence** Page 5
 (number)

ATTACHMENT TO Complaint Cross - Complaint
 (Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Walter C. Nikkel

alleges that defendant (name): Pacific Gas & Electric Company, Wellington Energy, Landis Gyr

Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): July 9, 2010

at (place): Vacaville, California

(description of reasons for liability):

Involuntarily placing an electrical device commonly known as a "smart meter" on the residence located at 230 Arbor Street, Vacaville, California on or about July 8, 2010 in such a negligent manner, and without regard for the safety of its occupants; which resulted in a fire that caused the death of Larry Nikkel.

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Law Offices of David Kyle SBN 55821
3941 S. Bristol Street, Suite D520, Santa Ana, CA 92704
TELEPHONE NO.: 714-444-2522 FAX NO.: 714-444-3422
E-MAIL ADDRESS: latriallawyer@yahoo.com
ATTORNEY FOR (Name): Plaintiff

NAME OF COURT: Solano Superior Court
STREET ADDRESS: 600 Union Ave
MAILING ADDRESS: Same
CITY AND ZIP CODE: Fairfield, CA 94533
BRANCH NAME: Hall of Justice

PLAINTIFF/ PETITIONER: Walter C. Nikkel
DEFENDANT/ RESPONDENT: Pacific Gas & Electric Company, et al.

CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and DECLARATION

CASE NUMBER:

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of witness, if known):

Vacaville Fire Department, 650 Merchant Street, Vacaville, CA 95688 (707) 449-5452

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below UNLESS your appearance is excused as indicated in box 3b below or you make an agreement with the person named in item 4 below.

a. Date: _____ Time: _____ Dept.: Div.: Room:
b. Address: 600 Union Ave, Fairfield, CA 94533

2. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

3. YOU ARE (item a or b must be checked):

- a. Ordered to appear in person and to produce the records described in the declaration on page two or the attached declaration or affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
- b. Not required to appear in person if you produce (i) the records described in the declaration on page two or the attached declaration or affidavit and (ii) a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose the original declaration of the custodian with the records. Seal the envelope. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number; your name; and the date, time, and place from item 1 in the box above. (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party listed at the top of this form.

4. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE YOU ARE TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

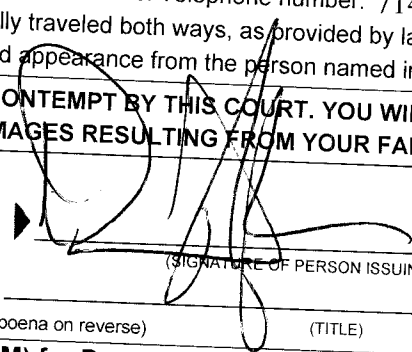
a. Name of subpoenaing party or attorney: David Kyle
b. Telephone number: 714-444-2522
5. Witness Fees: You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 4.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: 6/13/12

David Kyle

(TYPE OR PRINT NAME)



(SIGNATURE OF PERSON ISSUING SUBPOENA)

(Declaration in support of subpoena on reverse)

(TITLE)