

Assigned for all purposes to: Spring Street Courthouse, Judicial Officer: Kristin Escalante

1 PANISH SHEA & BOYLE LLP
BRIAN J. PANISH, State Bar No. 116060
2 *panish@psblaw.com*
KEVIN R. BOYLE, State Bar No. 192718
3 *boyle@psblaw.com*
SPENCER LUCAS, State Bar No. 232498
4 *lucas@psblaw.com*
MATTHEW STUMPF, State Bar No. 301867
5 *stumpf@psblaw.com*
11111 Santa Monica Boulevard, Suite 700
6 Los Angeles, California 90025
Telephone: 310.477.1700
7 Facsimile: 310.477.1699

8 Attorneys for PLAINTIFFS

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF LOS ANGELES**

12
13 MATTHEW MAUSER, an individual and as
Successor in Interest to CHRISTINA
14 MAUSER; PENELOPE MAUSER, a minor,
by and through her Guardian MATTHEW
15 MAUSER; THOMAS MAUSER, a minor, by
and through his Guardian MATTHEW
16 MAUSER; IVY MAUSER, a minor, by and
through her Guardian MATTHEW MAUSER,

17 PLAINTIFFS,

18 v.

19 ISLAND EXPRESS HELICOPTERS, INC., a
20 California Corporation; ISLAND EXPRESS
HOLDING CORP., a California Corporation;
21 and DOES 1-50,

22 Defendants.
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25
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Case No. **20STCV14973**

COMPLAINT FOR DAMAGES
(WRONGFUL DEATH AND SURVIVAL ACTION)

1. NEGLIGENCE

DEMAND FOR JURY TRIAL

PANISH SHEA & BOYLE LLP
11111 Santa Monica Boulevard, Suite 700
Los Angeles, California 90025
310.477.1700 phone • 310.477.1699 fax

1 COMES NOW plaintiffs MATTHEW MAUSER, an individual and as Successor in
2 Interest to CHRISTINA MAUSER, PENELOPE MAUSER, a minor, by and through her Guardian
3 MATTHEW MAUSER, THOMAS MAUSER, a minor, by and through his Guardian MATTHEW
4 MAUSER, and IVY MAUSER, by and through her Guardian MATTHEW MAUSER, for causes
5 of action against Defendants ISLAND EXPRESS HELICOPTERS, INC., a California
6 Corporation; ISLAND EXPRESS HOLDING CORP., a California Corporation; and DOES 1-50,
7 who complain and allege as follows:
8

9 **GENERAL ALLEGATIONS**

10 1. On January 26, 2020, a Sikorsky S-76B helicopter, bearing FAA registration (tail
11 number N72EX (hereafter “Subject Helicopter”), crashed in Calabasas, California, resulting in the
12 death of all passengers on board including Christina Mauser. (hereafter referred to as the “Subject
13 Helicopter Incident”).

14 2. Plaintiff Matthew Mauser is the surviving spouse of Christina Mauser. Plaintiff
15 Matthew Mauser resides within the State of California. At all times relevant herein, Plaintiff
16 Matthew Mauser is the successor in interest for decedent Christina Mauser and accordingly
17 succeeds to the decedent’s interests in this action and hereby asserts survival claims and all
18 allowable survival damages.

19 3. Plaintiff Penelope Mauser is the surviving daughter of Christina Mauser. Plaintiff
20 Penelope Mauser is a minor represented by and through her Guardian Matthew Mauser, who is her
21 natural father.

22 4. Plaintiff Thomas Mauser is the surviving son of Christina Mauser. Plaintiff
23 Thomas Mauser is a minor represented by and through his Guardian Matthew Mauser, who is his
24 natural father.

25 5. Plaintiff Ivy Mauser is the surviving daughter of Christina Mauser. Plaintiff Ivy
26 Mauser is a minor represented by and through her Guardian Matthew Mauser, who is her natural
27 father.

28 6. Defendant Island Express Helicopters, Inc., (“Island Express Helicopters”), at all

1 times herein relevant, is a California corporation located at 1175 Queens Highway, Long Beach,
2 California, and it conducts regular business activities in Los Angeles County, California.

3 7. Defendants Island Express Holding Corp. (“Island Express Holding”), at all times
4 herein relevant, is a California corporation located at 67 D Street, Fillmore, California, and it
5 conducts regular business activities in Los Angeles County, California.

6 8. At all times material hereto, Defendants Island Express Helicopters and Island
7 Express Holding were the operators, owners, lessees, managers, and/or maintainers of the Subject
8 Helicopter.

9 9. At all times material hereto, Defendants Island Express Helicopters and Island
10 Express Holding were acting by and through their agents, servants and/or employees, each of
11 whom was acting within the course and scope of his, her, or its employment or agency with
12 defendants.

13 10. The true names and capacities, whether individual, plural, corporate, partnership,
14 associate, or otherwise, of DOES 1 through 50, inclusive, are unknown to plaintiffs who therefore
15 sue said defendants by such fictitious names. The full extent of the facts linking such fictitiously
16 sued defendants is unknown to plaintiffs. Plaintiffs are informed and believe, and thereupon
17 allege, that each of the defendants designated herein as a DOE was, and is, legally responsible, in
18 negligence or in some other actionable manner, for the events and happenings of the Subject
19 Helicopter Incident, and thereby legally and proximately caused the death of Christina Mauser, as
20 well as damages to plaintiffs. Plaintiffs will hereafter seek leave of the Court to amend this
21 Complaint to show the defendants’ true names and capacities after the same have been
22 ascertained.

23 11. Plaintiffs are informed and believe, and thereon allege, that at all times mentioned
24 herein, defendants, and each of them, were the agents, servants, employees, successors in interest,
25 and/or joint venturers of their co-defendants, and each was, as such, acting within the course,
26 scope, and authority of said agency, employment and/or venture, and that each and every
27 defendant, as aforesaid, when acting as a principal, was negligent in the selection of each and
28 every other defendant as an agent, servant, employee, successor in interest, and/or joint venturer.

1 12. By reason of the careless, negligent, and unlawful acts and/or omissions of the
2 defendants, and each of them, as stated herein, and as a direct consequence of the crash and
3 matters herein alleged, Plaintiffs, individually, and as successor in interest, have sustained
4 wrongful death and survival damages, economic and non-economic damages, funeral and burial
5 expenses, and all other damages available by law.

6
7 **FIRST CAUSE OF ACTION FOR WRONGFUL DEATH AND SURVIVAL DAMAGES**

8 **NEGLIGENCE**

9 **[Brought by All Plaintiffs as Against Defendants Island Express Helicopters, Inc., Island**
10 **Express Holding Corp., and DOES 1 through 50, inclusive]**

11 13. Plaintiffs re-allege and incorporate herein by reference each and every allegation
12 and statement contained in the prior paragraphs.

13 14. Defendants Island Express Helicopters, Island Express Holding, and DOES 1
14 through 50, inclusive, and each of them, and their employees and/or agents, owed a duty of care to
15 all reasonably foreseeable people, including the passengers of the Subject Helicopter, to own,
16 lease, manage, maintain, control, entrust, charter, and operate the Subject Helicopter in a
17 reasonable manner.

18 15. At all relevant times, Defendants Island Express Helicopters, Island Express
19 Holding, and DOES 1 through 50, inclusive, and each of them, were acting through their
20 employees and/or agents whom themselves were acting within the course and scope of their
21 employment and/or agency with Defendants Island Express Helicopters, Island Express Holding,
22 and/or other unknown DOE defendants.

23 16. Plaintiffs are informed and believe, and thereon allege, that at all times mentioned
24 herein, Island Express Helicopters, Island Express Holding, and DOES 1 through 50, inclusive,
25 and each of them, and their employees and/or agents, negligently and carelessly breached their
26 duty to own, lease, manage, maintain, control, entrust, charter, and operate the Subject Helicopter
27 in a reasonable manner.

28 17. Plaintiffs are informed and believe, and thereon allege, that at all times mentioned

1 herein, defendants Island Express Helicopters, Island Express Holding, and DOES 1 through 50,
2 inclusive, and each of them, and their employees and/or agents, were negligent and careless, in
3 regards to owning, leasing, managing, maintaining, controlling, entrusting, chartering, and
4 operating the Subject Helicopter was the direct, legal and proximate cause, and were a substantial
5 factor in causing, the death of plaintiffs' decedent Christina Mauser, as well as plaintiffs'
6 significant damages and losses.

7 18. As a direct, legal and proximate result of the careless, negligent, and unlawful
8 conduct of defendants Island Express Helicopters, Island Express Holding, and DOES 1 through
9 50, inclusive, and each of them, Plaintiffs each suffered damages resulting from the loss of love,
10 affection, care society, service, comfort, society, support, right of support, expectations of future
11 support and counseling, companionship, solace and mental support, training, and guidance, as well
12 as other benefits and assistance, of their decedent, all to their noneconomic damages, which will
13 be stated according to proof.

14 19. As a direct, legal and proximate result of the careless, negligent, and unlawful
15 conduct of defendants Island Express Helicopters, Island Express Holding, and DOES 1 through
16 50, inclusive, and each of them, Plaintiff Matthew Mauser suffered damages resulting from the
17 loss of enjoyment of sexual relations, loss of household services, and all other economic and
18 noneconomic for the loss of a spouse, which will be stated according to proof.

19 20. As a direct, legal and proximate result of the careless, negligent, and unlawful
20 conduct of defendants Island Express Helicopters, Island Express Holding, and DOES 1 through
21 50, inclusive, and each of them, Plaintiffs suffered damages resulting from the deprivation of
22 financial support and assistance, loss of gifts, loss of future contributions and pecuniary benefits,
23 loss of inheritance of prospective accumulations, all to their economic damages, which will be
24 stated according to proof.

25 21. As a direct, legal and proximate result of the careless, negligent, and unlawful
26 conduct of defendants Island Express Helicopters, Island Express Holding, and DOES 1 through
27 50, inclusive, and each of them, Plaintiffs have incurred economic expenses, including but not
28 limited to medical, funeral, burial and/or incidental expenses related to the death of their decedent,

1 in an amount to be determined according to proof.

2 22. As a direct, legal and proximate result of the careless, negligent, and unlawful
3 conduct of defendants Island Express Helicopters, Island Express Holding, and DOES 1 through
4 50, inclusive, and each of them, decedent Christina Mauser was injured in her person and property
5 for a discernible period of time prior to her death. As successor in interest to decedent Christina
6 Mauser, Plaintiff Matthew Mauser hereby asserts a survival claim on behalf of the decedent and
7 seeks all survival damages allowed by law.

8
9 **PRAYER FOR RELIEF**

10 Plaintiffs pray for judgment against defendants Island Express Helicopter, Inc., and Island
11 Express Holding Corp., and DOES 1 through 50, inclusive, and each of them, as follows:

- 12 1. For wrongful death general damages and special damages according to proof;
- 13 2. For noneconomic damages, including but not limited to loss of love, affection, care
14 society, service, comfort, society, support, right of support, expectations of future support and
15 counseling, companionship, solace and mental support, training, and guidance, and services of
16 decedent to her survivors and heirs;
- 17 3. For economic damages, including but not limited to deprivation of financial
18 support and assistance, loss of gifts, loss of future contributions and pecuniary benefits, loss of
19 inheritance of prospective accumulations;
- 20 4. For loss of enjoyment of sexual relations, as to plaintiff Matthew Mauser;
- 21 5. For loss of household services;
- 22 6. For funeral and burial expenses;
- 23 7. Full value of life of the decedent for her wrongful death;
- 24 8. For survival damages;
- 25 8. For prejudgment interest as allowed by law;
- 26 9. For post-judgment interest as allowed by law;
- 27 10. For cost of suit incurred herein; and
- 28 11. For such other and further relief as this court may deem just and proper.

1 DATED: April 17, 2020

PANISH SHEA & BOYLE LLP

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By: 

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Brian Panish
Kevin Boyle
Spencer Lucas
Matthew Stumpf
Attorneys for PLAINTIFFS

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DEMAND FOR JURY TRIAL

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Plaintiffs Matthew Mauser, Penelope Mauser, Thomas Mauser, and Ivy Mauser hereby
demand a trial by jury as to all causes of action.

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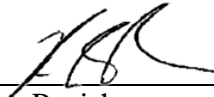
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DATED: April 17, 2020

PANISH SHEA & BOYLE LLP

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By: 

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Brian Panish
Kevin Boyle
Spencer Lucas
Matthew Stumpf
Attorneys for PLAINTIFFS

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11111 Santa Monica Boulevard, Suite 700
Los Angeles, California 90025
310.477.1700 phone • 310.477.1699 fax