



Notice of Service of Process

Transmittal Number: 20447678
Date Processed: 09/26/2019

Primary Contact: Cheryl Fasinski
Avis Budget Group Inc.
6 Sylvan Way
Parsippany, NJ 07054

Electronic copy provided to: Litigation Department
Legal Mailbox
Patricia Minor
Courtney Copeland
Charlene Cox
Ms. C. Fasinski
Lindsay Clifford

Entity: Avis Budget Car Rental, LLC
Entity ID Number 2131329

Entity Served: AB Car Rental Services, Inc

Title of Action: Henry Michael Fuhrer vs. Avis Budget Group, Inc.

Document(s) Type: Summons and Amended Complaint

Nature of Action: Personal Injury

Court/Agency: Multnomah County Circuit Court, OR

Case/Reference No: 19CV38807

Jurisdiction Served: Oregon

Date Served on CSC: 09/25/2019

Answer or Appearance Due: 30 Days

Originally Served On: CSC

How Served: Personal Service

Sender Information: Thomas Melville
503-492-1100

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com

1
2 IN THE CIRCUIT COURT OF THE STATE OF OREGON
3 FOR THE COUNTY OF MULTNOMAH

4 HENRY MICHAEL FUHRER,

5
6 Plaintiff,

7 v.

8 AVIS BUDGET GROUP, INC., AVIS
9 BUDGET CAR RENTAL, LLC., PV
10 HOLDING CORP, AB CAR RENTAL
11 SERVICES, INC., AVIS RENT A CAR
12 SYSTEM, LLC, CONTINENTAL
CASUALTY COMPANY, GASPAR DAVID
MATEO, GASPAR DAVID PABLO, and
TADASHI DAVID EMORI,

13 Defendants.

Case No.: 19CV38807

SUMMONS

14 **TO: Defendant:** AB Car Rental Services, INC
15 **c/o Registered Agent: Corporation Service Company**, 1127 Broadway Street NE,
STE 310, Salem, OR 97301

16 **YOU ARE HEREBY ORDERED TO APPEAR AND DEFEND** the complaint filed
17 against you in the above entitled action with thirty (30) days from the date of service of
18 this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s)
will apply to the court for the relief demanded in the complaint.

19 _____
/s/

20 Thomas Melville, OSB# 971282

21 **NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY!**

22 You must "appear" in this case or the other side will win automatically. To "appear" you
23 must file with the court a legal document called a "motion" or "answer." The "motion" or
24 "answer" must be given to the court clerk or administrator within 30 days along with the
25 required filing fee. It must be in proper form and have proof of service on the plaintiff's
attorney or, if the plaintiff does not have an attorney, proof of service upon the plaintiff.

26 If you have any questions, you should see an attorney immediately. If you need help in
27 finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service
28 online at www.oregonstatebar.org or by calling (503) 684-3763 in the Portland the
Portland metropolitan area or toll-free elsewhere in Oregon at (800)452-7636.

PAGE 1 – SUMMONS

GRESHAM INJURY LAW CENTER
tom@greshaminjurylaw.com
424 NE Kelly Ave.
Gresham, OR 97030
Phone: (503) 492-1100 * Fax: (503) 667-0321

1 **TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS:** You are hereby
2 directed to serve a true copy of this summons, together with a true copy of the
3 complaint mentioned therein, upon the individual or other legal entities to whom or
4 which this summons is directed, and to make your proof of service on the reverse
5 hereof or upon a separate similar document which you shall attach hereto.

6 _____
7 /s/

8 Thomas Melville, Attorney for Plaintiff

9 Post Office Address for Service of Papers by Mail:

10 Gresham Injury Law Center
11 424 NE Kelly Ave
12 Gresham, OR 97030 Phone: (503) 492-1100
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PAGE 2 – SUMMONS

GRESHAM INJURY LAW CENTER
tom@greshaminjurylaw.com
424 NE Kelly Ave.
Gresham, OR 97030
Phone: (503) 492-1100 * Fax: (503) 667-0321

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

HENRY MICHAEL FUHRER,

Plaintiff,

v.

AVIS BUDGET GROUP, INC., AVIS
BUDGET CAR RENTAL, LLC., PV
HOLDING CORP, AB CAR RENTAL
SERVICES, INC., AVIS RENT A CAR
SYSTEM, LLC, CONTINENTAL
CASUALTY COMPANY, GASPAR DAVID
MATEO, GASPAR DAVID PABLO, and
TADASHI DAVID EMORI,

Defendants.

No. 19CV38807

FIRST AMENDED COMPLAINT
(Negligence-Damages-PI)

Economic Damages \$1,400,000
Non-economic Damages \$7,500,000
Filing Fee: \$834 ORS 21.160(1)(d)

Not subject to Mandatory Arbitration

Plaintiff, HENRY MICHAEL FUHRER, alleges:

COMMON ALLEGATIONS

(Parties & Venue)

1.

N. Columbia Boulevard is a public road in Portland, Multnomah County, Oregon.

2.

AVIS BUDGET GROUP, INC., (GROUP) is a foreign corporation authorized to do business in Oregon, including Multnomah County.

3.

AVIS BUDGET CAR RENTAL, LLC. (AVIS BUDGET) is a foreign limited liability company authorized to do business in Oregon, including Multnomah County.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

4.

PV HOLDING CORP (PV HOLDING), is a foreign corporation authorized to do business in Oregon, including Multnomah County.

5.

AB CAR RENTAL SERVICES, INC. (AB CAR RENTAL), is a foreign corporation and Plaintiff's employer. On information and belief, AB CAR RENTAL is also the employer of TADASHI DAVID EMORI.

6.

AVIS RENT A CAR SYSTEM, LLC (AVIS) is a foreign limited liability company authorized to do business in Oregon, including Multnomah County.

7.

CONTINENTAL CAUSALTY COMPANY (CONTINENTAL) is a foreign insurer, authorized to transact insurance business in Oregon. Continental issued insurance policy, #BUA 7001700830 to defendant PV HOLDING, for the van described in paragraph 11 herein.

8.

GASPAR DAVID MATEO (MATEO) is an Oregon resident who was driving a 2002 Hyundai Sonata on N. Columbia Boulevard on September 12, 2017 when that vehicle collided with a van being driven by TADASHI DAVID EMORI.

9.

GASPAR DAVID PABLO (PABLO) is an Oregon resident and owner of the 2002 Hyundai Sonata being driven by Mateo in the September 12, 2017 collision.

10.

TADASHI DAVID EMORI (EMORI) is an Oregon resident who, on information and belief, was employed by PV HOLDING or one of the AVIS defendants. At all times material to this Complaint, EMORI was in the course and scope of his employment.

////
////
////

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

COMMON ALLEGATIONS
(Facts related to all claims)

11.

“The van” driven by EMORI was identified as a Ford Transit 350 XLT with an assigned vehicle identification number of 1FBZX2YM3HKA51177. On information and belief, the van was owned by PV HOLDING.

12.

Plaintiff was employed by AB CAR RENTAL and in the course and scope of his employment at all material times. Plaintiff was a passenger in the van driven by EMORI.

13.

The car driven by MATEO and the van driven EMORI were involved in a collision on September 12, 2017. The collision caused extensive damage to both vehicles, forcing the van onto its side and causing it to burst into flames and melt to the roadway.

14.

On September 12, 2017, EMORI was exiting a parking lot on the north side of, and at approximately the 9300 block of, N. Columbia Blvd and turning left to travel generally east and south on N. Columbia Blvd.

15.

At the same date & time, MATEO was driving generally west and north on N. Columbia Blvd. approaching the 9300 block of N. Columbia Blvd. when the vehicle MATEO was driving struck the van EMORI was driving.

16.

Plaintiff was critically injured as a result of the collision. Plaintiff’s injuries include:

- a. Broken ribs;
- b. Broken cervical vertebrae;
- c. Punctured lungs;
- d. Cranial fracture;
- e. Brain bleeding;
- f. Other bodily injuries.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

17.

Plaintiff has incurred necessary medical treatment for the injuries suffered in the collision. The reasonable cost for that medical care is approximately \$1,400,000 (one million four hundred thousand dollars).

18.

Plaintiff also endured physical pain and suffering, disability, and loss of enjoyment of regular activities as a result of defendant's negligence. Plaintiff's non-economic damages are an amount to be decided by a jury, not to exceed \$7,500,000 (seven million five hundred thousand).

**FIRST CLAIM FOR RELIEF
(Defendant MATEO)**

19.

Plaintiff realleges and incorporates paragraphs 1-18.

20.

Defendant MATEO was a cause of the collision described in paragraphs 13-15 because he was negligent as follows:

- a. Driving too fast for the conditions;
- b. Failing to maintain control of his vehicle;
- c. Failing to keep a proper lookout;
- d. Operating a vehicle with a suspended license and without an IID.

21.

Defendant MATEO'S negligence was a substantial factor in bringing about plaintiff's injuries and damages as alleged in paragraphs 16-18.

**SECOND CLAIM FOR RELIEF
(Defendant Pablo)**

22.

Plaintiff realleges and incorporates paragraphs 1-18.

////
////

1 23.

2 Defendant PABLO knew and was familiar with defendant MATEO, including the
3 fact that MATEO had a suspended driver's license and was driving without an IID when
4 both were required for MATEO to legally operate a vehicle in Oregon. PABLO was also
5 aware that MATEO was a high-risk driver.

6 24.

7 Defendant PABLO was negligent in entrusting his car to MATEO when PABLO
8 knew that MATEO was a reckless, incompetent or dangerous driver.

9 25.

10 This negligent entrustment was a substantial factor in bringing about plaintiff's
11 injuries and damages as alleged in paragraphs 16-18.

12 **THIRD CLAIM FOR RELIEF**
13 **(Defendants EMORI and PV HOLDING)**

14 26.

15 Plaintiff realleges and incorporates paragraphs 1 – 18.

16 27.

17 Defendant EMORI was a cause of the collision described in paragraph 13-15
18 because he was negligent as follows:

- 19 a. Driving too fast for the conditions;
- 20 b. Failing to keep a proper lookout;
- 21 c. Entering traffic on N. Columbia Blvd when it was not safe;
- 22 d. Failing to yield the right of way when entering a roadway; and
- 23 e. Making a dangerous left turn.

24 28.

25 Defendant EMORI'S negligence was a substantial factor in bringing about
26 plaintiff's injuries and damages as alleged in paragraphs 16-18.

27 29.

28 Defendant EMORI'S negligence is imputed to his employer, which entity is
29 vicariously liable for damages caused by EMORI's negligence.

PAGE 5 - COMPLAINT

1 **FOURTH CLAIM FOR RELIEF**
2 **(Defendant CONTINENTAL)**

3 30.

4 Plaintiff realleges and incorporates paragraphs 1 - 18.

5 31.

6 CONTINENTAL provided a policy of insurance (policy #BUA7001700830) that
7 covered the van described in paragraph 11. This policy was in full force and effect on
8 September 12, 2017 and provided for \$25,000 of uninsured motorist and under-insured
9 motorist coverage.

10 32.

11 Defendants MATEO and PABLO were both under-insured as defined by Oregon
12 law.

13 33.

14 Plaintiff has performed all his obligations under the insurance contract.

15 34.

16 Plaintiff is entitled to under-insured motorist benefits under the terms of Oregon
17 law and the policy described in paragraph 31.

18 35.

19 CONTINENTAL has breached its obligation to plaintiff and has refused to pay the
20 benefits due to plaintiff.

21 36.

22 Plaintiff is entitled to recover his reasonably incurred attorney fees pursuant to
23 ORS 742.061.

24 **FIFTH CLAIM FOR RELIEF**
25 **(Defendants GROUP; AVIS BUDGET; PV HOLDING;**
26 **AB CAR RENTAL; and AVIS RENT A CAR)**

37.

Plaintiff realleges and incorporates paragraphs 1 - 18.

////

1 38.

2 The work in which plaintiff was engaged involved risk or danger, including
3 serious injury or death in driving and moving cars.

4 39.

5 At the time of plaintiff's injuries as alleged, his employer and defendants GROUP,
6 AVIS BUDGET, PV HOLDING, AB CAR RENTAL and AVIS RENT A CAR were
7 engaged in a common enterprise within the meaning of the Employer Liability Law.

8 40.

9 At the time of plaintiff's injuries, defendants GROUP, AVIS BUDGET, PV
10 HOLDING, AB CAR RENTAL and AVIS RENT A CAR actually controlled the work or
11 instrumentality that caused harm to plaintiff – namely the route taken by their employee
12 shuttle driver.

13 41.

14 At the time of plaintiff's injuries, defendants GROUP, AVIS BUDGET, PV
15 HOLDING, AB CAR RENTAL and AVIS RENT A CAR were negligent in failing to use
16 every device, care and precaution which was practical to use for the protection and
17 safety of employees. Specifically, these defendants were negligent in one or more of the
18 following particulars:

- 19 a. Failing to research the safest route for regular vehicle transport;
- 20 b. Failing to adequately train shuttle drivers to use the safest route; and
- 21 c. Failing to specifically plan the safest route for returning shuttle drivers from
22 the train lot to the car lot.

23 42.

24 Plaintiffs injuries and damages were caused by defendants' GROUP, AVIS
25 BUDGET, PV HOLDING, AB CAR RENTAL and AVIS RENT A CAR negligence as
26 alleged.

43.

Defendants GROUP, AVIS BUDGET, PV HOLDING, AB CAR RENTAL and
AVIS RENT A CAR's negligent acts constitute violations of ORS 654.305.

1 WHEREFORE, Plaintiff prays for the following relief in a judgment against Defendant:

- 2 1. For economic damages in a reasonable amount to be determined by a jury
3 but not to exceed \$1,400,000 or an amount to be interlineated before trial;
4 2. For non-economic damages in a reasonable amount to be determined by a
5 jury but not to exceed \$7,500,000;
6 3. For his reasonable incurred attorney fees; and
7 4. For his costs and disbursements incurred herein;

8 GRESHAM INJURY LAW CENTER

9 */s/ Thomas Melville /s/*

10

Thomas Melville, OSB 971282

1
2 IN THE CIRCUIT COURT OF THE STATE OF OREGON
3 FOR THE COUNTY OF MULTNOMAH
4

5 HENRY MICHAEL FUHRER,

6 Plaintiff,

7 v.
8

9 AVIS BUDGET GROUP, INC., AVIS
10 BUDGET CAR RENTAL, LLC., PV
11 HOLDING CORP, AB CAR RENTAL
12 SERVICES, INC., AVIS RENT A CAR
13 SYSTEM, LLC, CONTINENTAL
CASUALTY COMPANY, GASPAR DAVID
MATEO, GASPAR DAVID PABLO, and
TADASHI DAVID EMORI,

14 Defendants.
15

CASE NO.: 19CV38807

PLAINTIFF'S FIRST REQUEST FOR
PRODUCTION TO DEFENDANTS AVIS
BUDGET GROUP, INC., AVIS BUDGET
CAR RENTAL, LLC, PV HOLDINGS
CORP, AB CAR RENTAL SERVICES,
INC., AVIS RENT A CAR SYSTEM, LLC

16 **TO: DEFENDANTS: AVIS BUDGET GROUP, INC, AVIS BUDGET CAR RENTAL,**
17 **LLC, PV HOLDINGS CORP, AB CAR RENTAL SERVICES, INC., AVIS RENT A CAR**
18 **SYSTEM, LLC**

19 Pursuant to ORCP 36, 43, and 44, plaintiff requests that defendant produce and
20 make available for inspection and copying all of the documents described below that are
21 within the possession, custody and control of defendant. Plaintiff requests that
22 production of the requested documents be made on or before and provided to the office
of, Thomas Melville, Gresham Injury Law Center, at 424 NE Kelly Ave., Gresham, OR
97030.

23 **DEFINITIONS AND INSTRUCTIONS**
24

25 A. "Document(s)" shall include all writings, drawings, charts, drafts, photographs,
26 graphs, tapes, disks, phone records, and other data compilations from which
information can be obtained.

PAGE 1 - PLAINTIFF'S FIRST REQUEST FOR PRODUCTION TO AVIS
DEFENDANTS

GRESHAM INJURY LAW CENTER
TOM@GRESHAMINJURYLAW.COM
424 NE KELLY AVE.
GRESHAM, OR 97030
PHONE: (503) 492-1100 * FAX: (503) 667-0321

1 B. The words "and" and "or" shall be individually interpreted in every instance as
2 meaning "and/or" and shall not be interpreted to exclude any information within the
3 scope of any request.

4 C. The documents produced pursuant to this request are to be segregated and
5 identified by the number of the request to which they are responsive.

6 D. "Incident" or "the incident" as used in this request refers to the alleged conduct
7 that is the subject of the plaintiff's complaint.

8 E. "Communication" means any correspondence, contact, discussion or
9 exchange between two or more persons and includes all documents, telephone
10 conversations, electronic correspondence, face to face conversations, and any means
11 of transmitting information.

12 F. AVIS DEFENDANTS refers to Defendants AVIS BUDGET GROUP, INC, AVIS
13 BUDGET CAR RENTAL, LLC, PV HOLDINGS CORP, AB CAR RENTAL SERVICES,
14 INC., and AVIS RENT A CAR SYSTEM, LLC

15 G. If you claim any documents sought are not required to be produced as a result
16 of the application of any privilege or other protection against discovery including, but not
17 limited to, attorney/client privilege or attorney's work product, you are requested to
18 identify such documents and state the author, recipients, date and subject matter with
19 sufficient particularity that a determination can be made with respect to the applicability
20 of any claim or privilege or other protection against discovery.

21 DOCUMENTS TO BE PRODUCED

22 1. Copies of any and all photographs (either color laser prints or electronic
23 copies via email or copies made from negatives -- not photocopies of photographs),
24 video tapes or other visual media of the scene of the incident, scene and/or the vehicles
25 involved.

26 RESPONSE:

2. Certified copies of all insurance agreements or policies, in effect at the time of
the incident, including but not limited to, any auto, blanket, or umbrella policies with the
accompanying declaration pages under which a person or entity transacting insurance
may be responsible for satisfying any part of a judgment that may be entered in this
action or to indemnify or reimburse any payment made to satisfy a judgment.

PAGE 2 - PLAINTIFF'S FIRST REQUEST FOR PRODUCTION TO AVIS
DEFENDANTS

1 **RESPONSE:**

2 3. Copies of all documents containing the names, addresses and telephone
3 numbers of any and all witnesses to the accident alleged in the complaint, and/or any
4 person who arrived on the scene following the incident alleged in the complaint prior to
5 the departure of the parties who may have viewed the subject incident and/or its
6 aftermath.

7 **RESPONSE:**

8 4. All statements, written or recorded, taken of witnesses to the subject collision
9 or regarding the facts of the incident.

10 **RESPONSE:**

11 5. Copies of any and all estimates of repairs for the vehicle involved in the
12 incident.

13 **RESPONSE:**

14 6. All documents in your possession that relate to Plaintiff Henry Fuhrer in any
15 way.

16 **RESPONSE:**

17 7. All contracts and agreements in effect between any defendants named in this
18 lawsuit. This request includes any employment contracts and independent contractor
19 agreements. Please produce contracts bearing signatures of parties to said contracts or
20 agreements. If any contracts have been modified or extended, please include said
21 modifications or extensions.

22 **RESPONSE:**

23 8. All written policies and procedures applicable to screening and hiring shuttle
24 drivers at AVIS.

25 **RESPONSE:**

26 9. All documents providing the work schedule of defendant EMORI.

RESPONSE:

 10. A copy of defendant's corporate organizational chart, including the corporate
organization in Oregon.

RESPONSE:

PAGE 3 - PLAINTIFF'S FIRST REQUEST FOR PRODUCTION TO AVIS
DEFENDANTS

1 11. All documents relating to defendant EMORI'S applications for employment,
2 resumes and records of previous employment (employment and/or personnel file,
3 including all personnel records as defined by ORS 652.750):

4 a. Records of all reprimands, disciplines, penalties, punishments or sanctions
5 imposed, including but not limited to supervisory notes, warnings, or write-ups;

6 b. Records of all performance reviews, salary reviews, progress reviews and all
7 other evaluations not included in the above requests;

8 c. Records of all promotions, merit increases, awards, recognition, or bonuses.

9
10 **RESPONSE:**

11 12. All documents reflecting communication between any defendant and plaintiff
12 Fuhrer and any family, relative, relation or representative of Plaintiff.

13 **RESPONSE:**

14 13. Copies of all investigations, critical incident reviews, after-action reports,
15 inquiries or other reviews or summaries regarding the crash on September 12, 2017.

16 **RESPONSE:**

17 14. Copies of all DOT exams or other medical certifications for defendant
18 EMORI.

19 **RESPONSE:**

20 15. All documents evidencing the policy of background checks or driving record
21 inquiries for any employee responsible for transporting other employees at Avis Rental
22 Car Facilities.

23 **RESPONSE:**

24 16. All documents related to the requirements of driving a shuttle at AVIS
25 RENTAL Car locations.

26 **RESPONSE:**

17. All documents evidencing the certification, training or instruction given to
defendant EMORI prior to driving the shuttle on September 12, 2017.

PAGE 4 - PLAINTIFF'S FIRST REQUEST FOR PRODUCTION TO AVIS
DEFENDANTS

RESPONSE:

20. A copy of the job description for the AVIS position held by defendant EMORI.

RESPONSE:

22. All documents relating to AVIS shuttle crashes in Multnomah County Oregon in the last 10 years.

RESPONSE:

23. Documents that demonstrate the identity of all persons employed by the AVIS facility subject to this action September 12, 2016-September 12, 2018.

RESPONSE:

24. Please produce a current balance sheet or other reliable documents showing AVIS defendants net worth.

RESPONSE:

///

///

///

///

///

Each of these separate requests are continuing in nature and include any such documentation currently in defendant's possession or which may come into defendant's possession up to the time of trial.

Dated this 23RD day of September, 2019.

GRESHAM INJURY LAW CENTER

Thomas Melville, OSB 971282