

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):          Joel Krissman, Esq. - SBN 57531          KRISSMAN &amp; SILVER LLP          444 W. Ocean Boulevard, Suite #940          Long Beach, California 90802          TELEPHONE NO: (562) 548-7515 FAX NO. (Optional): (562) 912-2657          E-MAIL ADDRESS (Optional): jk@krissmansilver.com          ATTORNEY FOR (Name): Plaintiffs MATILDE EK, et al.</p>	<p>FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES          STREET ADDRESS: 111 North Hill Street          MAILING ADDRESS: 111 North Hill Street          CITY AND ZIP CODE: Los Angeles, California 90012          BRANCH NAME: Central Judicial District, Stanley Mosk Courthouse</p>	
<p>PLAINTIFF: MATILDE EK, Individually and as successor in interest to ARTURO EK;          KARLA EK-ELHADIDY; LUCILA del CARMEN EK; and MARIA EK-EWELL          DEFENDANT:          SEE'S CANDIES, INC.; SEE'S CANDY SHOPS, INCORPORATED; AND  <input checked="" type="checkbox"/> DOES 1 TO 20, INCLUSIVE</p>	
<p>COMPLAINT—Personal Injury, Property Damage, Wrongful Death  <input type="checkbox"/> AMENDED (Number):          Type (check all that apply):  <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): General Negligence; Premises Liability  <input type="checkbox"/> Property Damage <input checked="" type="checkbox"/> Wrongful Death Survival action brought  <input type="checkbox"/> Personal Injury <input checked="" type="checkbox"/> Other Damages (specify): by successor in interest</p>	
<p>Jurisdiction (check all that apply):  <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE          Amount demanded <input type="checkbox"/> does not exceed \$10,000  <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000  <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)  <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint  <input type="checkbox"/> from limited to unlimited  <input type="checkbox"/> from unlimited to limited</p>	<p>CASE NUMBER:          20STCV49673</p>

1. Plaintiff (name or names): MATILDE EK, Individually and as successor in interest to ARTURO EK; KARLA EK-ELHADIDY; LUCILA del CARMEN EK; and MARIA EK-EWELL alleges causes of action against defendant (name or names): SEE'S CANDIES, INC.; SEE'S CANDY SHOPS, INCORPORATED; AND DOES 1 TO 20, INCLUSIVE
2. This pleading, including attachments and exhibits, consists of the following number of pages: 8
3. Each plaintiff named above is a competent adult
  - a.  except plaintiff (name):
    - (1)  a corporation qualified to do business in California
    - (2)  an unincorporated entity (describe):
    - (3)  a public entity (describe):
    - (4)  a minor  an adult
      - (a)  for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b)  other (specify):
    - (5)  other (specify):
  - b.  except plaintiff (name):
    - (1)  a corporation qualified to do business in California
    - (2)  an unincorporated entity (describe):
    - (3)  a public entity (describe):
    - (4)  a minor  an adult
      - (a)  for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b)  other (specify):
    - (5)  other (specify):

Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

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4.  Plaintiff (*name*):  
 is doing business under the fictitious name (*specify*):  
  
 and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a.  **except** defendant (*name*): SEE'S CANDIES, INC.  
 (1)  a business organization, form unknown  
 (2)  a corporation  
 (3)  an unincorporated entity (*describe*):  
  
 (4)  a public entity (*describe*):  
 (5)  other (*specify*):
- b.  **except** defendant (*name*): SEE'S CANDY SHOPS, INCORPORATED  
 (1)  a business organization, form unknown  
 (2)  a corporation  
 (3)  an unincorporated entity (*describe*):  
  
 (4)  a public entity (*describe*):  
 (5)  other (*specify*):
- c.  **except** defendant (*name*):  
 (1)  a business organization, form unknown  
 (2)  a corporation  
 (3)  an unincorporated entity (*describe*):  
  
 (4)  a public entity (*describe*):  
 (5)  other (*specify*):
- d.  **except** defendant (*name*):  
 (1)  a business organization, form unknown  
 (2)  a corporation  
 (3)  an unincorporated entity (*describe*):  
  
 (4)  a public entity (*describe*):  
 (5)  other (*specify*):
- Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a.  Doe defendants (*specify Doe numbers*): 1 TO 20, INCLUSIVE were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b.  Doe defendants (*specify Doe numbers*): 1 TO 20, INCLUSIVE are persons whose capacities are unknown to plaintiff.
7.  Defendants who are joined under Code of Civil Procedure section 382 are (*names*):
8. This court is the proper court because
- a.  at least one defendant now resides in its jurisdictional area.  
 b.  the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.  
 c.  injury to person or damage to personal property occurred in its jurisdictional area.  
 d.  other (*specify*):
9.  Plaintiff is required to comply with a claims statute, **and**
- a.  has complied with applicable claims statutes, **or**  
 b.  is excused from complying because (*specify*):

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10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a.  Motor Vehicle
- b.  General Negligence
- c.  Intentional Tort
- d.  Products Liability
- e.  Premises Liability
- f.  Other (*specify*):

11. Plaintiff has suffered

- a.  wage loss
- b.  loss of use of property
- c.  hospital and medical expenses
- d.  general damage
- e.  property damage
- f.  loss of earning capacity
- g.  other damage (*specify*):

Matilde Ek, Individually, and the other Plaintiffs seek all recoverable damages for the wrongful death of Decedent, Arturo Ek, including loss of love, care, comfort and society. Matilde Ek, as successor in interest to Arturo Ek, Deceased, also seeks economic losses for medical and care costs for the period of time Arturo Ek survived after being infected with Covid-19, on or about 3/22/20, until his death therefrom on 4/20/20.

12.  The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a.  listed in Attachment 12.
- b.  as follows:

Plaintiffs Individually, are the surviving heirs, the wife and three daughters, of the decedent husband and father, Arturo Ek. In the survival action, Matilde Ek is successor in interest to Decedent, Arturo Ek. Please see Attachment "A" hereto.

13. The relief sought in this complaint is within the jurisdiction of this court.

14. **Plaintiff prays** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1)  compensatory damages
- (2)  punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

- (1)  according to proof
- (2)  in the amount of: \$

15.  The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

GN-1.; Prem.L-1.; Prem.L-2.; Prem.L-5.

Date: December 18, 2020

Joel Krissman, Esq. \_\_\_\_\_

(TYPE OR PRINT NAME)

▶ 

(SIGNATURE OF PLAINTIFF OR ATTORNEY)



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**FIRST CAUSE OF ACTION—General Negligence** Page 4

(number)

ATTACHMENT TO  Complaint  Cross - Complaint

*(Use a separate cause of action form for each cause of action.)*

GN-1. Plaintiff *(name)*: MATILDE EK, Individually and as successor in interest to ARTURO EK;  
 KARLA EK-ELHADIDY; LUCILA del CARMEN EK; and MARIA EK-EWELL

alleges that defendant *(name)*: SEE'S CANDIES, INC.; SEE'S CANDY SHOPS, INCORPORATED; AND

Does 1 to 20, INCLUSIVE

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on *(date)*: or about 3/1/20 - 4/20/20

at *(place)*: See's Candies located at 20600 S. Alameda Street, Carson, CA 90810

*(description of reasons for liability):*

Defendants operated a candy assembly and packing line and employed workers in the course and scope of said business, including Plaintiff Matilde Ek. During said time there was a global, national, state and County of Los Angeles pandemic and epidemic, Sars-Cov-2 coronavirus, commonly referred to as Covid-19. Defendants were aware of the highly dangerous, contagious and transmissible nature of that virus, particularly where people are working and interacting in close proximity to each other. Further, Defendants' employees at the plant complained directly and through their union representative to Defendants about the close proximity of their work environment requesting safety mitigation efforts due to fear of the virus. Defendants failed to operate and conduct their business as would and should be expected to protect their employees, including Plaintiff, from the known high risk of this viral infection by failing to put known, appropriate and necessary safety mitigation measures in place. Defendants knew and should have known that the workers' duties, locations within the plant, and physical distancing from one another, created a foreseeable and high risk of viral infection and transmission among the workers, including Plaintiff. Defendants knew and should have known that their failure to take appropriate and necessary safety mitigation measures would increase the known and foreseeable risk that their workers, like Plaintiff, would become infected in the course and scope of their work for Defendants, and carry said viral infection home infecting one or more of their family members

On or about 3/1/20-3/19/20, Plaintiff Matilde Ek was working without appropriate and necessary social distancing on the packing line, using restrooms and break-rooms at times inches and only a few feet from other workers, some of whom were coughing, sneezing, and became infected along with other co-workers with Covid-19. Plaintiff Matilde Ek, unable to work then convalesced at her home where she resided with her husband, Decedent Arturo Ek, and one of their daughters, Plaintiff Karla Ek-Elhadidy, who provided care for her. Within a few days, on or about 3/22/20 both husband and Decedent Arturo Ek, and daughter Karla Ek-Elhadidy, became sick with Covid-19. Decedent Arturo Ek, after struggling with the illness, died as a proximate and legal cause therefrom, on 4/20/20.

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SECOND      **CAUSE OF ACTION—Premises Liability**

(number)

ATTACHMENT TO     Complaint     Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (*name*): MATILDE EK, Individually and as successor in interest to ARTURO EK;  
KARLA EK-ELHADIDY; LUCILA del CARMEN EK; and MARIA EK-EWELL  
alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (*date*): or about 3/1/20-4/20/20      plaintiff was injured on the following premises in the following

fashion (*description of premises and circumstances of injury*):

The acts and omissions of Defendants occurred at the See's Candies packing facilities located at 20600 S. Alameda Street, Carson, CA 90810. The circumstances causing damages to Plaintiffs, Individually, and to Plaintiff Matilde Ek, as successor in interest to Arturo Ek, Deceased, the wrongful death of decedent Arturo Ek, occurred and were created, including the foreseeable and unreasonable risk of spreading a dangerous viral infection to family members of Defendants' employees as a result Defendants' failure to operate, manage and control their business using reasonable care occurred as follows: Defendants operated a candy assembly and packing line and employed workers in the course and scope of said business, including Plaintiff Matilde Ek. During said time there was a global, national, state and County of Los Angeles pandemic and epidemic, Sars-Cov-2 coronavirus, commonly referred to as Covid-19. Defendants were aware of the highly dangerous, contagious and transmissible nature of that virus, particularly where people are working and interacting in close proximity to each other. Further, Defendants' employees at the plant complained directly and through their union representative to Defendants about the close proximity of their work environment requesting safety mitigation efforts due to fear of the virus. Defendants failed to operate and conduct their business as would and should be expected to protect their employees, including Plaintiff, from the known high risk of this viral infection by failing to put known, (\*CONT.

Prem.L-2.     **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (*names*):

**SEE'S CANDIES, INC.; SEE'S CANDY SHOPS, INCORPORATED; AND**

Does 1 to 20, INCLUSIVE

Prem.L-3.     **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (*names*):

Does \_\_\_\_\_ to \_\_\_\_\_

Plaintiff, a recreational user, was  an invited guest  a paying guest.

Prem.L-4.     **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (*names*):

Does \_\_\_\_\_ to \_\_\_\_\_

a.  The defendant public entity had  actual  constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.

b.  The condition was created by employees of the defendant public entity.

Prem.L-5. a.  **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (*names*):

**SEE'S CANDIES, INC.; SEE'S CANDY SHOPS, INCORPORATED; AND**

Does 1 to 20, INCLUSIVE

b.  The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are

described in attachment Prem.L-5.b  as follows (*names*):

\*\*(CONT. FROM ABOVE)\*\*

appropriate and necessary safety mitigation measures in place. Defendants knew and should have known that the workers' duties, locations within the plant, and physical distancing from one another, created a foreseeable and high risk of viral infection and transmission among the workers, including Plaintiff. Defendants knew and should have known that their failure to take appropriate and necessary safety mitigation measures would increase the known and foreseeable risk that their workers, like Plaintiff, would become infected in the course and scope of their work for Defendants, and carry said viral infection home infecting one or more of their family members.

# **EXHIBIT A**

PLAINTIFF/PETITIONER: MATILDE EK, et al. DEFENDANT/RESPONDENT: SEE'S CANDIES, INC., et al.	CASE NUMBER:
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DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

DECLARATION OF MATILDE EK

I, Matilde Ek, hereby declare and state a follows:

1. I am, and at all times herein mentioned have been, a resident of the County of Los Angeles, State of California.
2. I am 70 years old, and the facts contained herein are personally known to me.
3. I was married to Arturo Ek. My husband, the decedent Arturo Ek, died on April 20, 2020, at Los Angeles, California. Attached hereto is a certified copy of my husband's death certificate.
4. No proceeding is now pending in California for administration of the decedent's estate.
5. The decedent's estate has not been administered.
6. I am decedent's successor in interest (as defined in Section 377.11 of the California Code of Civil Procedure) and I succeed to the decedent's interest in the action or proceeding.
7. No other person has a superior right to commence the action or proceeding or to be substituted for the decedent in the pending action or proceeding.

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

Date: December 15, 2020

MATILDE EK  
(TYPE OR PRINT NAME)

*Matilde EK*  
(SIGNATURE OF DECLARANT)

- Attorney for     Plaintiff     Petitioner     Defendant  
 Respondent     Other (Specify):  
 Plaintiff/Successor In Interest



# STATE OF CALIFORNIA

## CERTIFICATION OF VITAL RECORD

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC HEALTH

3052020088362

**CERTIFICATE OF DEATH**

3202019020467

STATE FILE NUMBER		LOCAL REGISTRATION NUMBER			
1. NAME OF DECEDENT - FIRST (Given) <b>ARTURO</b>		2. MIDDLE -		3. LAST (Family) <b>EK</b>	
AKA, ALSO KNOWN AS - include full AKA FIRST, MIDDLE, LAST					
4. DATE OF BIRTH mm/dd/yyyy <b>02/29/1948</b>		5. AGE Yrs <b>72</b>	6. MONTHS	7. DIED ONE YEAR Months Days	8. SEX <b>M</b>
9. BIRTH STATE/FOREIGN COUNTRY <b>MEXICO</b>	10. SOCIAL SECURITY NUMBER <b>547-23-9288</b>	11. EVER IN U.S. ARMED FORCES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK	12. MARITAL STATUS/SROP at Time of Death <b>MARRIED</b>	13. DATE OF DEATH mm/dd/yyyy <b>04/20/2020</b>	14. HOUR (24 Hours) <b>1850</b>
15. EDUCATION - Highest Level/Degree (see worksheet on back) <b>00</b>		16. WAS DECEDENT HISPANIC/LATINO/SPANISH? (If yes, see worksheet on back) <input checked="" type="checkbox"/> YES <b>MEXICAN</b> <input type="checkbox"/> NO		17. DECEDENT'S RACE - List to 3 races may be listed (see worksheet on back) <b>MAYAN</b>	
18. USUAL OCCUPATION - Type of work for most of life. DO NOT USE RETIRED <b>WAITER</b>		19. KIND OF BUSINESS OR INDUSTRY (e.g., grocery store, road construction, employment agency, etc.) <b>RESTAURANT</b>		20. YEARS IN OCCUPATION <b>27</b>	
21. DECEDENT'S RESIDENCE (Street and number, or location) <b>1428 LUCILE AVE.</b>					
22. CITY <b>LOS ANGELES</b>	23. COUNTY/PROVINCE <b>LOS ANGELES</b>	24. ZIP CODE <b>90026</b>	25. YEARS IN COUNTY <b>47</b>	26. STATE/FOREIGN COUNTRY <b>CA</b>	
27. INFORMANT'S NAME, RELATIONSHIP <b>KARLA EK, DAUGHTER</b>		28. INFORMANT'S MAILING ADDRESS (Street and number, or rural route number, city or town, state and zip) <b>1428 LUCILE AVE., LOS ANGELES, CA 90026</b>			
29. NAME OF SURVIVING SPOUSE/SROP - FIRST <b>MATILDE</b>		30. MIDDLE -		31. LAST (BIRTH NAME) <b>NAVARRETE</b>	
32. NAME OF FATHER/PARENT - FIRST <b>JUAN</b>		33. MIDDLE <b>DE DIOS</b>		34. LAST <b>EK</b>	
35. NAME OF MOTHER/PARENT - FIRST <b>LUCILA</b>		36. MIDDLE -		37. LAST (BIRTH NAME) <b>EK</b>	
38. DISPOSITION DATE mm/dd/yyyy <b>04/29/2020</b>		39. PLACE OF FINAL DISPOSITION <b>OAKDALE MEMORIAL PARK 1401 S. GRAND AVE., GLENDDORA, CA 91740</b>			
40. TYPE OF DISPOSITION <b>BU</b>		41. SIGNATURE OF EMBALMER <b>NOT EMBALMED</b>		42. LICENSE NUMBER -	
43. NAME OF FUNERAL ESTABLISHMENT <b>OAKDALE MORTUARY</b>		44. LICENSE NUMBER <b>FD1127</b>		45. SIGNATURE OF LOCAL REGISTRAR <b>MUNTU DAVIS, M.D.</b>	
46. DATE mm/dd/yyyy <b>04/24/2020</b>					
101. PLACE OF DEATH <b>KAISER FOUNDATION HOSPITAL</b>					
102. COUNTY <b>LOS ANGELES</b>		103. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and number, or location) <b>4867 SUNSET BLVD</b>		104. CITY <b>LOS ANGELES</b>	
105. CAUSE OF DEATH Enter the chain of events - diseases, injuries, or complications - that directly caused death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or venous fibrillation without showing the etiology. DO NOT ABBREVIATE.					
IMMEDIATE CAUSE (Final disease or condition resulting in death) <b>ACUTE RESPIRATORY DISTRESS SYNDROME</b>		106. TIME INTERVAL Between Onset and Death <b>DAYS</b>		107. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
Sequentially list conditions, if any, leading to cause on Line A. Enter UNDERLYING CAUSE (disease or injury that initiated the events resulting in death) LAST <b>PNEUMONIA</b>		108. WKS		109. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
<b>COVID-19</b>		110. WKS		111. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
112. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN 107 <b>DIABETES MELLITUS TYPE II, OBESITY</b>		113. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR 112? (If yes, list type of operation and date) <b>NONE</b>		114. IF FEMALE, PREGNANT (LAST YEAR) <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK	
115. I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED Decedent Attended Since: Decedent Last Seen Alive: <b>04/20/2020</b> <b>04/20/2020</b>		116. SIGNATURE AND TITLE OF CERTIFIER <b>MICHAEL BRONSTEIN M.D.</b>		117. LICENSE NUMBER <b>G68645</b>	
118. TYPE AT TENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP CODE <b>MICHAEL BRONSTEIN M.D. 1515 N VERMONT AVE, LOS ANGELES, CA 90027</b>		119. DATE mm/dd/yyyy <b>04/23/2020</b>			
120. MANNER OF DEATH <input type="checkbox"/> Natural <input type="checkbox"/> Accidental <input type="checkbox"/> Homicide <input type="checkbox"/> Suicide <input type="checkbox"/> Pending investigation <input type="checkbox"/> Could not be determined					
121. PLACE OF INJURY (e.g., home, construction site, wooded area, etc.)					
122. DESCRIBE HOW INJURY OCCURRED (Events which resulted in injury)					
123. LOCATION OF INJURY (Street and number, or location, and city, and zip)					
124. SIGNATURE OF CORONER / DEPUTY CORONER		125. DATE mm/dd/yyyy		126. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER	
STATE REGISTRAR		A B C D E		FAX AUTH.#	
				CENSUS TRACT	

**CERTIFIED COPY OF VITAL RECORD**  
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

This is a true certified copy of the record filed in the County of Los Angeles Department of Public Health if it bears the Registrar's signature in purple ink.



002421609

*Michael Bronstein, M.D.* DATE ISSUED  
Health Officer and Registrar **BO 12**

APR 30 2020

This copy is not valid unless prepared on an engraved border, displaying the date, seal and signature of the Registrar.

**ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE**



CALOSANG