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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

JAN 20 2016

BY Leanne M. Landeros
LEANNE M. LANDEROS, DEPUTY

8 Attorneys for Plaintiff SYMONS EMERGENCY SPECIALTIES, INC., dba Symons
9 Ambulance, a California Corporation

10 SUPERIOR COURT OF CALIFORNIA
11 COUNTY OF SAN BERNARDINO

12 SYMONS EMERGENCY SPECIALTIES,
13 INC., dba SYMONS AMBULANCE, a
14 California Corporation

15 Plaintiff,

16 v.

17 CITY OF RIVERSIDE, a California Public
18 Entity; RIVERSIDE FIRE DEPARTMENT, a
19 California Public Entity; and DOES 1 through
20 500,

21 Defendants.

CASE NO. CIVDS 1516027

SECOND AMENDED COMPLAINT FOR

- 1. DECLARATORY RELIEF**
2. INJUNCTIVE RELIEF

Judge: Hon.
Department:
Complaint Filed:
Trial Date:

22 Plaintiff, SYMONS EMERGENCY SPECIALTIES, INC., dba SYMONS
23 AMBULANCE, a California Corporation ("Symons" or "Plaintiff"), complains and alleges
24 against Defendants, and each of them, as follows:
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ORIGINAL

I

GENERAL ALLEGATIONS

COMMON TO AND INCLUDED IN ALL ALLEGATIONS

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1. Plaintiff Symons is a California Corporation, engaged in the business of providing emergency 9-1-1 services, interfacility and critical care transport, and special event services ("SES"). SES was incorporated in 1995 and at all times herein mentioned, has done business as Symons Ambulance ("Symons"). In 2013, Symons Ambulance, a California Corporation ("Ambulance") was incorporated. Ambulance has never done business, has never operated in the City of Riverside, has no assets, has no equipment, and has no employees. SES, by contrast, doing business as Symons, has been operating within the County of Riverside, and since approximately 2010, has been operating within the City of Riverside..

2. Plaintiff is informed and believes, and thereon alleges, that defendant, City of Riverside ("city"), was and is a California public entity, incorporated in 1883, and becoming a charter city in 1907.

3. Plaintiff is informed and believes, and thereon alleges, that defendant, Riverside Fire Department ("RFD"), was and is a department within the City of Riverside.

4. Plaintiff is unaware of the true names, capacities, or basis for liability of defendants Does 1 through 250, inclusive, and therefore sues said defendants by their fictitious names. Plaintiff will seek leave to amend this Complaint to allege their true names, capacities, or basis for liability when the same has been ascertained. Plaintiff is informed and believes, and thereon alleges that defendants, Does 1 through 250, inclusive, and each of them, are in some manner liable to Plaintiff, or claim some right, title or interest in the subject property that is junior and inferior to that of Plaintiff, or both.

5. At all times relevant to this action, each defendant, including those fictitiously named, was the agent, servant, employee, partner, joint venturer, or surety of the other defendants and was acting within the scope of said agency, employment, partnership, venture, or suretyship, with the knowledge and consent or ratification of each of the other defendants in doing the things alleged herein.

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II

SYMONS AMBULANCE

6. Symons has been providing Southern California with emergency medical services for more than 25 years. Started in Bishop California as a 911 provider, Symons has grown to include, in addition to 911 services, interfacility and critical care transport, and event services.

7. The owners of the company are either EMTs, paramedics, nurses, or physicians that actively provide patient care in the field. In 2014, Symons was honored for the third year in a row by Inc. Magazine as one of the fastest growing companies in America.

8. Symons currently operates in Inyo, San Bernardino, Riverside, Orange, Los Angeles and San Diego Counties.

9. As an event sponsor, Symons provides medical transport services to high-risk events such as motorsports, which often requires personnel highly trained in fire suppression, rescue and extrication.

10. As an interfacility provider, Symons provides basic life support, advanced life support, and critical care transport ambulances depending on the region and needs. For difficult facilities, Symons also offers 4 x 4 ambulances for interfacility transports. The inter-facility transport division of Symons utilizes highly qualified emergency medical technicians, paramedics, nurses, respiratory therapists, physician assistants and specially trained physicians.

11. In order to meet growing demand, Symons is also opening urgent care facilities and will be providing transport services for such facilities.

12. While most ambulance providers focus solely on transporting a patient from one location to another, Symons employs telemedicine to prevent unnecessary ambulance transports. It is able, for example, to provide the right care "anytime, anywhere" with specially trained physicians by leveraging telemedicine technology. As an example, in extremely remote or difficult to access events, or during disasters, Symons offers telemedicine capabilities that allow all the specialists and expertise of a major medical center to be "virtually present" at the scene of an emergency, in some cases avoiding unnecessary ambulance transports when care can be delivered in the near virtual environment.

13. In order to achieve these results, and meet government requirements, Symons ground transportation ambulances receive licenses, are inspected, or are approved for ambulance services by various entities/agencies. For example, each county described herein inspects

1 Symons ambulances to insure that all equipment meets governing standards, that all medications
2 for an ambulance provider are present, that all ambulance personnel are properly trained
3 according to their specialty, and that plans for quality improvement are present, are being
4 implemented and that all charting is being done and done properly. The entities also insure that
5 all licenses for EMT's, paramedics, nurses and doctors are current and in good standing. The
6 California Highway Patrol inspects and certifies each unit to ensure that each unit is roadworthy.

7 14. In order to ensure that Symons equipment and personnel meet the highest
8 standards, Symons is inspected, authorized, licensed or approved by the following to engage in
9 emergency, where permitted, Advanced Life Support ("ALS") and Basic Life Support ("BLS")
10 transports:

- 11 a. Medicare
- 12 b. The State of California
- 13 c. Riverside County Emergency Medical Services Agency
- 14 d. Los Angeles County EMS
- 15 e. Orange County EMS
- 16 f. San Diego EMS
- 17 g. Inyo County
- 18 h. State of Nevada
- 19 i. California Highway Patrol
- 20 j. Inland Counties Emergency Medical Services Agency ("ICEMA").
- 21 k. The U.S. Drug Enforcement Agency and,
- 22 l. Homeland Security/Department of Justice

23 III

24 THE EMERGENCY MEDICAL SERVICES ACT

25 15. The Emergency Medical Services System and the Prehospital Emergency Medical
26 Care Personnel Act (EMS Act) was enacted in 1980 to "provide the state with a statewide system
27 for emergency medical services" and to "ensure the provision of effective and efficient
28 emergency medical care" to the people of California. *County of Butte v. Emergency Medical
Services Authority* (2010) 187 Cal.App. 4th 1175, 1181. (hereinafter, "*Butte*").

16. Through the EMS Act, the Legislature created essentially a two-tiered regulatory
system "governing virtually every aspect of prehospital emergency medical services. (*County of*

1 *San Bernardino v. City of San Bernardino* (1997) 15 Cal.4th 909, 915 (hereafter *County of Santa*
2 *Bernardino*). The first tier is occupied by the Emergency Medical Services Authority (the
3 Authority), a division of the Health and Welfare Agency, "which is responsible for the
4 coordination and integration of all state activities concerning emergency medical services."
5 *Butte* at p. 1181. *Health & Saf. Code* §1797.1; see §1797.100. (Unless otherwise noted, all
6 future references are to the California Health and Safety Code).

7 17. The second tier of governance is "a local EMS agency" (§ 1797.200), which is
8 responsible for, among other things, "(1) planning, implementing, and evaluating an emergency
9 medical services system 'consisting of an organized pattern of readiness and response services
10 based on public and private agreements and operational procedures'; (2) developing a formal
11 plan for the system in accordance with the Authority's guidelines and submitting the plan to the
12 Authority on an annual basis; [and] (3) 'consistent with such plan, coordinat[ing] and otherwise
13 facilitat[ing] arrangements necessary to develop the emergency medical services system.' (§
14 1797.252)." (*County of San Bernardino*, *supra*, 15 Cal.4th at p. 916.)

15 18. Prior to the enactment of the EMS Act, the law governing the delivery of
16 prehospital emergency medical services was haphazard. (*County of San Bernardino*, *supra*, 15
17 Cal.4th at p. 914.) Through the EMS Act, the Legislature created essentially a two-tiered
18 regulatory system "governing virtually every aspect of prehospital emergency medical services."
19 (15 Cal.4th at p. 915.) The overarching purpose of this statutory scheme was to "provide the state
20 with a statewide system for emergency medical services" and to "ensure the provision of
21 effective and efficient emergency medical care" to the people of California. (§§ 1797.1, 1797.6,
22 subd. (a).)

23 19. The first tier of governance under the EMS Act is occupied by the Authority, a
24 division of the Health and Welfare Agency which is responsible for the coordination and
25 integration of all state activities concerning emergency medical services. (§ 1797.1; see also §
26 1797.100; *Butte* at p. 1190). The Authority is required to develop planning and implementation
27 guidelines for emergency medical services systems which address, among other things,
28 manpower and training, communications, transportation, assessment of hospitals and critical care
centers, and system organization and management. It is also required to receive plans for the
implementation of emergency medical services and trauma care systems from local EMS
agencies, and, after the applicable guidelines or regulations are established by the Authority, a

1 local EMS agency may implement a local plan developed pursuant to Health and Safety Code
2 sections 1797.250, 1797.254, 1797.257, or 1797.258 unless the Authority determines that the
3 plan does not effectively meet the needs of the persons served and is not consistent with
4 coordinating activities in the geographical area served, or that the plan is not concordant and
5 consistent with applicable guidelines or regulations, or both the guidelines and regulations,
6 established by the Authority.” (§ 1797.105, subs. (a) & (b); *Butte* at p. 1191).

7 20. The second tier of governance is occupied by a local EMS agency, which is
8 responsible for, among other things, (1) planning, implementing, and evaluating an emergency
9 medical services system ‘consisting of an organized pattern of readiness and response services
10 based on public and private agreements and operational procedures; (2) developing a formal plan
11 for the system in accordance with the Authority’s guidelines and submitting the plan to the
12 Authority on an annual basis; and (3) ‘consistent with such plan, coordinating and otherwise
13 facilitating arrangements necessary to develop the emergency medical services system. (*County*
14 *of San Bernardino*, supra, 15 Cal.4th at p. 916; *Butte* at p. 1191.)

15 21. Once a local EMS agency implements its system, all providers of prehospital
16 emergency medical services within its jurisdiction must operate within that system. No person
17 or organization shall provide advanced life support or limited advanced life support unless that
18 person or organization is an authorized part of the emergency medical services system of the
19 local EMS agency. Among the mandatory subjects of the local EMS plan is transportation of
20 emergency medical patients. *Butte* at p. 1191.

21 22. In 1984, the EMS Act was amended to authorize local EMS agencies to establish
22 Exclusive Operating Areas (“EOAs”) and designate private emergency services providers to be
23 exclusive operators within those areas. Such authorization was necessary to immunize the
24 agencies from liability under the United States Supreme Court’s then recent decision holding that
25 local governments granting monopolies would not be exempt from antitrust laws unless they
26 acted pursuant to clearly articulated and affirmatively expressed state policy. (*County of San*
27 *Bernardino*, supra, 15 Cal.4th at pp. 917-918, quoting 1192 *Community Communications Co. v.*
28 *Boulder* (1982) 455 U.S. 40, 51; see § 1797.6, subd. (b).)

29 23. An EOA is an EMS area or subarea defined by the emergency medical services
30 plan for which a local EMS agency, upon the recommendation of a county, restricts operations to
31 one or more emergency ambulance services or providers of limited advanced life support or

1 advanced life support. The creation of an EOA is an important administrative tool for designing
2 an EMS system because an EOA permits local EMS agencies to offer private emergency service
3 providers protection from competition in profitable, populous areas in exchange for the
4 obligation to serve unprofitable, more sparsely populated areas.” *Butte* at p. 1192.

5 Health and Safety Code Section 1797.224 states in pertinent part: “A local EMS agency
6 may create one or more exclusive operating areas in the development of a local plan, if a
7 competitive process is utilized to select the provider or providers of the services pursuant to the
8 plan. No competitive process is required if the local EMS agency develops or implements a local
9 plan that continues the use of existing providers operating within a local EMS area in the manner
10 and scope in which the services have been provided without interruption since January 1, 1981.
11 A local EMS agency which elects to create one or more exclusive operating areas in the
12 development of a local plan shall develop and submit for approval to the authority, as part of the
13 local EMS plan, its competitive process for selecting providers and determining the scope of
14 their operations. This plan shall include provisions for a competitive process held at periodic
15 intervals.” *Butte* at p. 1192.

16 24. The local EMS Agency established under the Act is the County of Riverside
17 (“County”). (See www.rivcoems.org). The City is not a local EMS Agency under the Act, and
18 plaintiff Symons has received authority from County to operate within the County, which
19 includes the City.

20 25. The City has promulgated Riverside Municipal Code (“RMC”) and within
21 Chapter 5.66, has established a franchise procedure by which it attempts to regulate ambulances
22 within the City, including Symons. Such attempts at regulation go beyond regulation of
23 emergency services referred to as 9.11 calls. Under the RMC, the City is also attempting to
24 regulate non-emergency transports, including Advanced Life Support (“ALS”), transports and
25 Basic Life Support (“BLS”).

26 26. The authority of a local EMS agency to include interfacility transfers at the ALS
27 level when authorizing an ALS program in the area over which it has jurisdiction is also
28 expressly authorized in California Health & Safety Code § 1797.218.

29 27. Further, included in the EMS System implementation permissions the EMS Act
30 grants to local EMS agencies is the creation and assignment of one or more exclusive operating
31 areas for “emergency ambulance services or providers of limited advanced life support or

1 advanced life support” in a local plan subject to review and approval by the Authority. Cal.
2 Health & Safety Code §§ 1797.85 and 1797.224 (Section 224). The California Legislature
3 conveyed its intent that its enactment of these statutory provisions was for the purpose of
4 prescribing and exercising the degree of state direction and supervision over EMS as would
5 provide for state action antitrust immunity under federal antitrust laws for actions taken by local
6 government entities (i.e., local EMS agencies) in carrying out their functions under the Health &
7 Safety Code. Cal. Health & Safety Code § 1797.6(b).

8 28. In addition to interfacility transports at the ALS level, interfacility transports at
9 the basic life support (BLS) level are also regulated under the EMS Act. *Shaefer’s Ambulance*
10 *Service v. County of San Bernardino*, 80 Cal. Rptr. 2d 385 (1998). The Sherman Antitrust Act
11 prohibits parties from contracting, combining, and/or conspiring to unreasonably restrain trade
12 and commerce in a particular market. *Community Communications Co., Inc. v. City of Boulder*.
13 *455 U.S. 40 (1982)*.

14 29. Symons has been operating within the County of Riverside since approximately
15 2008 and within the City since approximately 2010, conducting ALS transports and BLS
16 transports under the authority of the Riverside Emergency Medical Services Agency
17 (“REMSA”).

18 30. Commencing on or about October 2014, and continuing to the present, the
19 defendants, and each of them, have engaged in a pattern of conduct meant to interfere with
20 Symons transports. Even under the RMC, Symons is permitted to conduct BLS and ALS
21 transports that originate outside the City but terminate within the City.

22 31. From October 2014, and continuing to the present, Symons has been harassed by
23 employees of American Medical Response (“AMR”) acting in concert with former Deputy Fire
24 Chief Esparza while on duty and on calls. Both AMR supervisor known only as J. Shelton and
25 Esparza have stopped Symons emergency medical technicians (“EMT’s), on calls, telling them
26 they are operating illegally, preventing them from parking, asking for their credentials, taking
27 pictures and blocking them in parking lots preventing them from carrying on their duties. These
28 actions are in direct violation of California Penal Code which provides that “Every person who
willfully resists, delays, or obstructs any public officer, peace officer or an emergency medical
technician, as defined in Division 2.5 (commencing with Section 1797), of the Health and Safety
Code, in the discharge or attempt to discharge any duty of his or her office or employment, when

1 no other punishment is prescribed, shall be punished by a fine not exceeding one thousand
2 dollars (\$1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine
3 and imprisonment."

4 32. As an example only, and not meant to be an exhaustive listing of violations, in
5 October 2014, Symons had a critical care patient on board and on a ventilator with a nurse
6 providing critical care to that patient. Despite the extreme situation of the patient, AMR
7 Supervisor Shelton barred Symons from parking at an open emergency room parking slot. The
8 Symons nurse had to exit the ambulance and tell Shelton that there was a patient on board with
9 life threatening conditions. Shelton instead forced Symons to park on a street, on a steep and
10 unreasonably unsafe downhill slope, requiring that Symons EMT staff and nurses disembark the
11 patient under precarious conditions, and delayed delivery of the patient to required emergency
12 services. Shelton then made a phone call and advised other AMR staff, within earshot of Symons
13 staff that Chief Esparza was on this way and that Symons staff would be attested. Deputy Chief
14 Esparza eventually arrived and in essence backed up the actions of AMR and warned Symons
15 not to operate within the City rather than warn AMR staff that they were violating Penal Code
16 Section 14S(a)(1). Plaintiff is informed and believes, and thereon alleges that Esparza and most
17 other current employees of Defendant Riverside Fire Department are all former AMR
18 employees.

19 33. In each instance of interfering with Symons duties, neither AMR nor the City
20 made any attempt to determine if Symons transports were in conformance or in violation of
21 RMC 5.66 (which again, permits transports to the City where the transports originate outside
22 City limits). Instead, the City and the Fire Department, acting in concert with AMR, attempted to
23 interfere, or actually interfered with Symons transports whether or not they originate outside the
24 City.

25 34. As further examples, and not meant to be an exhaustive enumeration of the dates
26 of actions by the Defendants contrary to permitted legal authority, the City has cited Symons for
27 ALS and/or BLS transports by issuing citations on February 23, 2015, March 6, 2015, March 18,
28 2015, March 20, 2015, and other dates according to proof. The Defendants have engaged in
unlawful attempts at regulating Symons by interfering with the performance of their lawful
duties on October 13, 2014, October 15, 2014, October 17, 2014, October 22, 2014, November
19, 2015, February 19, 2015, February 23, 2015, March 6, 2015, March 16, 2015, March 18,

1 2015, March 20, 2015, April 22, 2015, May 4, 2015, May 29, 2015, June 1, 2015, June 3, 2015,
2 June 5 and 9, 2015, July 14, 23, and 25, 2015, and August 6 and 25, 2015. Plaintiff will seek
3 leave to amend this complaint based as new facts are discovered.

4 **I**
5 **FIRST CAUSE OF ACTION**
6 **FOR DECLARATORY RELIEF**
7 (Against All Defendants)

8 35. Plaintiff refers to each and every paragraph of the complaint alleged above and
9 incorporates those paragraphs as though set forth in full in this cause of action.

10 36. An actual controversy has arisen between the Plaintiff and Defendants, and DOES
11 1-50, relating to the legal rights and duties of said parties in that Plaintiff contends, and
12 Defendants deny the following:

- 13 a. The City has no authority to administer some of the requirements of the Act.
- 14 b. The City has no authority to regulate non-emergency medical services under
15 the Act.
- 16 c. The City has no authority to designate an exclusive operating area (“EOA”)
17 under the Act.
- 18 d. The City has no authority to require that non-emergency ambulance providers
19 meet requirements promulgated by the City pursuant to Riverside Municipal
20 Code Chapter 5.66 et seq (the “Municipal Code”).
- 21 e. The Municipal Code and each subpart therein is void and unlawful because it
22 has been preempted, or is in conflict with the Act.
- 23 f. The requirement that a non-emergency ambulance provider provide evidence
24 to the City that “that the granting of a franchise is in the public interest and
25 that there is a public need and necessity for a franchise to be granted in that
26 there is a public need and necessity for the type of ambulance service which
27 can be legally provided by the applicant and the service is not being provided
28 and cannot or will not be provided by the existing franchisee(s),” is void
because it has been preempted or is in conflict with the Act.
- g. Symons has received authority from the Local EMS Agency (the County of
Riverside) to provide non-emergency ambulance services within the City.

1 h. It is lawful under the Act for Symons to provide non-emergency ambulance
2 services within the City, provided Symons has received such authority from
3 the Local EMS Agency.

4 37. Because Symons has received authority from the Local EMS Agency to provide
5 non-emergency ambulance services within the City, Symons need not comply with any provision
6 of the Municipal Code.

7 38. No adequate remedy at law other than that herein prayed for exists by which the
8 rights of the parties hereto may be determined.

9 39. Plaintiff desires a judicial determination of each and every one of the issues
10 alleged herein.

11 40. Such a declaration is necessary and appropriate at this time in order to avoid a
12 multiplicity of actions.

13 **II.**

14 **SECOND CAUSE OF ACTION**

15 **FOR INJUNCTIVE RELIEF**

16 (Against All Defendants)

17 41. Plaintiff refers to each and every paragraph of the complaint alleged above and
18 incorporates those paragraph as though set forth in full in this cause of action.

19 42. An actual controversy has arisen and now exists between Plaintiff and Defendant
20 concerning their respective rights and interests under the Act.

21 43. The City has engaged in a pattern of obstructing Plaintiff and attempting to ban
22 Plaintiff from all ambulance services within the City, including non-emergency ambulance
23 services (the "Services"). For example, the City, acting through the Riverside Fire Department,
24 as pulled in front of Symons ambulances and physically blocked transports. On one occasion,
25 then Deputy Fire Chief Michael Esparza ("Esparza"), after blocking a Symons transport, advised
26 Symons staff that it was a misdemeanor to pick patients up from Riverside Community Hospital,
27 and threatened criminal prosecution. Esparza first photographed the ID's of the Symons
28 ambulance staff, the Symons unit and the facility at which where the transport originated.

44. Perhaps the most egregious conduct by Esparza was the fact that while Symons
staff were loading a patient into an ambulance, Esparza was photographing the activity and the
patient as the patient was being loaded into a Symons ambulance. Plaintiff contends such

1 conduct was meant to intimidate and harass Plaintiff, and that such conduct was in violation of
2 the Federal Health Insurance Portability and Accountability Act (“HIPAA”).

3 45. Plaintiff is informed and believes, and thereon alleges that the City has also
4 written to hospitals and other health care providers threatening them with prosecution, civil or
5 criminal, if they request non-emergency ambulance services from Plaintiff. On or about
6 February 23, 2015, the City issued an administrative citation to Plaintiff for purported violation
7 of the Municipal Code.

8 46. Plaintiff contends that RMC 5.66 is in violation of the Act and has been
9 preempted by the Act. Plaintiff further contends that RMC 5.66 is unconstitutional and in
10 violation of Federal law and in particular, is in violation of the Sherman Antitrust Act 26 Stat.
11 209, 15 U.S.C. §§1-7.

12 47. There is no adequate remedy at law and plaintiff will suffer irreparable damages.
13 Plaintiffs has been generating substantial income and has contracts to provide non-emergency
14 ambulance services within the City. Should the City persist in interfering with Symons business
15 activities, it will in effect set precedent that cities are permitted to regulate non-emergency
16 ambulance services in violation of, and in direct contravention to the Act. The state will, in
17 effect, regress to the very hodgepodge of ambulance services that the Act was enacted to avoid.

18 48. The Plaintiff has no adequate or speedy remedy at law to enforce its rights.
19 Therefore, Plaintiff requests that, pending a trial on the merits of this matter, defendants, and
20 each of them, be ordered to cease and desist from interfering with Plaintiffs business activities
21 other than to require that Symons obtain and pay for a City business license (which it has done).
22 Plaintiff asks that the Defendants, and each of them cease and desist from any further
23 administrative hearings until a trial on the merits of this matter. Plaintiff asks that Defendants,
24 and each of them, be ordered to withdraw any communications issued to health care providers
25 within the city, which communications directed them not to have any business dealing with the
26 Plaintiff.

27 49. This cause of action for injunctive relief does not constitute a waiver of Plaintiff's
28 rights.

WHEREFORE, Plaintiff prays judgment as follows:


1. For Declaratory relief as prayed.
2. For Injunctive relief as prayed.

3. For such other and further relief as the Court deems just and proper.

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Dated: January 20, 2016

GARCIA & REED, LLP

By: 

Raul B. Garcia
Attorneys for Plaintiff,
SYMONS EMERGENCY SPECIALTIES,
INC., dba Symons Ambulance, a California
Corporation

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF RIVERSIDE**

3 Re: *Symons v. City of Riverside*; Case No.

4 I am employed in the County of Riverside, State of California. I am over the age of 18
5 years and not a party to the within action, my business address is 3750 University Avenue, Suite
570, Riverside, CA 92501.

6 On January 20, 2016, I served copies of the within documents described as **SYMONS**
7 **SECOND AMENDED COMPLAINT** on the interested parties in this action in a sealed
envelope addressed as follows:

8 **SEE ATTACHED SERVICE LIST**

9 **BY MAIL** - I am "readily familiar" with the firm's practice of collecting and processing
10 correspondence for mailing. Under that practice, it would be deposited with the United
11 States Postal Service on the same day in the ordinary course of business, with postage
thereon fully prepaid at Riverside, California. I am aware that on motion of the party
12 served, service is presumed invalid if postal cancellation date or postage meter date is
more than one day after date of deposit for mailing in affidavit.

13 **BY PERSONAL SERVICE** - I caused such envelope to be delivered by hand to the
14 offices of the addressee pursuant to C.C.P. § 1011.

15 **BY EXPRESS MAIL/OVERNIGHT DELIVERY** - I caused such envelope to be
16 delivered by hand to the office of the addressee via overnight delivery pursuant to
17 C.C.P. § 1013(c), with delivery fees fully prepaid or provided for.

18 **BY FACSIMILE** - I caused such document to be delivered to the office of the addressee
19 via facsimile machine pursuant to C.C.P. § 1013(e). Said document was transmitted to
the facsimile number of the office of the addressee from the office of Garcia & Reed
20 LLP, in Riverside, California, on the date set forth above. The facsimile machine I used
21 complied with California *Rules of Court*, Rule 2003(3) and no error was reported by the
22 machine. Pursuant to California *Rules of Court*, Rule 2009(i), I caused the machine to
print a record of the transmittal, a copy of which is attached to this declaration.

23 **BY ELECTRONIC/EMAIL** - I caused such document to be delivered to the office of
24 the addressee via electronic e-mail pursuant to C.C.P. §1013(a). Said document was
25 transmitted to the email address of that office which is listed on the above Service List.
26 Said document was served electronically and the transmission was reported as complete
27 and without error.

28 I declare under penalty of perjury under the laws of the State of California that the foregoing is
true and correct.

Executed on January 20, 2016, at Riverside, California.


RAUL B. GARCIA

SERVICE LIST

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<p>Kristi J. Smith, Interim City Attorney, SBN120218 Brandon S. Mercer, Deputy City Attorney, SBN 244413 CITY OF RIVERSIDE City Hall, 3900 Main Street Riverside, CA 92522 P: 951.826.5567 F: 951.826.5540 E: bmercerc@riversideca.gov</p>	<p><i>Attorneys for Plaintiff, City of Riverside, a California Charter City and Municipal Corporation</i></p>
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