

BLANCHARD E. TUAL, Administrator) CASE NO. EC 034380
 of the Estate of BONNY LEE)
 BAKLEY on behalf of the Heirs of) **COMPLAINT FOR DAMAGES FOR**
 said Decedent,) **WRONGFUL DEATH**
)
 Plaintiff,)
)
 vs.)
)
 ROBERT BLAKE, aka MICHAEL)
 GUBITOSI; EARLE CALDWELL; DOE 1,))
 DOE 2, DOE 3, DOE 4, DOE 5, DOE)
 6 and DOES 7 through 50,)
)
 Defendants.)
 _____)

THE LAW OFFICES OF BARRY NOVACK

DATED: April 29, 2002

By: _____

BARRY NOVACK

Attorneys for Plaintiff

**PLAINTIFF ALLEGES FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS
FOR WRONGFUL DEATH:**

1

The full extent of the facts linking the fictitiously designated Defendants with this cause of action is unknown to Plaintiff, or the true names or capacities, whether individual, plural, corporate, partnership, associate, or otherwise, of Defendants DOES 1 through 50 are unknown to Plaintiff. Plaintiff therefore sues said Defendants by such fictitious names. Plaintiff is informed, believe, and allege, that each of the Defendants designated herein as a DOE is negligently, wantonly, recklessly, tortiously, and unlawfully responsible in some manner for the events and happenings herein referred to and negligently, wantonly, recklessly, tortiously, and unlawfully proximately caused injury and damages to Plaintiff, as herein alleged, and/or if this is a wrongful death case that some of said DOES may be an heir a law presently unknown to Plaintiff, who has not joined as a party plaintiff. Plaintiff will hereafter ask leave of Court to amend this Complaint to show said Defendants' true names and capacities after the same have been ascertained.

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At all times herein mentioned each Defendant was the agent of each and all of the other Defendants and was acting within the course and scope of said agency.

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The events giving rise to this cause of action occurred on or about May 4, 2001 at or near the Los Angeles suburb of Studio City, CA.

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At all times herein mentioned Defendants ROBERT BLAKE aka MICHAEL GUBITOSI and EARLE CALDWELL were residents of Los Angeles County.

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At all times herein mentioned, the Defendants and each of them were engaged in a joint venture and common enterprise and acting within the scope of and in pursuance of the joint venture and common enterprise.

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Prior to filing this action, plaintiff was appointed by the Probate Court of Shelby County, Tennessee, as Administrator, d.b.n.c.t.a. of the Estate of Bonny Lee Bakley, and is now the personal representative of said Decedent. Plaintiff is bringing this action on behalf of the heirs of Bonny Lee Bakley, identified below.

7

Plaintiff believes all heirs of plaintiff's Decedent Bonny Lee Bakley are named below. If other heirs are discovered plaintiff will ask leave of Court to amend this Complaint to reflect such unknown heir as a DOE. The heirs are:

- A. GLENN PAUL GAWRON, Son
- B. HOLLY LEE GAWRON, Daughter
- C. JERI LEE LEWIS, Daughter

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D. ROSE LENORE SOPHIA BLAKE, Daughter

Although defendant ROBERT BLAKE is the Decedent's surviving spouse, he is precluded from any recovery because he may not profit from his own intentional, wilful, and tortious wrongdoing.

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Plaintiff is informed and believes and based thereon alleges that prior to the date of this incident, defendants conspired to kill and murder plaintiff's Decedent, BONNY LEE BAKLEY, as is detailed in the Felony Complaint, attached hereto as Exhibit 1 and incorporated by reference.

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On or about May 4, 2001, defendant ROBERT BLAKE murdered his wife by shooting her with a gun while she was sitting in his vehicle.

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By reason of Decedent's death, Decedent's heirs acting through Decedent's personal representative, have been permanently deprived of the love, care, comfort, companionship, services, society, solace, affection, instruction, advice, training, guidance, protection, counsel, contributions, accumulations, inheritance and right of inheritance of said Decedent, and have suffered grief and sorrow, all to their damage in an amount within the jurisdiction of this Court, and according to proof.

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By reason of Decedent's death, Decedent's power to earn and accumulate money and property has been destroyed, and Decedent's heirs, acting through the Decedent's personal representative, have been permanently deprived of this support.

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By reason of said incident, plaintiff has lost the use of and interest on the money owed to plaintiff from the date of this incident to judgment as permitted by law on the lost support and on the pecuniary value of the loss of love, care, comfort, companionship, services and society.

13

The above-mentioned conduct of defendants was wilful, wanton and intended to and did actually cause the death of BONNY LEE BAKLEY such that the conduct of defendants was oppressive and malicious as those terms are defined in California Civil Code §3294. Thus, if defendants, including ROBERT BLAKE and EARLE CALDWELL, are convicted of a felony based upon the death of Decedent BONNY LEE BAKLEY, then plaintiff herein is entitled to punitive damages under California Civil Code §3294(d).

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The conduct of defendants as described above constitutes a felony. Plaintiff seeks attorneys' fees pursuant to Code of Civil Procedure §1021.4 if any defendant is convicted of a felony.

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**WHEREFORE THE FOLLOWING JUDGMENT AGAINST ALL DEFENDANTS IS
PRAYED FOR BY PLAINTIFF:**

1. Costs of suit;
2. Such other and further relief as this Court deems proper;
3. General damages in an amount within the jurisdiction of the Superior Court, and according to proof;
4. Special damages for loss of support and loss of services;
5. Prejudgment interest according to proof;
6. Punitive damages in such amount as proven at trial; and
7. Attorneys' fees pursuant to CCP §1021.4.