

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Michael Stern

1 PARSEKIAN LAW CORPORATION
Thomas N. Parsekian, State Bar No. 156582
2 1999 Avenue of the Stars, Suite 1100
Los Angeles, CA 90067
3 Tel: (310) 270-9940
Fax: (310) 270-9941
4

5 Attorneys for Plaintiff
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES
10

11 BROOKE PARSEKIAN, an individual;) CASE NO. 19STCV20887
12)
13)

12 Plaintiff,

13 **COMPLAINT FOR PERSONAL INJURY:**

14 vs.)

14 (1) STRICT LIABILITY [DOG BITE]
CIVIL CODE §3342;

15 MICHAEL R. ARNSTEIN, an individual;
16 AIRBNB, INC., a California corporation; and
DOES 1 through 200, inclusive,)

15 (2) STRICT LIABILITY [FAILURE TO
REMOVE KNOWN DANGER]
16 CIVIL CODE §3342.5;

17 Defendants.)
18)
19)

17 (3) NEGLIGENCE PER SE;

18 (4) NEGLIGENCE [JOINT
19 VENTURE];

20 (5) PREMISES LIABILITY;

21 (6) INTENTIONAL INFLICTION OF
22 EMOTIONAL DISTRESS; AND

23 (7) MALICIOUS CONDUCT
24 [PUNITIVE DAMAGES]

25 Plaintiff BROOKE PARSEKIAN (“plaintiff”) for her Complaint for Damages against
26 defendants MICHAEL R. ARNSTEIN (“Arnstein), an individual; AIRBNB, INC. (“Airbnb”), a
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1 California corporation; and DOES 1 through 200, inclusive, and each of them (collectively
2 “defendants”), alleges as follows:

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4 **Parties, Jurisdiction and Venue**

5 1. Plaintiff Brooke Parsekian is and at all relevant times mentioned was an individual
6 residing in the County of Los Angeles, State of California. Plaintiff suffered severe, significant
7 and scarring injuries to her body and person while lawfully visiting the home of defendant
8 Arnstein, and being suddenly and without provocation attacked, mauled and bitten by defendant
9 Arnstein’s 72 pound German Pointer dog, said dog having a history of viciously attacking and
10 biting other residents living in the neighborhood of said defendant.

11 2. Defendant Michael Arnstein is and at all relevant times mentioned was an
12 individual residing in the County of Los Angeles, State of California. Said defendant owned,
13 controlled, resided in, and rented out through and with the assistance of his joint venturer
14 defendant Airbnb the premises upon which defendant Arnstein housed a vicious 72 pound German
15 Pointer dog (along with a second dog of similar breed and size). Said vicious dog was unrestrained
16 and free roaming, and defendant Arnstein negligently permitted said dog to come in contact with
17 and attack and injure plaintiff herein, with knowledge of said dog’s history of attacking and biting
18 innocent neighbors. Defendant Arnstein’s German Pointer dog caused plaintiff’s injuries and
19 damages as alleged herein.

20 3. Defendant Airbnb, Inc. (“Airbnb”) is and at all relevant times mentioned was a
21 corporation organized and existing under the laws of the State of California, and soliciting,
22 advertising and doing business as an American online marketplace and hospitality service
23 brokerage company in all of the counties of the State of California, including the County of Los
24 Angeles. The negligent conduct by commission and omission of defendant Airbnb caused the
25 damages suffered by plaintiff as alleged herein, and occurred upon the premises provided by
26 defendant Airbnb, which was owned by defendant Arnstein, Airbnb’s joint venturer/co-partner
27 herein, and controlled by both said defendants. Plaintiff is informed and believes and thereon
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1 alleges that defendant Airbnb either knew or should have known that their joint venturer/co-partner
2 defendant Arnstein housed on the Airbnb-offered premises a vicious German Pointer dog with a
3 history of attacking and biting unsuspecting individuals and/or did nothing whatsoever to ascertain
4 that important safety related information.

5 4. The true names and capacities of defendants DOES 1 through 200, inclusive, are
6 presently unknown to plaintiff, who therefore sues said defendants by such fictitious names.
7 Plaintiff will seek leave of the Court to amend this Complaint to insert the true names and
8 capacities of said fictitiously named defendants when the same have been ascertained.

9 5. Plaintiff is informed and believes and thereon alleges that each of the defendants
10 designated herein as Doe is contractually, negligently, carelessly, recklessly, wantonly, vicariously,
11 and otherwise tortiously, or legally responsible in some manner for the events and happenings
12 hereinafter alleged, either through said defendants' conduct or through the conduct of its agents,
13 servants, consultants, joint venturers, and employees, and each of them, or in some other manner.

14 6. Plaintiff is informed and believes and thereon alleges that at all relevant times
15 herein mentioned, each of the defendants was the agent, representative, principal, servant,
16 employee, partner, alter ego, joint venturer, successor-in-interest, assistant, and/or consultant of
17 each and every remaining defendant, and as such, was at all times acting within the course, scope,
18 purpose and authority of said agency, partnership and/or employment, and with the express or
19 implied knowledge, permission, authority, approval, ratification and consent of the remaining
20 defendants, and each defendant as an agent, representative, principal, servant, employee, partner,
21 alter ego, joint venturer, successor-in-interest, assistant, and/or consultant.

22 7. This Court has personal jurisdiction over defendants herein, and venue is properly
23 placed, for the following reasons, among others:

24 7.1 Defendant Arnstein is and at all relevant times herein mentioned was a
25 resident in the County of Los Angeles, State of California.
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1 7.2 Defendant Airbnb is and at all relevant times herein mentioned was a
2 California corporation doing business throughout the County of Los
3 Angeles, State of California.

4 7.3 The incident and injuries that are the subject of this action occurred in the
5 County of Los Angeles, State of California.
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7 **FACTS COMMON TO ALL CAUSES OF ACTION**

8 8. Plaintiff realleges and incorporates herein by this reference each and every
9 allegation contained in paragraphs 1 through 7 inclusive of this Complaint as though fully set forth
10 verbatim herein.

11 9. Defendants Arnstein and Airbnb entered into a joint venture and commercial
12 enterprise agreement with one another establishing a community of interest in a common business
13 undertaking, including an understanding as to sharing of profits and losses, and a right to control;
14 to wit, an agreement whereby defendant Airbnb and/or defendant Arnstein would solicit, advertise,
15 offer and provide a residential rental unit to the public, for both defendants' profit, share and share
16 alike. Notwithstanding and in addition to the foregoing, said defendants entered into an ostensible
17 partnership and/or ostensible agency whereby said defendants by and through their conduct
18 induced a reasonable and prudent plaintiff, i.e., plaintiff herein, to believe that defendant Airbnb
19 was and is defendant Arnstein's joint venturer/co-partner for whose acts defendant Airbnb also
20 assumes responsibility.

21 10. On or about the afternoon of May 1, 2019, plaintiff arrived at defendant Arnstein's
22 large single family residence at 812 Howard Street, Marina del Rey, Los Angeles County,
23 California to visit her friend who had rented a room from, by, and through, defendant Arnstein and
24 defendant Airbnb. It was the first day of plaintiff's residency for rent at the home and plaintiff was
25 invited in by her friend to visit and assist in unpacking and setting up her friend's residence in one
26 of the bedrooms therein. Parenthetically, plaintiff is informed and believes and thereon alleges that
27 defendant Arnstein and defendant Airbnb also rented out several of the other bedrooms in
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1 defendant Arnstein's home, all at the same time, and defendant Arnstein himself resided in the
2 home with said renters, and with defendant Arnstein's over 72 pound German Pointer dog (along
3 with a second dog of similar breed and size), unrestrained and roaming free. Defendant Arnstein
4 had specific knowledge that his German Pointer dog was vicious and had a history of biting,
5 having recently viciously attacked and bitten a nearby neighbor; yet, with'wanton and reckless,
6 indeed malicious disregard of said knowledge, defendant Arnstein allowed his vicious dog to roam
7 free and unrestrained in the home along with his several Airbnb renters, and their invitees,
8 including plaintiff herein.

9 11. Immediately upon being invited into defendant Arnstein's home on May 1, 2019,
10 defendant Arnstein's over 72 pound German Pointer dog viciously and aggressively assaulted
11 plaintiff, without provocation, repeatedly snapping its teeth and jaws at plaintiff's face, attempting
12 to kill plaintiff, biting plaintiff deeply in the arm as plaintiff shielded herself to protect her face,
13 said dog causing serious bodily injury to plaintiff, including lacerations, profuse bleeding and
14 trauma. Plaintiff, to save her life, was required to physically defend against defendant Arnstein's
15 vicious German Pointer dog, with nothing but her vulnerable body of petite stature, suffering
16 lacerations and scarring to her body to protect her face, and her life, ultimately fleeing out the front
17 door to prevent further injury. Emergency 911 was called and the Los Angeles Fire Department
18 Paramedics Unit arrived and treated plaintiff, then referred her immediately to Cedars-
19 Sinai Marina del Rey Hospital. There, plaintiff received follow-up medical care and medication to
20 heal and protect her wounds. As a result of the unprovoked attack upon plaintiff, plaintiff suffered
21 severe injury, including scarring, and severe emotional distress and anxiety, which continues to the
22 present day. As a further result of the attack, plaintiff was unable to continue at her employment;
23 and ultimately, due to plaintiff's employment being in the high-stress business of financial
24 marketplace sales, and stress management skills being required to perform her job effectively and
25 successfully, plaintiff was not able to continue at her place of employment.

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1 **FIRST CAUSE OF ACTION**

2 **STRICT LIABILITY [DOG BITE]**

3 **CIVIL CODE §3342**

4 **(By Plaintiff Brooke Parsekian Against Defendant**

5 **Michael R. Arnstein and Does 1 Through 200)**

6 12. Plaintiff realleges and incorporates herein by this reference each and every
7 allegation contained in paragraphs 1 through 11 inclusive of this Complaint as though fully set
8 forth verbatim herein.

9 13. As alleged more fully herein above, and at all relevant times mentioned herein,
10 defendant Michael R. Arnstein was and is the owner of the over 72 pound German Pointer dog that
11 viciously and without provocation attacked plaintiff herein.

12 14. As further alleged more fully herein above, said attack upon plaintiff by defendant
13 Arnstein's German Pointer dog occurred at defendant Arnstein's premises, which he owns and
14 controls, at 812 Howard Street, Marina del Rey, County of Los Angeles, while plaintiff was
15 lawfully in and upon defendant's Arnstein's premises.

16 15. As further alleged more fully herein above, defendant Arnstein rented out his
17 premises by, through, and with the assistance of his joint venturer/co-partner defendant Airbnb,
18 while defendant Arnstein was living in residence along with his German Pointer dogs, and other
19 Airbnb renters therein.

20 16. As further alleged more fully herein above, defendant Arnstein had specific
21 knowledge that his German Pointer dog was vicious and had a history of biting, having recently
22 viciously attacked and bitten a nearby neighbor; yet, with wanton and reckless, indeed malicious
23 disregard of said knowledge, defendant Arnstein allowed his vicious dog to roam free and
24 unrestrained in and upon his premises along with his several Airbnb renters, and their invitees,
25 including plaintiff herein.

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1 17. Defendant Arnstein owed a statutory duty to plaintiff to take such reasonable steps
2 as are necessary to remove any danger presented to plaintiff, and indeed other persons, from bites
3 by defendant Arnstein's animal; to wit, defendant Arnstein's over 72 pound German Pointer dog.
4 Defendant knew of said danger and with a willful, wonton and reckless, indeed malicious,
5 disregard of said knowledge, utterly failed to meet and fulfill his statutory obligation under
6 California Civil Code §§3342 and 3342.5. Defendant Arnstein is therefore strictly liable under
7 said statutes for the injuries caused to plaintiff as alleged herein above.

8 18. The aforesaid injuries as alleged herein above were occasioned by the intentional
9 misconduct, reckless, willful and malicious disregard, carelessness, and negligence of defendant
10 Arnstein herein without any negligence on the part of plaintiff contributing thereto.

11 19. As a direct and proximate result of the intentional misconduct, omissions, reckless
12 and willful and malicious disregard, carelessness and negligence of defendant Arnstein, as alleged
13 herein, plaintiff has suffered, and continues to suffer, the physical and emotional damages alleged
14 herein above and incorporated by reference herein, and are entitled to general, special and
15 exemplary damages the amount of which have not yet been fully ascertained but will be proven at
16 the time of trial.

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18 **SECOND CAUSE OF ACTION**
19 **[STRICT LIABILITY [FAILURE TO REMOVE KNOWN DANGER]**
20 **CIVIL CODE §3342.5**
21 **(By Plaintiff Brooke Parsekian against Defendant**
22 **Michael R. Arnstein and Does 1 Through 200)**

23 20. Plaintiff realleges and incorporates herein by this reference each and every
24 allegation contained in paragraphs 1 through 19 inclusive of this Complaint as though fully set
25 forth verbatim herein.

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1 21. As alleged more fully herein above, and at all relevant times mentioned herein,
2 defendant Michael R. Arnstein was and is the owner of the over 72 pound German Pointer dog that
3 viciously and without provocation attacked plaintiff herein.

4 22. As further alleged more fully herein above, said attack upon plaintiff by defendant
5 Arnstein's German Pointer dog occurred at defendant Arnstein's premises, which he owns and
6 controls, at 812 Howard Street, Marina del Rey, County of Los Angeles, while plaintiff was
7 lawfully in and upon defendant's Arnstein's premises.

8 23. As further alleged more fully herein above, defendant Arnstein rented out his
9 premises by, through, and with the assistance of his joint venturer/co-partner defendant Airbnb,
10 while defendant Arnstein was living in residence along with his German Pointer dogs, and other
11 Airbnb renters therein.

12 24. As further alleged more fully herein above, defendant Arnstein had specific
13 knowledge that his German Pointer dog was vicious and had a history of biting, having recently
14 viciously attacked and bitten a nearby neighbor; yet, with wanton and reckless, indeed malicious
15 disregard of said knowledge, defendant Arnstein allowed his vicious dog to roam free and
16 unrestrained in and upon his premises along with his several Airbnb renters, and their invitees,
17 including plaintiff herein.

18 25. Defendant Arnstein owed a statutory duty to plaintiff to take such reasonable steps
19 as are necessary to remove any danger presented to plaintiff, and indeed other persons, from bites
20 by defendant Arnstein's animal; to wit, defendant Arnstein's over 72 pound German Pointer dog.
21 Defendant knew of said danger and with a willful, wonton and reckless, indeed malicious,
22 disregard of said knowledge, utterly failed to meet and fulfill his statutory obligation under
23 California Civil Code §3342.5. Defendant Arnstein is therefore strictly liable under said statutes
24 for the injuries caused to plaintiff as alleged herein above.

25 26. The aforesaid injuries as alleged herein above were occasioned by the intentional
26 misconduct, reckless, willful and malicious disregard, carelessness, and negligence of defendant
27 Arnstein herein without any negligence on the part of plaintiff contributing thereto.

1 27. As a direct and proximate result of the intentional misconduct, omissions, reckless
2 and willful and malicious disregard, carelessness and negligence of defendant Arnstein, as alleged
3 herein, plaintiff has suffered, and continues to suffer, the physical and emotional damages alleged
4 herein above and incorporated by reference herein, and are entitled to general, special and
5 exemplary damages the amount of which have not yet been fully ascertained but will be proven at
6 the time of trial.

7 28. In addition to the foregoing, by authority of California Civil Code §3342.5, plaintiff
8 seeks a determination by the court whether conditions existing at the time of the vicious and
9 injurious attack upon plaintiff have been changed so as to remove the danger to other persons
10 presented by said animal; to wit, defendant Arnstein's over 72 pound German Pointer dog.
11 Moreover, plaintiff seeks from the court an order the court deems appropriate to prevent the
12 recurrence of such an incident, including but not limited to the removal of the animal from the area
13 or destruction if necessary.

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15 **THIRD CAUSE OF ACTION**

16 **NEGLIGENCE PER SE**

17 **(By Plaintiff Brooke Parsekian against Defendant**
18 **Michael R. Arnstein and Does 1 Through 200))**

19 29. Plaintiff realleges and incorporates herein by this reference each and every
20 allegation contained in paragraphs 1 through 28, inclusive, of this Complaint, as though fully set
21 forth verbatim herein.

22 30. As alleged more fully herein above, and at all relevant times mentioned herein,
23 defendant Michael R. Arnstein was and is the owner of the over 72 pound German Pointer dog that
24 viciously and without provocation attacked plaintiff herein.

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1 31. As further alleged more fully herein above, said attack upon plaintiff by defendant
2 Arnstein's German Pointer dog occurred at defendant Arnstein's premises, which he owns and
3 controls, at 812 Howard Street, Marina del Rey, County of Los Angeles, while plaintiff was
4 lawfully in and upon defendant's Arnstein's premises.

5 32. As further alleged more fully herein above, defendant Arnstein rented out his
6 premises by, through, and with the assistance of his joint venturer/co-partner defendant Airbnb,
7 while defendant Arnstein was living in residence along with his German Pointer dogs, and other
8 Airbnb renters therein.

9 33. As further alleged more fully herein above, defendant Arnstein had specific
10 knowledge that his German Pointer dog was vicious and had a history of biting, having recently
11 viciously attacked and bitten a nearby neighbor; yet, with wanton and reckless, indeed malicious
12 disregard of said knowledge, defendant Arnstein allowed his vicious dog to roam free and
13 unrestrained in and upon his premises along with his several Airbnb renters, and their invitees,
14 including plaintiff herein.

15 34. Defendant Arnstein owed a statutory duty to plaintiff to take such reasonable steps
16 as are necessary to remove any danger presented to plaintiff, and indeed other persons, from bites
17 by defendant Arnstein's animal; to wit, defendant Arnstein's over 72 pound German Pointer dog.
18 Defendant knew of said danger and with a willful, wonton and reckless, indeed malicious,
19 disregard of said knowledge, utterly failed to meet and fulfill his statutory obligations under
20 California Civil Code §§3342 and 3342.5.

21 35. The attack upon plaintiff by defendant Arnstein's over 72 pound German Pointer
22 dog with a history of biting other persons, resulting in plaintiff's injuries as alleged herein above, is
23 specifically of a nature that California Civil Code §§3342 and 3342.5 were designed to prevent.

24 36. Plaintiff is among the class of persons for whose protection California Civil Code
25 §§3342 and 3342.5 were adopted by the California Legislature. Defendant Arnstein is therefore
26 liable for negligence per se under said statutes for the injuries caused to plaintiff as alleged herein
27 above.

1 37. The aforesaid injuries as alleged herein above were occasioned by the intentional
2 misconduct, reckless, willful and malicious disregard, carelessness, and negligence of defendant
3 Arnstein herein without any negligence on the part of plaintiff contributing thereto.

4 38. As a direct and proximate result of the intentional misconduct, omissions, reckless
5 and willful and malicious disregard, carelessness and negligence of defendant Arnstein, as alleged
6 herein, plaintiff has suffered, and continues to suffer, the physical and emotional damages alleged
7 herein above and incorporated by reference herein, and are entitled to general, special and
8 exemplary damages the amount of which have not yet been fully ascertained but will be proven at
9 the time of trial.

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11 **FOURTH CAUSE OF ACTION**

12 **NEGLIGENCE [JOINT VENTURE]**

13 **(By Plaintiff Brooke Parsekian against Defendants**

14 **Michael R. Arnstein, Airbnb, Inc. and Does 1 Through 200))**

15 39. Plaintiff realleges and incorporates herein by this reference each and every
16 allegation contained in paragraphs 1 through 38, inclusive, of this Complaint, as though fully set
17 forth verbatim herein.

18 40. As alleged more fully herein above, and at all relevant times mentioned herein,
19 defendant Michael R. Arnstein was and is the owner of the over 72 pound German Pointer dog that
20 viciously and without provocation attacked plaintiff herein.

21 41. As further alleged more fully herein above, said attack upon plaintiff by defendant
22 Arnstein's German Pointer dog occurred at defendant Arnstein's premises, which he owns and
23 which both defendant Arnstein and defendant Airbnb control, at 812 Howard Street, Marina del
24 Rey, County of Los Angeles, while plaintiff was lawfully in and upon defendant's Arnstein's
25 premises.

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1 42. As further alleged more fully herein above, defendant Arnstein had specific
2 knowledge that his German Pointer dog was vicious and had a history of biting, having recently
3 viciously attacked and bitten a nearby neighbor; yet, with wanton and reckless, indeed malicious
4 disregard of said knowledge, defendant Arnstein allowed his vicious dog to roam free and
5 unrestrained in and upon his premises along with his several Airbnb renters, and their invitees,
6 including plaintiff herein.

7 43. Defendants Arnstein and Airbnb entered into a joint venture and commercial
8 enterprise agreement with one another establishing a community of interest in a common business
9 undertaking, including an understanding as to sharing of profits and losses, and a right to control;
10 to wit, an agreement whereby defendant Airbnb and/or defendant Arnstein would solicit, advertise,
11 offer and provide a residential rental unit to the public, for both defendants' profit, share and share
12 alike. Notwithstanding and in addition to the foregoing, said defendants entered into an ostensible
13 partnership and/or ostensible agency whereby said defendants by and through their conduct
14 induced a reasonable and prudent plaintiff, i.e., plaintiff herein, to believe that defendant Airbnb
15 was and is defendant Arnstein's joint venturer/co-partner for whose acts defendant Airbnb also
16 assumes responsibility.

17 44. As further alleged more fully herein above, defendant Arnstein rented out his
18 premises by, through, and with the assistance of his joint venturer/co-partner defendant Airbnb,
19 while defendant Arnstein was living in residence along with his German Pointer dogs, and other
20 Airbnb renters therein. Both defendants had a duty of care, statutory and otherwise, to keep said
21 premises safe from unreasonable risk and injury to persons, including vicious dog attacks as
22 occurred against plaintiff, as more fully alleged herein above.

23 45. Plaintiff is informed and believes and thereon alleges that defendant Airbnb either
24 knew or should have known that their joint venturer/co-partner defendant Arnstein housed on the
25 Airbnb-offered premises a vicious German Pointer dog with a history of attacking and biting
26 unsuspecting individuals and/or did nothing whatsoever to ascertain that important safety related
27 information.

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1 46. As further alleged more fully herein above, the negligent conduct by commission
2 and omission of both defendants Airbnb and Arnstein caused the damages suffered by plaintiff as
3 alleged herein, and occurred upon the premises provided by defendant Airbnb, which was owned
4 by defendant Arnstein, Airbnb's joint venturer/co-partner herein, and controlled by both said
5 defendants.

6 47. The aforesaid injuries as alleged herein above were occasioned wholly and solely by
7 the reckless disregard, carelessness, and negligence of both defendant Arnstein and defendant
8 Airbnb herein without any negligence on the part of plaintiff contributing thereto.

9 48. As a direct and proximate result of the misconduct, omissions, reckless
10 disregard, carelessness and negligence of defendant Arnstein and defendant Airbnb, as alleged
11 herein, plaintiff has suffered, and continues to suffer, the physical and emotional damages alleged
12 herein above and incorporated by reference herein, and are entitled to general and special damages
13 the amount of which have not yet been fully ascertained but will be proven at the time of trial.

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15 **FIFTH CAUSE OF ACTION**

16 **[PREMISES LIABILITY]**

17 **(By Plaintiff Brooke Parsekian against Defendants**

18 **Michael R. Arnstein, Airbnb, Inc. and Does 1 Through 200))**

19 49. Plaintiff realleges and incorporates herein by this reference each and every
20 allegation contained in paragraphs 1 through 48, inclusive, of this Complaint, as though fully set
21 forth verbatim herein.

22 50. As alleged more fully herein above, and at all relevant times mentioned herein,
23 defendant Michael R. Arnstein was and is the owner of the over 72 pound German Pointer dog that
24 viciously and without provocation attacked plaintiff herein.

25 51. As further alleged more fully herein above, said attack upon plaintiff by defendant
26 Arnstein's German Pointer dog occurred at defendant Arnstein's premises, which he owns, and
27 which at all relevant times herein both defendant Arnstein and defendant Airbnb controlled and
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1 operated, at 812 Howard Street, Marina del Rey, County of Los Angeles, while plaintiff was
2 lawfully in and upon defendant's Arnstein's premises.

3 52. As further alleged more fully herein above, defendant Arnstein had specific
4 knowledge that his German Pointer dog was vicious and had a history of biting, having recently
5 viciously attacked and bitten a nearby neighbor; yet, with wanton and reckless, indeed malicious
6 disregard of said knowledge, defendant Arnstein allowed his vicious dog to roam free and
7 unrestrained in and upon his premises along with his several Airbnb renters, and their invitees,
8 including plaintiff herein.

9 53. Defendants Arnstein and Airbnb entered into a joint venture and commercial
10 enterprise agreement with one another establishing a community of interest in a common business
11 undertaking, including an understanding as to sharing of profits and losses, and a right to control;
12 to wit, an agreement whereby defendant Airbnb and/or defendant Arnstein would solicit, advertise,
13 offer and provide a residential rental unit to the public, for both defendants' profit, share and share
14 alike. Notwithstanding and in addition to the foregoing, said defendants entered into an ostensible
15 partnership and/or ostensible agency whereby said defendants by and through their conduct
16 induced a reasonable and prudent plaintiff, i.e., plaintiff herein, to believe that defendant Airbnb
17 was and is defendant Arnstein's joint venturer/co-partner for whose acts defendant Airbnb also
18 assumes responsibility.

19 54. As further alleged more fully herein above, defendant Arnstein rented out his
20 premises by, through, and with the assistance of his joint venturer/co-partner defendant Airbnb,
21 while defendant Arnstein was living in residence along with his German Pointer dogs, and other
22 Airbnb renters therein. Both defendants had a duty of care, statutory and otherwise, to keep said
23 premises safe from unreasonable risk and injury to persons, including vicious dog attacks as
24 occurred against plaintiff, as more fully alleged herein above.

25 55. Plaintiff is informed and believes and thereon alleges that defendant Airbnb either
26 knew or should have known that their joint venturer/co-partner defendant Arnstein housed on the
27 Airbnb-offered premises a vicious German Pointer dog with a history of attacking and biting
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1 unsuspecting individuals and/or did nothing whatsoever to ascertain that important safety related
2 information.

3 56. Defendant Arnstein and defendant Airbnb willfully and/or maliciously failed to
4 guard or warn against the dangerous condition and activity existing on said premises as alleged
5 more fully herein above and incorporated herein.

6 57. As further alleged more fully herein above, the negligent conduct by commission
7 and omission of both defendants Airbnb and Arnstein caused the damages suffered by plaintiff as
8 alleged herein, and occurred upon the premises provided by defendant Airbnb, which was owned
9 by defendant Arnstein, Airbnb's joint venturer/co-partner herein, and controlled by both said
10 defendants.

11 58. The aforesaid injuries as alleged herein above were occasioned wholly and solely by
12 the reckless and willful disregard, carelessness, and negligence of both defendant Arnstein and
13 defendant Airbnb herein without any negligence on the part of plaintiff contributing thereto.

14 59. As a direct and proximate result of the misconduct, omissions, reckless
15 and willful disregard, carelessness and negligence of defendant Arnstein and defendant Airbnb, as
16 alleged herein, plaintiff has suffered, and continues to suffer, the physical and emotional damages
17 alleged herein above and incorporated by reference herein, and are entitled to general and special
18 damages the amount of which have not yet been fully ascertained but will be proven at the time of
19 trial.

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21 **SIXTH CAUSE OF ACTION**

22 **[INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS]**

23 **(By Plaintiff Brooke Parsekian against Defendants**

24 **Michael R. Arnstein, Airbnb, Inc. and Does 1 Through 200))**

25 60. Plaintiff realleges and incorporates herein by this reference each and every
26 allegation contained in paragraphs 1 through 59, inclusive, of this Complaint, as though fully set
27 forth verbatim herein.

1 61. As alleged more fully herein above, and at all relevant times mentioned herein,
2 defendant Michael R. Arnstein was and is the owner of the over 72 pound German Pointer dog that
3 viciously and without provocation attacked plaintiff herein.

4 62. As further alleged more fully herein above, said attack upon plaintiff by defendant
5 Arnstein's German Pointer dog occurred at defendant Arnstein's premises, which he owns, and
6 which at all relevant times herein both defendant Arnstein and defendant Airbnb controlled and
7 operated, at 812 Howard Street, Marina del Rey, County of Los Angeles, while plaintiff was
8 lawfully in and upon defendant's Arnstein's premises.

9 63. As further alleged more fully herein above, defendant Arnstein had specific
10 knowledge that his German Pointer dog was vicious and had a history of biting, having recently
11 viciously attacked and bitten a nearby neighbor; yet, with wanton and reckless, indeed malicious
12 disregard of said knowledge, defendant Arnstein allowed his vicious dog to roam free and
13 unrestrained in and upon his premises along with his several Airbnb renters, and their invitees,
14 including plaintiff herein.

15 64. Defendants Arnstein and Airbnb entered into a joint venture and commercial
16 enterprise agreement with one another establishing a community of interest in a common business
17 undertaking, including an understanding as to sharing of profits and losses, and a right to control;
18 to wit, an agreement whereby defendant Airbnb and/or defendant Arnstein would solicit, advertise,
19 offer and provide a residential rental unit to the public, for both defendants' profit, share and share
20 alike. Notwithstanding and in addition to the foregoing, said defendants entered into an ostensible
21 partnership and/or ostensible agency whereby said defendants by and through their conduct
22 induced a reasonable and prudent plaintiff, i.e., plaintiff herein, to believe that defendant Airbnb
23 was and is defendant Arnstein's joint venturer/co-partner for whose acts defendant Airbnb also
24 assumes responsibility.

25 65. As further alleged more fully herein above, defendant Arnstein rented out his
26 premises by, through, and with the assistance of his joint venturer/co-partner defendant Airbnb,
27 while defendant Arnstein was living in residence along with his German Pointer dogs, and other
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1 Airbnb renters therein. Both defendants had a duty of care, statutory and otherwise, to keep said
2 premises safe from unreasonable risk and injury to persons, including vicious dog attacks as
3 occurred against plaintiff, as more fully alleged herein above.

4 66. Plaintiff is informed and believes and thereon alleges that defendant Airbnb either
5 knew or should have known that their joint venturer/co-partner defendant Arnstein housed on the
6 Airbnb-offered premises a vicious German Pointer dog with a history of attacking and biting
7 unsuspecting individuals and/or did nothing whatsoever to ascertain that important safety related
8 information.

9 67. Defendant Arnstein and defendant Airbnb willfully and/or maliciously failed to
10 guard or warn against the dangerous condition and activity existing on said premises as alleged
11 more fully herein above and incorporated herein.

12 68. As further alleged more fully herein above, the negligent conduct by commission
13 and omission of both defendants Airbnb and Arnstein caused the damages suffered by plaintiff as
14 alleged herein, and occurred upon the premises provided by defendant Airbnb, which was owned
15 by defendant Arnstein, Airbnb's joint venturer/co-partner herein, and controlled by both said
16 defendants.

17 69. The aforesaid injuries as alleged herein above were occasioned wholly and solely by
18 the reckless and willful disregard, carelessness, and negligence of both defendant Arnstein and
19 defendant Airbnb herein without any negligence on the part of plaintiff contributing thereto.

20 70. As a direct and proximate result of the misconduct, omissions, reckless
21 and willful disregard, carelessness and negligence of defendant Arnstein and defendant Airbnb, as
22 alleged herein, plaintiff has suffered, and continues to suffer, the physical and emotional damages
23 alleged herein above and incorporated by reference herein, and are entitled to general, special and
24 exemplary damages the amount of which have not yet been fully ascertained but will be proven at
25 the time of trial.

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1 71. Additionally, as a direct and proximate result of the misconduct, omissions, reckless
2 and willful disregard, carelessness and negligence of defendant Arnstein and defendant Airbnb,
3 plaintiff has incurred mental suffering, constituting an aggravation of plaintiff's damages including
4 but not limited to nervousness, fright, grief, anxiety, worry, mortification shock, humiliation,
5 indignity, embarrassment, apprehension, and terror as well as physical pain in an amount of which
6 have not yet been fully ascertained but will be proven at the time of trial.

7
8 **SEVENTH CAUSE OF ACTION**

9 **[MALICIOUS CONDUCT - PUNITIVE DAMAGES]**

10 **(By Plaintiff Brooke Parsekian against Defendant**

11 **Michael R. Arnstein and Does 1 Through 200))**

12 72. Plaintiff realleges and incorporates herein by this reference each and every
13 allegation contained in paragraphs 1 through 71, inclusive, of this Complaint, as though fully set
14 forth verbatim herein

15 73. As a direct and proximate result of the intentional misconduct; intentional
16 omissions; and, willful, reckless and wonton disregard by defendant Arnstein for plaintiff's safety
17 for a known dangerous and life-threatening condition, as alleged herein above, defendant is liable
18 for his malicious conduct as defined by California Civil Code §3294; and therefore, plaintiff
19 should recover, in addition to actual damages, damages to make an example of and to punish
20 defendant.

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1 WHEREFORE, plaintiff prays for judgment against defendants, and each of them, as
2 follows:

3 **ON THE FIRST CAUSE OF ACTION**

- 4 1. For general damages according to proof at trial;
5 2. For special damages according to proof at trial;
6 3. For costs of suit herein; and
7 4. For such other further relief the Court deems just and proper.

8 **ON THE SECOND CAUSE OF ACTION**

- 9 1. A determination by the court whether conditions existing at the time of the vicious
10 and injurious attack upon plaintiff have been changed so as to remove the danger to
11 other persons presented by said animal; to wit, defendant Arnstein's over 72 pound
12 German Pointer dog.
13 2. An order the court deems appropriate to prevent the recurrence of such an incident,
14 including but not limited to the removal of the animal from the area or destruction if
15 necessary.

16 **ON THE THIRD, FOURTH, FIFTH AND SIXTH CAUSES OF ACTION**

- 17 1. For general damages according to proof at trial;
18 2. For special damages according to proof at trial;
19 3. For costs of suit herein; and
20 4. For such other further relief the Court deems just and proper.


21 **ON THE FIRST, SECOND, THIRD, SIXTH AND SEVENTH CAUSES OF ACTION**

- 22 1. In addition actual damages, damages to make an example of and to punish
23 defendant Michael R. Arnstein.

24 DATED: June 14, 2019

PARSEKIAN LAW CORPORATION

26 By:

27 

Thomas N. Parsekian
Attorneys for Plaintiff