

FILED
Clerk
District Court

FEB 11 2008

For The Northern Mariana Islands
By _____
(Deputy Clerk)

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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS**

KOICHI TANIGUCHI,

Plaintiff,

vs.

KAN PACIFIC SAIPAN, LTD.,
dba Mariana Resort and Spa,

Defendant.

CIVIL ACTION NO. 08- 0008

**COMPLAINT
and
SUMMONS**

Comes now Kouichi Taniguchi, plaintiff herein, and for this his complaint states and alleges:

1. That this court has jurisdiction of this action pursuant to 28 U.S.C. § 1332, this being an action under the diversity jurisdiction of this court with the amount in controversy exceeding \$75,000.00 exclusive of interest and costs.
2. That plaintiff Kouichi Taniguchi is a citizen and resident of the country of Japan; defendant Kan Pacific Saipan, Ltd., is a corporation incorporated under the laws of and doing business within the Commonwealth of the Northern Mariana Islands, as Mariana Resort and Spa.
3. That Kouichi Taniguchi was a paying guest, patron and business invitee at the defendant's hotel and spa on November 6, 2006.
4. That on that date, while standing on a wooden deck area at defendant's hotel and spa, overlooking pools and the ocean, the deck collapsed under him, immediately causing him to drop several feet to the ground below.

1 5. That as a result of the collapsing deck, plaintiff suffered various, cuts,
2 bruises, and ligament tears.

3 6. That plaintiff is a professional baseball player, having played in Japan for the
4 Yomiuri (Tokyo) Giants and in the United States for the New York Mets.

5 7. That due to his fame and reputation in Japan he is in demand for public
6 appearances, conducting of baseball clinics, advertising employer's business activities,
7 all of which has resulted in his receiving various contracts from business entities in
8 Japan to appear on their behalf, play baseball for them and promote products and
9 businesses both in Japan and the Commonwealth.

10 8. That as a result of his injury plaintiff has incurred medical, hospital and
11 rehabilitation expenses and has not been able to fulfill various contractual requirements
12 causing a loss of income and in some cases requiring the return of advance payments,
13 all to be established at trial.

14 9. That the injury has caused plaintiff great physical pain, and anxiety that he
15 cannot fulfill contractual requirements and engage in the physical activity he has spent
16 most of his life perfecting.

17 10. That the collapse of the deck and resulting injury to plaintiff was due to the
18 failure of defendant to properly construct, maintain and keep the area in good order
19 and repair, said area being under defendant's sole authority, management and control.

20 11. The defective and hazardous condition of the deck area was not visible to
21 guests using the area and plaintiff had no reason to believe that the area was
22 dangerous, defendant leaving the area unguarded and without any signal or warning as
23 to the defective and hazardous condition.

24 12. That defendant's conduct as alleged hereinabove was the direct and
25 proximate cause of plaintiff's physical and emotional injuries and financial loss.

26 13. That defendant's failure to inspect, maintain, and repair the deck area to
27 which it invited its guests, and business invitees constituted a wilful disregard for the
28 safety of its business invitees and guests such as plaintiff, entitling plaintiff to punitive

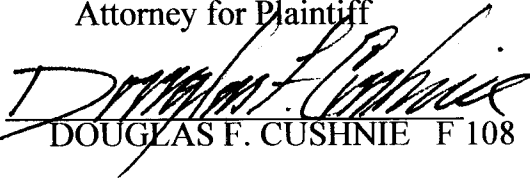
1 damages in such amounts as may be established at trial.

2 WHEREFORE, plaintiff prays as follows:

- 3 1. Damages for pain, suffering, and emotional anxiety arising out of his injury.
- 4 2. Compensation for medical, hospital, and rehabilitation expenses.
- 5 3. Damages for loss of income including for advance fees returned.
- 6 4. Punitive damages.
- 7 5. Such other and further relief as the court may deem proper.

8 Dated this 8th day of February, 2008.

9 DOUGLAS F. CUSHNIE
Attorney for Plaintiff

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11 DOUGLAS F. CUSHNIE F 108

12 JURY DEMAND

13 Plaintiff demands trial by jury on all issues so triable.
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