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11
12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF LOS ANGELES**

Dept 0

14 PETER WOLF-MILLESSE, an individual; LEA)
15 WOLF-MILLESSE, an individual; ELGA)
16 MAURER, an individual; NINO MILLESSE, a)
17 minor by and through his Guardian Ad Litem,)
18 LEA WOLF-MILLESSE; ad GAETANO WOLF-)
19 MILLESSE, a minor by and through his)
20 Guardians Ad Litem, PETER WOLF-MILLESSE)
21 and LEA WOLF-MILLESSE,)

18 Plaintiffs,

20 vs.

21 CAITLYN JENNER, an individual, and
22 DOES 1-50,

23 Defendant.

24 CAITLYN JENNER, an individual,

25 Cross-Complainant,

26 vs.

27 JESSICA STEINDORFF and ROES 1-10,
28 inclusive,

Cross-Defendant.

FILED
Superior Court of California
County of Los Angeles

JUL 29 2016

Sherril B. Carter, Executive Officer/Clerk
By *[Signature]* Deputy
Darnetta Smith

CASE NO. BC580571 [Lead Case]

(Consolidated with Case No. BC603365)

**FIRST AMENDED CROSS-COMPLAINT
FOR:**

- 1) TOTAL INDEMNITY
- 2) IMPLIED PARTIAL INDEMNITY
- 3) DECLARATORY RELIEF
- 4) NEGLIGENCE - *RESPONDEAT SUPERIOR*

1 COMES NOW, Cross-Complainant, CAITLYN JENNER and amends her Cross-Complaint
2 for causes of action and alleges as follows against Cross-Defendants, JESSICA STEINDORFF
3 ("STEINDORFF"), CLINT BREWER ("BREWER"), SCOTT ALFIERI ("ALFIERI"), INSIGHT
4 NEWS & FEATURES, INC. ("INSIGHT"), and BRANDED ENTERTAINMENT NETWORK,
5 INC. dba SPLASH NEWS ("BRANDED"). ALFIERI, BREWER, BRANDED and INSIGHT are
6 collectively referred to as "the Stalker Defendants."

7 **THE PARTIES**

8 1. At all times herein mentioned, Cross-Complainant, CAITLYN JENNER
9 ("JENNER"), is a resident of the County of Los Angeles, California, at all times and places herein
10 mentioned.

11 2. Cross-Complainant is informed and believes and thereon alleges that at all relevant
12 times STEINDORFF was a resident of the State of California.

13 3. Cross-Complainant is informed and believes that at all relevant times BREWER was
14 a resident of the State of California and an employee or agent of BRANDED.

15 4. Cross-Complainant is informed and believes that at all relevant times ALFIERI was a
16 resident of the State of California and an employee or agent of INSIGHT.

17 5. Cross-Complainant is informed and believes that at all relevant times INSIGHT was a
18 corporation licensed to do business and doing business in the State of California, and the employer
19 or principal of ALFIERI.

20 6. Cross-Complainant is informed and believes that at all relevant times BRANDED
21 was a foreign corporation licensed to do business and doing business in the State of California, and
22 the employer or principal of BREWER.

23 8. Cross-Complainant is informed and believes and thereon alleges that each Stalker
24 Defendant worked in concert with other stalkers and each was responsible for the acts, occurrences
25 and liabilities of each of the other Stalker Defendants.

26 **GENERAL ALLEGATIONS**

27 9. Cross Complainant is informed and believes that from early in the morning on
28 February 7, 2015, the Stalker Defendants were stalking JENNER, chasing JENNER, and harassing

1 JENNER, throughout the day up through the time of the accident. As JENNER was driving her
2 vehicle consistent with all laws and speed limits, the Stalker Defendants, and others acting in concert
3 with them, continuously, negligently, and recklessly operated their vehicles, tracking JENNER,
4 speeding up to tailgate JENNER, driving too close to take pictures while driving, and pulling up and
5 pulling back, driving alongside too close to take pictures while driving, zooming up and back and
6 passing on the right. Cross-Complainant is informed and believes that each Stalker Defendant was
7 also alerting other stalkers lying in wait who would follow, harassing JENNER and negligently and
8 recklessly operating their vehicles.

9 10. As a direct consequence and result of this stalking, harassing and distracting conduct,
10 Cross-Complainant was visually distracted, and the negligence and reckless conduct of the Stalker
11 Defendants did contribute to the cause of an accident where seconds and split seconds mattered.

12 11. Cross-Complainant is informed and believes and thereon alleges that Stalker
13 Defendants negligently and recklessly operated their vehicles, and acted with a conscious disregard
14 for public safety, by acts or omission which include, but are not limited to the following: (1) driving
15 at a speed unreasonable for the conditions in violation of California Vehicle Code Section 22350; (2)
16 recklessly driving a vehicle upon a highway in willful or wanton disregard for the safety of persons
17 or property in violation of California Vehicle Code Section 23103; (3) recklessly driving causing
18 injury in violation of California Vehicle Code Section 23104 (a); (4) interfering with the driver of a
19 vehicle so as to affect the driver's ability to control the vehicle, in violation of California Vehicle
20 Code Section 21701; (5) driving at an unsafe distance in violation of California Vehicle Code
21 Section 21703; and (6) tailgating with the intent to capture a visual image, sound recording, or
22 physical impression of another person for commercial purposes, in violation of California Vehicle
23 Code Section 40008.

24 12. Cross-Defendant is informed and believes and thereon alleges that STEINDORFF
25 negligently and recklessly operated the vehicle she was driving with a conscious disregard for public
26 safety by way of acts or omission which include, but are not limited to, the following: (1) sitting
27 stopped in the middle of Pacific Coast Highway looking at her cellphone; (2) driving at a speed
28 (zero) unreasonable for the conditions in violation of California Vehicle Code Section 22350; (3)

1 recklessly driving causing injury in violation of California Vehicle Code Section 23104; and (4)
2 driving with a suspended license in violation of California Vehicle Code Section 14601.

3 13. Upon information and belief, at all pertinent times mentioned herein, BREWER was
4 acting in the course and scope of his employment by BRANDED, for the benefit or convenience of
5 BRANDED, and BRANDED is liable for BREWER's negligence described above under the
6 doctrine of *respondeat superior*.

7 14. Upon information and belief, at all pertinent times mentioned herein, ALFIERI was
8 acting in the course and scope of his employment by INSIGHT, for the benefit or convenience of
9 INSIGHT, and INSIGHT is liable for BREWER's negligence described above under the doctrine of
10 *respondeat superior*.

11 15. Plaintiffs, PETER WOLF-MILLESSE, an individual; LEA WOLF-MILLESSE, an
12 individual; ELGA MAURER, an individual; NINO MILLESSE, a minor by and through his Guardian
13 Ad Litem, LEA WOLF-MILLESSE; and GAETANO WOLF-MILLESSE, a minor by and through his
14 Guardians Ad Litem, PETER WOLF-MILLESSE and LEA WOLF-MILLESSE, filed a Complaint in the
15 Superior Court for the County of Los Angeles, alleging that as a direct and proximate result of the
16 negligence of Defendants (including the Cross-Complainant herein), Plaintiffs suffered damages as
17 alleged therein.

18 **FIRST CAUSE OF ACTION**

19 **(Total Indemnity)**

20 16. An actual controversy has arisen and now exists between Cross-Complainant and
21 Cross-Defendants, and each of them, regarding the rights, obligations and duties of the Cross-
22 Defendants with respect to the Complaint and Cross-Complaint.

23 17. Cross-Complainant contends that the Cross-Defendants, and each of them, are legally
24 responsible for some or all of the alleged damages sought by the Complaint.

25 18. Cross-Defendants have a duty to contribute, and/or Cross-Complainant is entitled to
26 be indemnified or partially indemnified for any and all recovery that Plaintiffs may receive.

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1 **SECOND CAUSE OF ACTION**

2 **(Declaratory Relief – Implied Partial Indemnity)**

3 19. Cross-Complainant hereby incorporates by reference each and every allegation
4 contained in Paragraphs 1 through 18, inclusive, as though fully set forth at length herein.

5 20. Cross-Complainant contends that if she is held liable in any ascertainable percentage,
6 then an amount up to that percentage, and the remaining percentage of liability, should be assessed
7 against Cross-Defendants, and each of them, according to the principles of implied partial indemnity.

8 21. The liability of Cross-Defendants, and each of them, shall be based upon the principle
9 that they are legally responsible in an amount proportionate to the comparative responsibility and
10 degree of fault of Cross-Defendants, and each of them.

11 **THIRD CAUSE OF ACTION**

12 **(Declaratory Relief – Contribution or Equitable Apportionment)**

13 22. Cross-Complainant hereby incorporates by reference each and every allegation
14 contained in Paragraphs 1 through 21, inclusive, as though fully set forth at length herein.

15 23. An actual controversy has arisen and now exists between Cross-Complainant and
16 Cross-Defendants, and each of them, regarding the respective liabilities and the responsibilities for
17 the alleged damages claimed by Plaintiffs.

18 24. Cross-Complainant contends that to the extent Plaintiffs suffered any damages, the
19 distribution of those responsibilities among Cross-Complainant and Cross-Defendants, and each of
20 them, must be apportioned on the basis of their respective percentages of comparative negligence, if
21 any, in contributing to the alleged damages.

22 25. If Cross-Complainant is held liable for any damages, Cross-Complainant should be
23 entitled to bear responsibility for a several judgment separate and distinct from any joint and/or
24 several liability judgment that might be rendered against Cross-Defendants, and each of them.

25 26. Cross-Complainant desires a judicial determination of the duties, rights and liabilities,
26 if any, of each and every party herein for the damages alleged by the Plaintiffs.

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1 **FOURTH CAUSE OF ACTION**

2 **(Negligence/*Respondeat Superior* as to Cross-Defendants Branded Entertainment Network,**
3 **Inc. dba Splash News and Insight News & Features, Inc.)**

4 27. Cross-Complainant hereby incorporates by reference each and every allegation
5 contained in Paragraphs 1 through 26, inclusive, as though fully set forth at length herein.

6 28. Upon information and belief, at all pertinent times BREWER was operating within
7 the scope of his employment and agency for BRANDED.

8 29. Upon information and belief, at all pertinent times ALFIERI was operating within the
9 scope of his employment and agency for INSIGHT.

10 30. Cross-Defendants BRANDED and INSIGHT are therefore liable for the negligent
11 acts of the BREWER and ALFIERI under the doctrine of *respondeat superior*.

12 31. As a direct, legal and proximate result of the conduct of Cross-Defendants BREWER
13 and ALFIERI, as aforesaid, and for which BRANDED and INSIGHT are liable, Cross-Complainant
14 suffered financial losses, the exact amount of such losses to be stated according to proof, pursuant to
15 Section 425.10 of the California Code of Civil Procedure.

16 WHEREFORE, Cross-Complainant prays as follows:

- 17 1. For judgment against Cross-Defendants, and each of them, declaring that they are
18 under a duty to indemnify Cross-Complainant for the amount of any judgment
19 rendered against her;
- 20 2. For judgment against Cross-Defendants, and each of them, declaring that they are
21 under a duty to partially indemnify Cross-Complainant for a proportionate amount of
22 any judgment rendered against her;
- 23 3. For judgment against Cross-Defendants, and each of them, declaring that the liability
24 for the damages alleged by the Plaintiffs must be borne proportionately by the Cross-
25 Defendants;
- 26 4. For costs of suit incurred herein;
- 27 5. For attorney's fees pursuant to California Code of Civil Procedure §1021.6;
- 28 6. For investigation expenses; and

1 7. For such further relief as the court may deem just and proper.
2

3 DATED: July 29, 2016

THE BOESCH LAW GROUP
4 FORD, WALKER, HAGGERTY & BEHAR, LLP
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8 By: 

PHILIP W. BOESCH, JR.
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Attorneys for Defendant/Cross-Complainant CAITLYN
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1 PROOF OF SERVICE

2 STATE OF CALIFORNIA)
3 COUNTY OF LOS ANGELES) ss:

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5 I am employed in the County of Los Angeles, State of California. I am over the age of
6 eighteen (18) years and not a party to the within action. My business address is 225 Santa Monica
Boulevard, 11th Floor, Santa Monica, California 90401.

7 On July 29, 2016, I served the document described as:

8 **FIRST AMENDED CROSS-COMPLAINT FOR: 1) TOTAL INDEMNITY; 2) IMPLIED**
9 **PARTIAL INDEMNITY; 3) DECLARATORY RELIEF; 4) NEGLIGENCE –**
10 **RESPONDEAT SUPERIOR**

11 on counsel for the parties in this action, or on the parties *propria persona*, addressed as stated below:

12 ***SEE ATTACHED SERVICE LIST***

13 **BY MAIL:** By placing true and correct copies thereof in individual sealed envelopes, with
14 postage thereon fully prepaid, which I deposited with my employer for collection and mailing
by the United States Postal Service. I am readily familiar with my employer's practice for the
collection and processing of correspondence for mailing with the United States Postal
Service. In the ordinary course of business, this correspondence would be deposited by my
employer with the United States Postal Service that same day.

15 **BY NEXT-DAY DELIVERY:** Via Federal Express. I am readily familiar with my
16 employer's practice for the collection and processing of correspondence via Federal Express.
In the ordinary course of business, this correspondence would be dropped off at the Federal
Express Box located at 225 Santa Monica Boulevard, 11th Floor, Santa Monica, California
17 90401 – deposited by my employer with the United States Postal Service that same day.

18 **BY FACSIMILE:** I caused such document to be sent via facsimile to the above listed names
19 and facsimile numbers and received confirmed transmission reports indicating that this
document was successfully transmitted to the parties named above.

20 **(STATE)** I declare under penalty of perjury under the laws of the State of California and the
21 United States of America that the foregoing is true and correct.

22 Executed on July 29, 2016, at Santa Monica, California.

23 
24 _____
25 MICHELLE M. GARCIA

SERVICE LIST

Wolf-Millesi v. Jenner

Los Angeles Superior Court Case No. BC580571

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