

SEP 24 2021

J. Castillo

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

TITLE: Vance	v. City of Riverside	DATE & DEPT. September 20, 2021 Dept 10	NUMBER RIC1905830
COUNSEL None	None	REPORTER None	
PROCEEDING Ruling on Submitted Matter—Demurrers to the Third Amended Complaint			

SEP 29 2021

Defendants Ara Sevacherian, Vahram Sevacherian and City of Riverside demur to the third amended complaint of plaintiffs Malyah Jane Vance and Jayde Downey. Vance alleges that she was injured in a motor vehicle accident on December 4, 2018. Downey, Vance’s mother, was on the telephone with Vance, not in the vehicle, at the time of the incident. Vance’s vehicle was struck by a vehicle driven by defendant Evan Theodore Martin.

The Court takes judicial notice of the third amended complaint as requested by the Sevacherians and the minute order sustaining their demurrer to the second amended complaint.

By the present demurrers, the City of Riverside challenge the first cause of action, by Downey for negligent infliction of emotional distress. The Sevacherians challenge the third cause of action, by Downey for negligent infliction of emotional distress. Because the third amended complaint does not contain allegations sufficiently different from those in the second amended complaint, to which demurrers by these defendants were sustained, the Court sustains the demurrers without leave to amend. Although additional facts were added to paragraph 10 of the third amended complaint, the allegations are insufficient to show that Downey had a contemporaneous awareness of the injury-producing event—not just the harm Vance suffered, but also the causal connection between defendants’ tortious conduct and the injuries Vance suffered.

Defendants to prepare a proposed order and judgment as to the claims by Downey.

Clerk to give notice.

HAROLD W. HOPP, Judge  
 J. Castillo (vis), Clerk  
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**SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE**

Riverside Family Law Courthouse  
4175 Main Street, Riverside, CA 92501

**Case Number:** RIC1905830

**Case Name:** VANCE vs CITY OF RIVERSIDE

**CERTIFICATE OF MAILING**

I certify that I am currently employed by the Superior Court of California, County of Riverside, and that I am not a party to this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the foregoing notice on this date, by depositing said copy as stated above.

Notices Mailed: Ruling on Submitted Matter—Demurrers to the Third Amended Complaint

Dated: 09/24/2021

W. SAMUEL HAMRICK JR.,  
Court Executive Officer/Clerk of Court

by:



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J. Castillo, Deputy Clerk

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