

E-FILED
1/30/2024 12:20 PM
Clerk of Court
Superior Court of CA,
County of Santa Clara
24CV430061
Reviewed By: M. Suarez

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

Jason Zoladz, an individual; Katharine
Zoladz, an individual;

Plaintiffs,

v.

Google LLC;

Defendant.

Case No. 24CV430061

Civil Complaint

JURY TRIAL DEMANDED

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1 **COMPLAINT**

2 1. Plaintiffs Jason and Katharine Zoladz bring claims for gross negligence and other
3 claims and allege as follows.

4 **NATURE OF THE ACTION**

5 2. A company that undertakes to direct and guide customers on navigational routes
6 must protect the customers from known hazards and must not expose customers to a known, serious
7 risk of harm. And if the company does direct a customer to drive through a known hazard, the
8 company must warn the customer so that the customer can assess the risk and take precautions to
9 protect themselves and minimize the risk. A Google spokesperson stated that in operating Google
10 Maps, Google had a “responsibility to society to help people avoid danger” and that “the privilege
11 of doing business comes with a reciprocal responsibility to ensure that our products do not ... lead
12 people astray.”

13 3. No later than early 2023, Google was notified by South African officials that the
14 Nyanga area of Cape Town was extremely dangerous for visitors driving rental cars to and from the
15 airport. Gangs of robbers were lying in wait for tourists traveling in rental cars. When those
16 tourists stopped along the route to the airport, gangs would assault the cars by throwing bricks or
17 large stones through the car windows, violently assaulting the occupants, and stealing valuables.
18 These attacks left the victims injured, maimed, or dead. Because of the violent attacks, a stretch of
19 the highway was dubbed “Hell Run.” Officials from the U.S. State Department provided the same
20 information to Google. They asked Google to stop directing Google Maps users through the
21 Nyanga area. Cape Town government and tourism officials also made the same plea to Google.

22 4. A Google spokesperson stated that Google was aware of the “trend of certain routes
23 exposing people to danger” in Cape Town, and that “without local knowledge and without
24 intuition” of these dangerous routes, drivers “are actually flying blind.” Google could have easily
25 programmed Google Maps to avoid directing travelers into the dangerous routes and to provide real
26 time notification of the hazards. Google decided, however, to make no changes to their routing and
27 to provide no warning notifications to users.

28 5. In the early morning hours of October 24, 2023, the Google Maps application

1 directed Jason and Katharine Zoladz on their drive to Cape Town International Airport. Google
2 Maps directed them to take a left onto New Eisleben Road, a road that intersects with “Hell Run.”
3 Google Maps gave the Zoladzes no warning of the grave dangers they faced. As Jason stopped the
4 car at a red light on New Eisleben Road, a gang of armed assailants attacked. One of the men threw
5 a paving brick through the driver’s side window, smashing the glass, and Jason’s jaw, into pieces.
6 After the brick collided with Jason’s jaw, it careened into Katharine, causing injuries to her arm.
7 The robbers fired several gunshots into the air. They dragged the couple from the car, stole the
8 couple’s credit cards, phones, and all their cash, and left Jason bleeding by the side of the road.
9 Jason and Katharine suffered extreme emotional distress, and continue to suffer emotional distress
10 from that experience. Jason now lives with four metal plates in his jaw, continued pain and
11 numbness, and faces the likelihood of future surgeries.

12 6. Three weeks after the attack on the Zoladzes, Google finally agreed to stop Google
13 Maps from directing users to travel these dangerous routes. That was too late for the Zoladzes.

14 7. Jason and Katharine Zoladz now bring this action to hold Google accountable for its
15 wrongful conduct.

16 **PARTIES**

17 8. Plaintiff Jason Zoladz is an individual residing in Los Angeles County, California.

18 9. Plaintiff Katharine Zoladz is an individual residing in Los Angeles County,
19 California.

20 10. Defendant Google LLC is a limited liability company organized under the laws of
21 Delaware with its principal place of business in Mountainview, California.

22 **JURISDICTION AND VENUE**

23 11. This Court has personal jurisdiction over Google because Google has its principal
24 place of business in California, has and continues to conduct business within the State of California
25 and the County of Santa Clara, and violations of the law described in this Complaint were
26 committed or occurred in California.

27 12. Venue is proper in this Court because this County is the principal place of business
28 for Google LLC.

FACTUAL ALLEGATIONS

A. Google Maps.

13. One of Google's most popular software products is Google Maps, an application that provides users maps showing streets, parks, businesses, public buildings, and other geographical features. Early on, Google added to Google Maps a route-guide service that provides turn-by-turn directions from the user's location to a destination selected by the user. Google Maps owes much of its popularity to the route-guide service. Google has designed the application to direct a user along a route that Google has determined will be the fastest and safest, based on real-time data about traffic, road conditions, and hazards.

14. Google provides Google Maps and its route-guide service as a for-profit business. Google earns hundreds of millions of dollars in revenues annually from advertisers who pay Google for access to users of Google Maps. In the United States in 2022, Google Maps was the most downloaded navigation application. Google has and continues to design, develop, maintain, promote, edit, control, and profit from Google Maps.

B. Google's duty to protect and warn.

15. A company that undertakes to provide a service of directing and guiding customers on navigational routes owes the customers a duty of reasonable care. The company must conduct itself as a reasonably carefully person would do in that situation. To comply with that duty, the company must protect the customers from known hazards and must not expose customers to a known, serious risk of harm. And if the company does direct a customer to drive through a known hazard, the company must warn the customer so that (i) the customers can assess the risk and decide whether they want to turn back or take a different route, and (ii) should the customer make the decision to proceed, the customer can watch out for the hazard and take precautions to protect themselves and minimize the risk.

16. These duties applied to Google in operating Google's route-guide service. When Google received credible information that driving on a section of road or through a particular neighborhood would expose travelers to serious risk of bodily injury or death, Google had a duty to protect travelers by directing them to avoid that dangerous route. And if Google did direct a

1 traveler into a hazard, Google had a duty to notify the traveler of the danger so that they may decide
2 whether to turn around or, if proceeding onward, to take precautions to protect themselves from
3 danger.

4 17. Google knew of its duty to protect and warn users. Google knew that users
5 frequently use Google Maps on their cell phones to provide driving directions in locations that are
6 unfamiliar to the user. Google knew that such users were particularly vulnerable and dependent
7 upon Google to safely guide the user to their destination and to warn the user of hazards.

8 18. A Google spokesperson stated that in operating Google Maps, Google had a
9 “responsibility to society to help people avoid danger” and that “the privilege of doing business
10 comes with a reciprocal responsibility to ensure that our products do not ... lead people astray.” A
11 Google spokesperson stated “Google is a tool to connect you with your destination in the fastest and
12 safest possible time [W]e look at the nature of the road, the quality of the road [and] we also
13 look at safety.”

14 **C. Google had actual knowledge of the extreme danger to its users, but took no**
15 **action to protect or warn them.**

16 19. For several years preceding October 2023, certain routes in the Nyanga area of Cape
17 Town, an area close to the Cape Town airport, were the location of numerous violent attacks by
18 armed gangs on tourists. Gangs of robbers would lie in wait for tourists traveling in rental cars.
19 When those tourists stopped along a route through the area, gangs would assault the cars by
20 throwing bricks or large stones through the car windows, violently assaulting the occupants, and
21 stealing valuables. These attacks left the victims injured, maimed, or dead.

22 20. These gangs chose New Eisleben Road as a prime site for these violent attacks
23 because (1) it was difficult for the victims to escape due to the high concentration of vehicles and
24 pedestrians, and (2) the gangs knew that Google Maps sent unsuspecting tourists driving rental cars
25 to the airport along these routes. Because of these violent attacks, a stretch of highway in the area
26 was dubbed “Hell Run.”

27 21. For example, in March 2023, a Dutch woman died while following Google Maps
28 directions to the airport. A stone was thrown through the driver’s side window, striking her in the

1 head, and causing a fatal heart attack. In July 2023, a student was attacked on her drive to the Cape
2 Town International Airport when a rock was thrown through her window while she drove along
3 “Hell Run.” In August 2023, a British surgeon was killed while driving near the Cape Town
4 airport.

5 22. Google was fully aware of these dangers. United States, South African, and Cape
6 Town officials had been in communication with Google for months asking that Google Maps not
7 direct users along dangerous routes through Nyanga to or from Cape Town International Airport. A
8 Google spokesperson stated that it was aware of the “trend of certain routes exposing people to
9 danger” in Cape Town, and that “without local knowledge and without intuition” of these dangerous
10 routes, drivers “are actually flying blind.” Google had actual knowledge that violent gangs had a
11 propensity to assault travelers while driving near the Cape Town airport.

12 23. Given Google’s direct knowledge of dangers its users would face when directed by
13 Google Maps via specific routes to the Cape Town airport, Google had a duty to avoid routing users
14 through this danger, and to warn users directed along those routes about the danger. Because
15 Google Maps already possessed the functionality for routing around hazards and for real-time
16 notifications, protecting and warning users from the dangers was a simple matter of software
17 programming that would have taken no more than a few hours to implement, test, and roll out.

18 24. But Google failed to take any action to direct travelers away from the grave danger
19 on these routes or to warn them of that danger so that they could protect themselves.

20 **D. Google’s wrongful conduct.**

21 25. Google knew that it had a duty to protect users of Google Maps by not directing
22 them into known hazards and a duty to warn users of known hazards. Google had the ability to
23 program Google Maps to avoid known hazards and to warn users about real-time hazards and
24 dangers along the routes it directed users to take.

25 26. Google had actual knowledge of a pattern of violent attacks on cars traveling in the
26 Nyanga neighborhood, along the routes Google Maps directed its users to take in the Google Maps
27 application.

28 27. Government officials from the United States, South Africa, and Cape Town notified

1 Google about the violent assaults on travelers on certain routes and asked Google to stop directing
2 users along those routes. Because of these communications, Google knew about the high likelihood
3 and extreme severity of physical harm that would result to users who were directed by Google Maps
4 along dangerous routes to and from the Cape Town International Airport.

5 28. Despite this actual knowledge, Google continued to direct its application customers
6 along routes to, from, and around the Cape Town International Airport that Google knew were
7 dangerous and where users were highly likely to be attacked by violent gangs targeting drivers
8 stopped along such routes. It was reasonably foreseeable to Google that users of Google Maps
9 would be directed by the application to drive their car on these routes with known dangers, and that
10 travelers on these routes would be violently assaulted.

11 29. Google violated its legal duties and engaged in an extreme departure from the
12 ordinary standard of conduct expected from a for-profit company that invites users to place their
13 trust in a navigational product that users expect will direct them safely and warn them of dangerous
14 hazards along a route. Google's unlawful conduct is described in detail above and included:

- 15 • Google continued to direct users to drive along routes where Google knew that other
16 drivers had been subjected to violent attacks by gangs targeting cars stopped at lights
17 along the route;
- 18 • Google failed to provide any real-time or continued warnings to users of Google
19 Maps regarding the danger of violent gangs hijacking cars along the routes;
- 20 • Google failed to implement a system or policy to address credible notifications of
21 serious dangers to its users.

22 **E. Google's wrongful conduct harms Plaintiffs.**

23 30. Jason Zoladz had the habit of using Google Maps to navigate in and around Los
24 Angeles, California, the Zoladzes' residence, and to obtain directions before and during any family
25 vacations. In preparing for their trip to South Africa, Jason used Google Maps to access directions
26 to and from Cape Town International Airport to various destinations. Jason and Katharine
27 continued to use Google Maps while on their vacation in South Africa.

28 31. On the morning of October 24, 2023, the Zoladzes were returning to the airport to

1 exchange their rental car for a sport utility vehicle more appropriate for visiting the nearby
2 Kgalagadi Transfrontier Park. Around 7:00 am, Jason Zoladz put Cape Town International Airport
3 into his cell phone's Google Maps application. The application provided a route from the Zoladzes'
4 Airbnb in the Simon's Town section of Cape Town to the city's airport. Jason Zoladz relied upon
5 Google Maps to provide safe directions.

6 32. The Google Maps application provided directions that, throughout the course of the
7 Zoladzes' drive, were seen by both Jason and Katharine. Katharine Zoladz knew that Google Maps
8 was providing directions along this route, and relied upon Google to reliably provide safe
9 directions.

10 33. Google Maps directed the Zoladzes to drive to the airport via the Nyanga
11 neighborhood in Cape Town. Following the directions from Google Maps, Jason drove along the
12 R310 Baden Powell Drive, then turned left onto the M22 Eisleben Road. At approximately 8:44
13 AM, the Zoladzes stopped at a red light at the intersection of New Eisleben Road and Sheffield
14 Road.

15 34. At the stoplight, men armed with guns surrounded the car. One of them threw a
16 paving brick through the driver's side window, breaking Jason Zoladz's lower jaw bone into several
17 pieces, cutting through his skin and muscle to bone, and rendering him unconscious. The assailants
18 pulled Jason and Katharine Zoladz from the vehicle, and fired several gunshots. The assailants
19 robbed the Zoladzes of their cash, credit cards, and three of their phones. The hijackers then fled,
20 leaving Jason bleeding and disoriented as he and Katharine attempted to navigate to a hospital or to
21 a police station. Ultimately, they were able to locate a police officer who escorted them to a local
22 hospital. Jason then underwent three hours of surgeries, by two different surgeons, to reconstruct
23 his jaw and face. Four titanium plates were installed.

24 35. At the hospital, Katharine Zoladz spoke with a United States Consular official who,
25 when Katharine explained the situation, immediately told her that he already knew where she and
26 Jason had been attacked. Katharine did not need to tell him. The Consular official said that other
27 Americans had been attacked along the same route and that United States and South African
28 officials had been in discussions with Google Maps for a while, trying to get Google Maps to stop

1 sending people along that route to Cape Town International Airport.

2 36. The Zoladzes later communicated with Cape Town officials who emphasized that
3 they too had tried to secure meetings with Google Maps for months, and possibly years, to remove
4 the route to the airport that the Zoladzes were directed to take by the application.

5 37. Three weeks after the attack on the Zoladzes, on November 13, 2023, Google Maps
6 finally announced that it was taking action: “Google had been in touch with city officials and had
7 identified crime hotspots. These included Nyanga and the intersection at the airport, which would
8 soon no longer be recommended by Google as the fastest routes to the city.”

9 **F. Injuries caused by Google’s wrongful conduct.**

10 38. Google’s wrongful conduct was the proximate cause and a substantial factor in
11 causing harm to the Zoladzes. But for Google’s wrongful conduct in failing to provide any warning
12 or remove the extremely dangerous routes from the Google Maps application, the Zoladzes would
13 not have encountered a gang of violent, armed criminals while driving to the Cape Town
14 International airport.

15 39. Google’s wrongful conduct caused Jason Zoladz to be struck in the face with a
16 paving brick, shattering his jaw into multiple pieces, and requiring hours of reconstructive and
17 plastic surgery to repair. Jason and Katharine lost their money, credit cards, and multiple cellular
18 phones. Jason and Katharine experienced a traumatic and violent armed attack, suffered extreme
19 emotional distress, and continue to suffer emotional distress from that experience. Jason must live
20 with four metal plates in his jaw, continued pain and numbness, and face the likelihood of future
21 surgeries in Los Angeles.

22 40. Google was aware of the probable dangerous consequences of its conduct and
23 deliberately failed to avoid those consequences. Google’s conduct was carried out with a willful
24 and conscious disregard for Plaintiffs’ safety and subjected Plaintiffs to cruel and unjust hardship.
25 Google’s conduct and callous disregard for the safety of Plaintiffs was so mean, vile, base, and
26 contemptible that it would be looked down on and despised by reasonable people. On information
27 and belief, Plaintiffs allege that Google’s wrongful conduct was known, adopted, and approved by
28 Google employees that exercised substantial independent authority and judgment such that the

1 employees' decisions ultimately determine corporate policy.

2 **First Cause of Action**

3 **(Negligence and gross negligence)**

4 41. Plaintiffs incorporate by reference the allegations in the proceeding paragraphs.

5 42. Google owed Plaintiffs a legal duty to use due care to protect its users from known
6 and serious risks to their safety when directed along routes by Google Maps.

7 43. Google breached that duty and engaged in an extreme departure from what a
8 reasonably careful company would do when it failed to remove the extremely dangerous routes
9 from the application, failed to warn Google Maps users about known violent car assaults along
10 Google Maps routes, and otherwise failed to uphold any duty to protect its customers.

11 44. Google's negligence and gross negligence was a substantial factor in causing
12 Plaintiffs' harm.

13 45. As a proximate result of Google's negligence and gross negligence, Plaintiffs have
14 sustained damages, the exact amount of which will be determined at trial.

15 46. Google should be held liable for punitive damages in amount to be determined at
16 trial.

17 **Second Cause of Action**

18 **(Negligent failure to warn)**

19 47. Plaintiffs incorporate by reference the allegations in the proceeding paragraphs.

20 48. Google designed, created, supplied, and distributed the Google Maps application
21 product.

22 49. Google Maps knew or reasonably should have known that Google Maps was
23 dangerous or likely to be dangerous when used in a reasonably foreseeable manner by users,
24 including by Plaintiffs, who were directed to navigate to the Cape Town International Airport via
25 routes in Google Maps.

26 50. Google knew or reasonably should have known that Google Maps users, including
27 Plaintiffs, would not realize the danger posed by following Google Maps directions to the Cape
28 Town International Airport.

1 Zoladz.

2 66. Katharine Zoladz suffered serious emotional distress from witnessing the violent
3 assault on Jason Zoladz, including suffering, anguish, fright, horror, grief, anxiety, worry, and
4 shock.

5 67. Google's conduct was a substantial factor in causing Katharine Zoladz serious
6 emotional distress.

7 68. Google should be held liable for punitive damages in amount to be determined at
8 trial.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiffs pray as follows:

- 11 1. For general and special damages according to proof;
- 12 2. For punitive damages;
- 13 3. That the Court award pre- and post-judgment interest at the maximum legal
14 rate;
- 15 4. For costs of suit; and
- 16 5. For any and all other relief to which Plaintiffs are entitled.

17 **Jury Demand**

18 Plaintiffs demand trial by jury for all claims.

19 Dated: January 30, 2024

Respectfully submitted,

20 **DOVEL & LUNER, LLP**

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