



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

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Jun-18-2012 8:45 am

Case Number: CGC-12-521659

Filing Date: Jun-18-2012 8:42

Filed by: ELIAS BUTT

Juke Box: 001 Image: 03655434

COMPLAINT

WILLIAM K. FLINT et al VS. STRAVA, INC.

001C03655434

Instructions:

Please place this sheet on top of the document to be scanned.

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

STRAVA, INC., AND DOES 1 TO 20

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

William K. Flint I and Kathleen B. Flint

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Superior Court of California
County of San Francisco
400 McAllister, San Francisco, CA 94102

CASE NUMBER
(Número del Caso)

CGC-12-521659

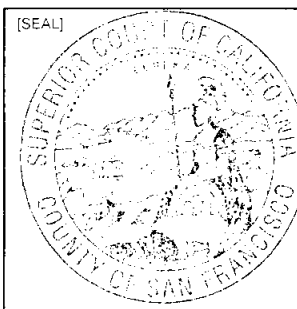
The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Richard W. Meier, Esq. 11 Embarcadero West, Suite 133, Oakland, CA 94607; 510-834-3600

DATE: JUN 18 2012
(Fecha)

CLERK OF THE COURT
Clerk, by
(Secretario)

[Signature]
Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
4. by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Richard W. Meier, Esq. (SBN: 40961), Susan Y. Kang (SBN: 273979)
11 Embarcadero West Ste. 133
Oakland, CA 94607
TELEPHONE NO.: 510-834-3600 FAX NO.: 510-834-2648
ATTORNEY FOR (Name): Plaintiffs: William K. Flint I and Kathleen B. Flint

FOR COURT USE ONLY
FILED
San Francisco County Superior Court
JUN 18 2012
CLERK OF THE COURT
BY: *[Signature]* Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco
STREET ADDRESS: 400 McAllister Street
MAILING ADDRESS: 400 McAllister Street
CITY AND ZIP CODE: San Francisco, CA 94102
BRANCH NAME:

CASE NAME: William K. Flint I and Kathleen B. Flint v. Strava, Inc.

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000)
 Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter **Joinder**
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: **CGC-12-521659**
JUDGE:
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:
- | | | |
|--|---|---|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37) | Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) |
| Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input checked="" type="checkbox"/> Other PI/PD/WD (23) | Real Property
<input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26) | Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20) |
| Non-PI/PD/WD (Other) Tort
<input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WD tort (35) | Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38) | Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42) |
| Employment
<input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): ONE
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: June 14, 2012
Richard W. Meier, Esq.
(TYPE OR PRINT NAME)

[Signature]
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address) Richard W. Meier (SBN 40961) Susan Y. Kang (SBN 273979) Law Office of Richard W. Meier 11 Embarcadero West, Ste 133, Oakland, CA 94607</p> <p>TELEPHONE NO 510-834-3600 FAX NO (Optional) 510-834-2648</p> <p>E-MAIL ADDRESS (Optional)</p> <p>ATTORNEY FOR (Name) Plaintiffs: William K. Flint I and Kathleen B. Flint</p>	<p>FOR COURT USE ONLY</p> <p>SUMMONS ISSUED</p> <p>FILED</p> <p>San Francisco County Superior Court</p> <p>JUN 18 2012</p> <p>CLERK OF THE COURT</p> <p>BY: <u>[Signature]</u> Deputy Clerk</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco</p> <p>STREET ADDRESS 400 McAllister Street MAILING ADDRESS 400 McAllister Street CITY AND ZIP CODE San Francisco, CA 94102 BRANCH NAME CIVIL</p>	
<p>PLAINTIFF: William K. Flint I and Kathleen B. Flint</p> <p>DEFENDANT: Strava, Inc.</p>	
<p><input checked="" type="checkbox"/> DOES 1 TO <u>20</u></p>	
<p>COMPLAINT—Personal Injury, Property Damage, Wrongful Death</p> <p><input type="checkbox"/> AMENDED (Number): Type (check all that apply):</p> <p><input type="checkbox"/> MOTOR VEHICLE <input type="checkbox"/> OTHER (specify): <input type="checkbox"/> Property Damage <input checked="" type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):</p>	
<p>Jurisdiction (check all that apply):</p> <p><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</p> <p><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</p>	<p>CASE NUMBER</p> <p>CGC-12-521659</p>

1. **Plaintiff** (name or names): William K. Flint I and Kathleen B. Flint
 alleges causes of action against **defendant** (name or names): Strava, Inc.

2. This pleading, including attachments and exhibits, consists of the following number of pages: ONE

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.

SHORT TITLE: FLINT V. STRAVA, INC.	CASE NUMBER
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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): Strava, Inc.
- (1) a business organization, form unknown
 - (2) a corporation
 - (3) an unincorporated entity (describe):
 - (4) a public entity (describe):
 - (5) other (specify):

- c. **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):

- b. **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):

- 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): 1-10 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): 11-20 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):

SHORT TITLE: FLINT V. STRAVA, INC.	CASE NUMBER
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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*): INTEREST AND COSTS OF SUIT

12. The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. listed in Attachment 12.
- b. as follows: Plaintiffs William K. Flint I and Kathleen B. Flint are the parents of the deceased, William K. Flint, II. William K. Flint, II did not have any surviving spouse, children and issue. Plaintiffs are entitled to decedent's property by intestate succession.

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)*):

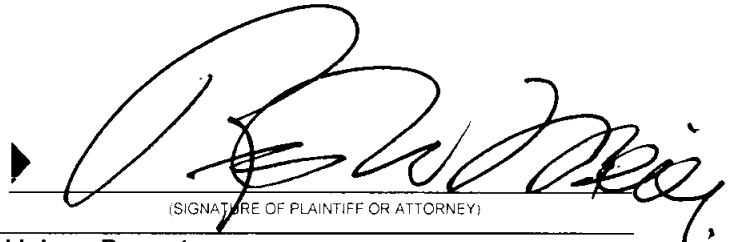
- (1) according to proof
- (2) in the amount of: \$

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

Date: June 14, 2012

Richard W. Meier

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE: FLINT V. STRAVA, INC.	CASE NUMBER
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 FIRST **CAUSE OF ACTION—General Negligence** Page 4
 (number)

ATTACHMENT TO Complaint Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): William K. Flint I and Kathleen B. Flint

alleges that defendant (name): Strava, Inc.

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): June 19, 2010

at (place): Near intersection of Grizzly Peak Blvd. and South Park Drive, Orinda, CA

(description of reasons for liability):

Defendant Strava, Inc. ("Defendant" or "Strava") operates a social networking website geared towards athletes. Athletes of all abilities sign up for a free or paid membership and thereafter have access to sign up for events hosted by Strava or share with other users their own workouts. A significant number of www.strava.com users are cyclists. Strava encourages the sport of cycling by creating, hosting, facilitating, promoting, and giving rewards for competitive races, including the "King of the Mountain (KOM)" challenge. The KOM challenge is an open-ended race. Those cyclists who want to sign up for the KOM challenge purchase Global Positioning System (GPS) monitors to submit accurate times and distances. The times are then posted onto Strava's website. Cyclists are encouraged to "tear it up" on the road. Strava has received increased notoriety in the sporting world due to the fast times posted to their website.

On June 19, 2010, William K. Flint, II ("Kim Flint Jr."), went out to a KOM challenge in Tilden Park, Orinda, CA. Kim Flint Jr. had previously posted the fastest KOM time, which was later beaten. Kim Flint Jr. went out the very next day after learning that he no longer had the fastest KOM time to regain his title. In pursuit of regaining his title, Kim Flint Jr. came in contact with an automobile and was killed.

Defendant Strava owed the deceased, Kim Flint Jr., a duty of care to use the degree of care that a reasonable person in the same situation would have used to protect their users from danger. Defendant breached their duty of care by: (1) failing to warn cyclists competing in KOM challenge that the road conditions were not suited for racing and that it was unreasonably dangerous given those conditions; (2) failing to take adequate measures to ensure the KOM challenges took place on safe courses, and (3) encouraging dangerous behavior. It was foreseeable that the failure to warn of dangerous conditions, take safety measures, and encourage dangerous behavior would cause Kim Flint Jr. to die since Kim Flint Jr. justifiably relied on Defendant to host a safe challenge. Had Defendant done the aforementioned acts, Kim Flint Jr. would not have died as he did.

Kim Flint Jr. lost his life due to Defendant's negligence in failing to host a safe competition. Plaintiffs, his surviving parents and intestate heirs, seek compensatory damages for Defendant's negligence.