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17 Attorneys for Plaintiffs

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

19 **COUNTY OF RIVERSIDE**

20 GLORIA GUZMAN, individually and as  
21 successor-in-interest to MONIQUE G.; STEVE  
22 GONZALEZ, individually and as successor-in-  
23 interest to MONIQUE G.; JULIO L. by and  
24 through his Guardian ad Litem GLORIA  
25 GUZMAN; ESMERALDA S.; by and through  
26 her Guardian ad Litem ESMERALDA  
27 GALVEZ

28 Plaintiffs,

vs.

FIRST STUDENT, INC., COUNTY OF  
RIVERSIDE; PALM SPRINGS UNIFIED  
SCHOOL DISTRICT; CITY OF DESERT  
HOT SPRINGS; ROBERT WILLIAM  
HANSON; And Does 1 Through 50, Inclusive,

Defendants.

Case No. **CVPS2204962**

**PLAINTIFFS' COMPLAINT FOR:**

1. DANGEROUS CONDITION OF PUBLIC PROPERTY (GOV'T CODE §§ 830 AND 835 ET SEQ.)
2. NEGLIGENT UNDERTAKING AND SUPERVISION
3. NEGLIGENCE

**DEMAND FOR JURY TRIAL**

**PARTIES**

1  
2           1.       Plaintiff GLORIA GUZMAN and Plaintiff STEVE GONZALEZ (collectively  
3 “Guzman Plaintiffs”) are the mother and father, respectively, of MONIQUE G., decedent and a  
4 minor (age 10) at the time of her passing. Guzman Plaintiffs are residents of the County of  
5 Riverside.

6           2.       Plaintiff JULIO L. is a minor (age 6) who, at all times relevant herein was a  
7 resident of the County of Riverside, and brings this action by and through his Guardian ad Litem,  
8 Plaintiff GLORIA GUZMAN.

9           3.       Plaintiff ESMERALDA S. is a minor (age 12) who, at all times relevant herein  
10 was a resident of the County of Riverside, and brings this action by and through her Guardian ad  
11 Litem, ESMERALDA GALVEZ.

12           4.       Plaintiffs are informed and believe that Defendant COUNTY OF RIVERSIDE  
13 (hereinafter, “County”) is, and at all relevant times was, a public entity organized and existing by  
14 virtue of the law of the State of California.

15           5.       At all times relevant times herein, Defendant PALM SPRINGS UNIFIED  
16 SCHOOL DISTRICT (hereinafter, “PSUSD”) was a governmental agency of the County of  
17 Riverside, State of California, duly organized and existing under the laws of the County of  
18 Riverside and State of California and in doing all of the things hereinafter mentioned, acted under  
19 color of their authority as such, and under color of the statutes, regulations, customs, and usages  
20 of the County of Riverside and State of California. PSUSD falls under the County’s oversight and  
21 responsibility.

22           6.       Plaintiffs are informed and believe that Defendant CITY OF DESERT HOT  
23 SPRINGS (hereinafter, “the City,” and together with Defendants County and PSUSD,  
24 “Government Defendants”), located within the County of Riverside, is, and at all relevant times  
25 was, a public entity organized and existing by virtue of the laws of the County of Riverside and  
26 State of California.

27           7.       Plaintiffs are informed and believe that Defendant FIRST STUDENT, INC., also  
28 referred to as First Student Transportation Services (hereinafter, “FSI”), is, and at all relevant

1 times was, a private, non-governmental entity that contracted with the County and PSUSD to  
2 perform, and did perform, the relevant public transportation services alleged hereinafter in the  
3 County of Riverside, State of California.

4 8. Plaintiffs are informed and believe that Defendant ROBERT HANSON is, and at  
5 all relevant times was, a resident of the County of Riverside, State of California.

6 9. Plaintiffs do not know the true names and capacities of the Defendants sued herein  
7 as Does 1 through 50, inclusive, and therefore sues those Defendants by fictitious names pursuant  
8 to California Code of Civil Procedure section 474. Plaintiff will amend this Complaint to state the  
9 true names and capacities of the fictitiously-named Defendants when those names are ascertained.  
10 Plaintiff is informed and believes, and thereon alleges, that each of the fictitiously-named  
11 Defendants is legally responsible in some manner for the events and damages alleged in this  
12 Complaint under the causes of action alleged herein.

13 10. Plaintiffs are informed and believe, and thereon allege, that each of the named and  
14 fictitious Defendants identified in this Complaint was the agent, partner, co-joint venture,  
15 associate and/or employee of one or more of the other Defendants and was acting in the course  
16 and scope of such agency, partnership, joint venture, association and/or employment when the  
17 acts giving rise to the causes of action occurred.

18 11. Defendants, and each of them, acted independent of, or jointly with, other  
19 Defendants, and are all in some manner legally responsible for the events and happenings herein  
20 referred to, and caused damages proximately and foreseeably to Plaintiffs as alleged herein.

21 12. All relevant agents and employees of Defendants acted within the course and scope  
22 of their agency relationship during the relevant periods of time.

23 **JURISDICTION AND VENUE**

24 13. This Court has jurisdiction over the entire action by virtue of the fact that this is a  
25 civil action wherein the matter in controversy, exclusive of interest and costs, exceeds the  
26 jurisdictional minimum of this Court.

27 14. Venue is proper in this judicial district pursuant to Code of Civil Procedure section  
28 395 because the events giving rise to the causes of action alleged herein occurred in the County

1 of Riverside, State of California.

2 15. Plaintiffs satisfied the jurisdictional requirements of the California Torts Claim  
3 Act. Plaintiffs received claim rejections from the respective government Defendants less than six  
4 months before the filing of this Complaint.

5 **GENERAL ALLEGATIONS**

6 16. This case concerns the catastrophic injury and wrongful death of three school  
7 children. On December 9, 2021, these 3 children were struck by a vehicle driven by Defendant  
8 Hanson when a school bus placed the children in danger by dropping the children in a dangerous  
9 roadway, an unincorporated area of Riverside County, California, at and about the intersection of  
10 Corkill Road and Aurora Road (hereinafter, "Subject Intersection".)

11 17. At roughly 3:45 p.m. that afternoon, MONIQUE G., JULIO L., and ESMERALDA  
12 S. (collectively, the "Children" or "Plaintiff Children") were standing on the western edge of  
13 Corkill Road, a few yards south of the Subject Intersection.

14 18. On December 9, 2021, at approximately 3:45 p.m., Defendant Hanson was driving  
15 his 1994 Cadillac southbound on Corkill Road. At that time, traffic on southbound Corkill Road  
16 was built up, due to the school bus stop location near the Subject Intersection. Defendant Hanson  
17 attempted to go around a stopped school bus, but instead struck the back of a stopped school bus.  
18 Defendant Hanson then attempted to maneuver his vehicle around the bus and other vehicles  
19 toward the Subject Intersection.

20 19. Defendant Hanson then veered his vehicle toward the western edge of Corkill  
21 Road, where he proceeded to run over the Children, who just began to walk home from the bus  
22 stop.

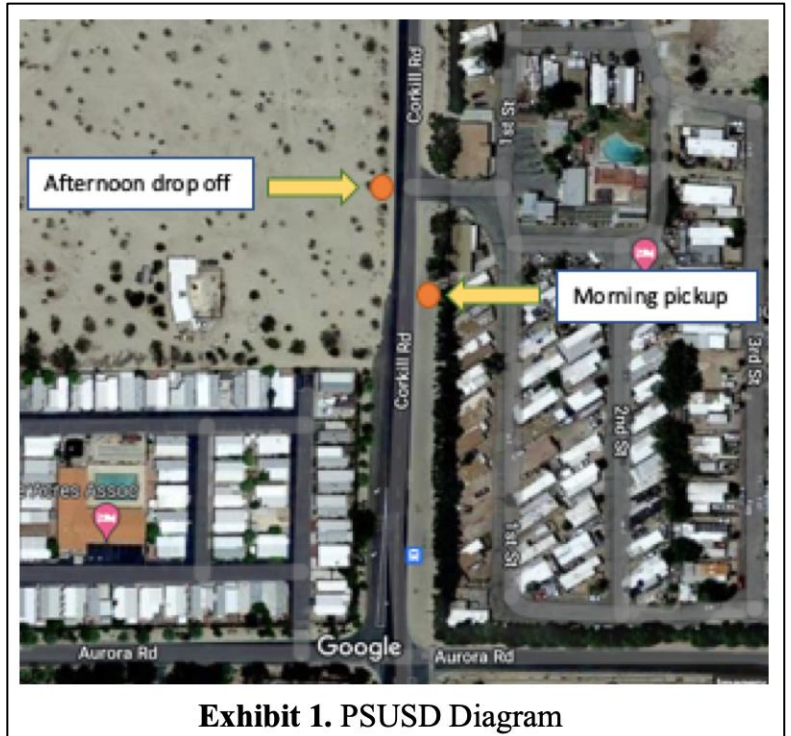
23 20. The collision resulted in MONIQUE G.'s untimely death and caused life-altering  
24 injuries to JULIO L. and ESMERALDA S. MONIQUE G. was nine (9) years old at the time of  
25 her death; JULIO L. was five (5) years old at the time he suffered his severe injuries; and  
26 ESMERALDA S. was eleven (11) years old at the time she suffered her severe injuries.

27 21. On December 9, 2021, MONIQUE G. was in fourth grade; JULIO L. was in  
28 kindergarten; and ESMERALDA S. was in fifth grade.

1           22.     The Children all lived in residential communities near the Subject Intersection.  
2 Each of the communities was situated near the Subject Intersection. County, PSUSD and FSI  
3 knew and should have known that the Children lived in the aforementioned communities and the  
4 precise route the Children were required to take in order to walk home.

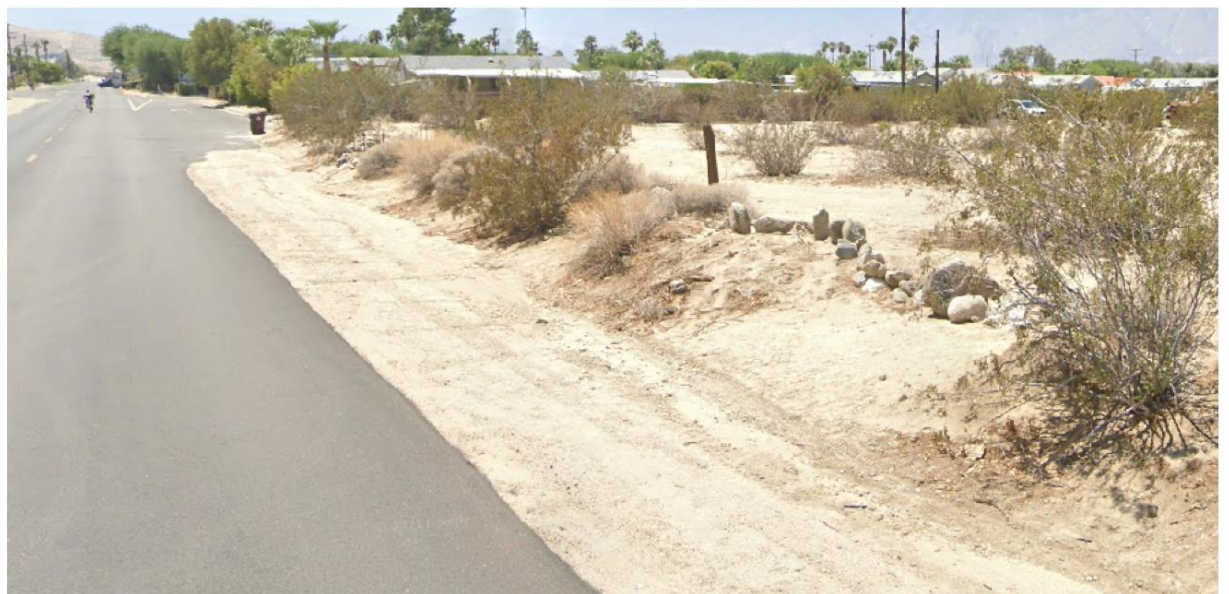
5           **THE SCHOOL BUS STOP AND ADJACENT AREA WERE IN A DANGEROUS**  
6           **CONIDITION**

7           23.     PSUSD and FSI  
8 designated a school bus drop off  
9 location that was unsafe and  
10 provided no means for the Children  
11 to safely travel home. By PSUSD’s  
12 own admission, “[b]us stops and  
13 routes are cooperatively planned by  
14 First Student Transportation  
15 Services [aka FSI,] and the  
16 District” and the decision to place  
17 the relevant bus stop in such a  
18 dangerous location falls on both  
19 PSUSD and FSTS. The Children  
20 were not permitted to use any other bus stop not assigned to them.



21           24.     On December 9, 2021, the Plaintiff Children were dropped off at the “Afternoon  
22 Drop Off” location (hereinafter, “Drop Off Location”). For the reasons alleged hereinafter, the  
23 Drop Off Location extended to and into the Subject Intersection. The Drop Off Location is located  
24 on Corkill Road, which has a posted speed limit of 40 miles per hour (“mph”). On information  
25 and belief, the children in the bus were dropped off on the side of the roadway. On further  
26  
27  
28

1 information and belief, PSUSD allowed elementary school children to walk home from the bus



12 **Exhibit 2.** Photograph of Area of Afternoon Drop Off Location

13 stop in the street, without parental supervision.

14 25. In order to drop off the Children at the Drop Off Location, the school bus was  
15 required to stop in the southbound lane of travel on Corkill Road and unload the Children onto  
16 the dirt shoulder. This act was in violation of Vehicle Code section 22504(a), which prohibits, “in  
17 unincorporated areas,” “any vehicle” from stopping “upon the roadway when it is practical to  
18 stop[ or] park ... the vehicle off such portion of the highway ....” In fact, regardless of whether  
19 the Plaintiff Children were dropped off at the Drop Off Location or at the Subject Intersection,  
20 the bus would be in violation of section 22504(a) when it stopped.

21 26. On information and belief, at the time of day that the Children were dropped off,  
22 vehicle traffic was heavy on Corkill Road and presented various imminent threats to the Children.  
23 On information and belief, this was regularly true on week days. Vehicles, including parents  
24 picking up their children, would park in the roadway. There is no parking lot near the bus stop  
25 location. Parents would park their cars on both sides of the road. The school bus would drop these  
26 children off on the side of the road where the children would either be picked up by their parents  
27 or forced to walk around the parked cars, with their backs toward the traffic on Corkhill road until  
28 they reached their home.



**Exhibit 3.** Afternoon Drop Off on Southbound Corkill Road

27. What made this public area even more dangerous was the age of the children being dropped off. The School Defendants placed children as young as five (5) years old on the side of the road, and allowed these children to walk on a roadway without parental supervision.

28. The Drop Off Location is completely uncontrolled—there are no stop, yield, or other traffic control signs or signals. The Drop Off Location does not have crosswalks—marked or unmarked. The Drop Off location does not have any signage, including but not limited to a bus stop sign, children present sign, yield to pedestrian, do not pass, or reduced speed when



**Exhibit 4.** Photograph of Area South of Afternoon Drop Off Location

1 children are present traffic control signage; or an identified, marked student unloading area. On  
2 information and belief, PSUSD and FSI did not employ a traffic officer at or about the Drop Off  
3 Location to assist children crossing the street and navigating the Drop Off Location.

4 29. The Drop Off Location causes significant congestion in the southbound single lane  
5 of travel on Corkill Road.

6 30. There were and are no sidewalks or curbs at the Drop Off Location. To the  
7 contrary, the dirt pathway that runs along Corkill Road is uneven and becomes nonexistent as  
8 southbound Corkill Road approaches the Subject Intersection. Meaning, as the Children walked  
9 south down Corkill Road, which they were required to do in order to make it home, they  
10 necessarily had to walk in the street. Vegetation, trees, and other obstructions further ensured that  
11 the Children could not utilize the dirt shoulder as they approached the Subject Intersection.  
12 PSUSD's Transportation Safety Plan directs that "[i]f possible, [students should] face traffic when  
13 walking on roads without sidewalks ...." This directive was impossible due to PSUSD and FSI's  
14 transportation plan.

15 31. PSUSD and FSI knew the Children were required to walk in the southbound  
16 Corkill roadway. PSUSD and FSI were required to ensure the Plaintiff Children "crossed safely"  
17 the "highway or private road upon which the school bus [was] stopped." Cal. Veh. Code §  
18 22112(d)(3). On information and belief, PSUSD and FSI did not do so and had no plan to do so.  
19 Yet, PSUSD's Transportation Safety Plan explicitly provides that students are "[n]ever [to] go  
20 out into the street without the bus driver telling" them to do so.

21 32. By law, PSUSD is required to "prepare a transportation safety plan containing  
22 procedures for school personnel[, or a privately contracted party,] to follow to ensure the safe  
23 transport of pupils." Cal. Educ. Code § 39831.3(a). The plan "shall address" whether students,  
24 those in "prekindergarten, kindergarten, or any of grades 1 to 8 ... who need to cross the highway  
25 or private road upon which the school bus is stopped," are assisted by a "driver [that] shall use an  
26 approved hand-held 'STOP' sign while escorting all pupils." Cal. Veh. Code § 22112(d)(1). On  
27 information and belief, PSUSD and FSI failed to do so and had no plan to do so.

28 33. The herein alleged lethal cocktail of obstructions and visibility impediments thrust

1 upon the Plaintiff Children by the Government Defendants was also in violation of 13 C.C.R. §  
2 1238(c)(1), which provides: “Unless approved by the [California High Patrol], a school bus stop  
3 shall not be designated ... [u]pon the main traveled portion of a highway where there is not a clear  
4 view of the stop from 500 ft in each direction along the highway and the speed limit is more than  
5 25 mph.” On information and belief, the California Highway Patrol did not approve the Drop Off  
6 Location. For the reasons discussed herein, visibility of the bus stop location was not visible from  
7 500 ft in each direction and the speed limit was greater than 25 mph.

8 34. On information and belief, PSUSD and FSI failed to provide the Plaintiffs with a  
9 safe Drop Off Location alternative. In the same vein, PSUSD and FSI failed to instruct and/or  
10 advise Plaintiffs of how to safely navigate the chaos said Defendants County, PSUSD and FSI  
11 created on Corkill Road and at the Subject Intersection. Parents and children were left to fend for  
12 themselves, despite the obvious dangers inherent in the dangerous and ill-advised transportation  
13 and drop-off plan.

14 35. The Drop Off Location also failed to consider engineering and other safe  
15 transportation principles. For example, the California Manual on Uniform Traffic Control Devices  
16 (CA-MUTCD), widely recognized as a leading authority on roadway and traffic engineering  
17 standards, provides the following “Guidance” for “school walk routes”: (i) “School walk routes  
18 should be planned to take advantage of existing traffic controls”; (ii) “The following factors  
19 should be considered when determining the feasibility of requiring children to walk long distance  
20 to a crossing with existing traffic control: (A) The availability of adequate sidewalks or other  
21 pedestrian walkways to and from the location with existing control, (B) The number of students  
22 using the crossing, (C) The age levels of the students using the crossing, and (D) The total extra  
23 walking distance.” On information and belief, the Drop Off Location failed to satisfy basic  
24 engineering and safe transportation principles.

25 36. PSUSD and FSI knew and should have known that the Drop Off Location and  
26 route by which the Children were required to utilize to get home had absolutely no traffic control  
27 devices designed to protect pedestrians, especially children. On information and belief, PSUSD  
28 failed to “request the appropriate city, county, city and county or state agency to install traffic

1 control devices ....” Cal. Veh. Code § 21373. PSUSD and FSI failed to select a drop off location  
2 that mitigated the complete absence of traffic control devices designed to protect pedestrians.

3 37. There was no reasonable or safe basis for PSUSD and FSI to place the Drop Off  
4 Location where it was on December 9, 2021. To the contrary, the complete absence of any safety  
5 measure at and about the Drop Off Location to protect the Children during their walk home on  
6 southbound Corkill Road and at the Subject Intersection necessitated the selection of another drop  
7 off location.

8 38. In addition, and as alleged herein, PSUSD and FSI, through their agents, had notice  
9 that vehicles, including Defendant Hanson, regularly drove in a highly dangerous and unsafe  
10 manner on southbound Corkill Road, which threatened harm to all pedestrians in the area,  
11 including the Children. This knowledge, in conjunction with the utter lack of safety measures for  
12 the Children at the Drop Off Location, made clear the unreasonably dangerous nature of the Drop  
13 Off Location. PSUSD and FSI failed to take any action to mitigate this danger to the Children.

14 39. More than being forced to utilize the dangerous southbound Corkill roadway, the  
15 Children were forced to navigate the inherently dangerous Subject Intersection and adjacent area  
16 in order to continue home.

17 40. The Subject Intersection and adjacent property lack any and/or has insufficient  
18 and/or defective traffic control, warning signs, signals, markings, devices or other forms of  
19 warning to ensure the safety of the school children that are dropped off in the roadway at the Drop  
20 Off location. There are no crosswalks—marked or unmarked—or other pedestrian crossing  
21 signage or devices at the Subject Intersection. The speed limit is forty (40) miles per hour. There  
22 is no warning to drivers that there is a school bus stop that will drop children off near or in the  
23 roadway.

24 41. There are no sidewalks anywhere near the Subject Intersection and the edgeways  
25 at and adjacent to the Subject Intersection are mostly comprised of dirt with no raised curb. The  
26 Subject Intersection and adjacent area has very limited, and in some cases no, room for pedestrian  
27 traffic, as trees, vegetation, rocks, and other obstructions force pedestrians, including children, to  
28 walk in the roadway. In addition, the ground is uneven and loose, which, in addition to the

1 obstructions, forces pedestrians to walk in the southbound Corkill roadway. Defendants County,  
2 PSUSD and FSI knew and should have known of the aforementioned.

3 42. The Subject Intersection and adjacent area have inadequate visibility due to  
4 sightline obstructions.

5 43. On information and belief, Corkill Road is a main artery for the surrounding  
6 community and becomes congested during the afternoon hours, especially when school buses  
7 drop off children from the local schools. When school buses unload children, the traffic stacks up  
8 along Corkill Road north of and at the Subject Intersection. As Defendants are and/or should be  
9 aware of, motorists, including Defendant Hanson, often attempt to and bypass the traffic by  
10 driving south in the northbound lane of Corkill Road. Motorists also regularly speed at and about  
11 the Subject Intersection. The bus drivers had notice that cars in the area frequently attempted to  
12 drive around stopped busses. This created an increased risk to the Children walking in the  
13 roadway. The bus drivers, however, did nothing to report this information to the authorities and  
14 continued to ignore their obligation to supervise the Children when dropping off the Children in  
15 a dangerous location with no safe walking path.

16 44. The Subject Intersection and adjacent area are in a dangerous condition, especially  
17 for pedestrians and young children of tender age, for the following reasons: (i) the absence of any  
18 crosswalks, despite the lack of traffic control devices along Corkill Road at and about the Subject  
19 Intersection; (ii) the complete absence of any signage warning motorists of pedestrian traffic,  
20 including children; (iii) the complete absence of any signage warning motorists that school  
21 children are being dropped off in the area; (iv) the complete absence of sidewalks and curbs; (v)  
22 the extremely limited, and in many areas nonexistent, pedestrian travelway along the western edge  
23 of Corkill Road at and about the Subject Intersection; (vi) the reduced visibility of many areas  
24 along the western edge of Corkill Road due to significant visual obstructions and the offset of  
25 Corkill Road north and south of the Subject Intersection; (vii) the posted speed limit of forty (40)  
26 mph in conjunction with any and/or all of the aforementioned conditions; (viii) the lack of  
27 guardrails, posts, signage, traffic control devices, and/or any other protective mechanisms  
28 ensuring that vehicles are sufficiently warned of the presence of pedestrians and adequate

1 protections are in place to allow pedestrians to safely walk at the Subject Intersection and adjacent  
2 area, and (ix) drivers regularly drive in a dangerous and reckless manner, which County, PSUSD,  
3 and FSI knew and should have known through their agents and agency relationship.

4 45. The School Bus Defendants and the City and County failed to maintain the Drop  
5 Off Location, Subject Intersection and adjacent area and related signage, markings, signals,  
6 devices, and protections, so as to create a concealed trap.

7 46. The School Bus Defendants and the City, and County knew of the dangerous  
8 condition due to complaints from the community.

9 47. On information and belief, the Subject Intersection and surrounding area failed to  
10 implement basic engineering and safe transportation principles.

11 **DEFENDANTS COUNTY, PSUSD AND FSI KNEW OF**  
12 **THE CONGESTION CAUSED BY THE DROPOFF LOCATION**

13 48. Defendants County, PSUSD and FSI knew that the dropoff location presented an  
14 ongoing and imminent threat to the Plaintiff Children prior to and on December 9, 2021.

15 49. Defendants County, PSUSD and FSI were in an agency relationship prior to and  
16 on December 9, 2021. As such, any information learned by an agent of County, PSUSD and/or  
17 FSI was imputed to all three Defendants.

18 50. The Defendants knew that the Drop Off Location was on a highway with one lane  
19 of travel in both directions.

20 51. Plaintiffs are informed and believe, and based thereon allege, the Defendants knew  
21 that multiple school buses would line up to drop off students at the Drop Off Location.

22 52. Plaintiffs are informed and believe and based thereon allege that Defendants knew  
23 that this would cause congestion and/or backup on the one lane of travel.

24 53. Plaintiffs are informed and believe and based thereon allege that drivers on the  
25 highway would often pass a stopped school bus in violation of Vehicle Code 22454(a).

26 54. After the Subject Incident, a driver for FSI informed authorities that FSI knew that  
27 drivers at the Subject Location failed to stop while the buses unloaded school children at the Drop  
28 Off location.



1 utilize the Dangerous Property to walk home. The Plaintiff Children’s actions were reasonable  
2 and exercised with the due care expected of very young persons.

3 61. County, City, and PSUSD—through PSUSD’s deliberative act of choosing the  
4 Drop Off Location—owned, controlled, and/or managed the location, and surrounding area,  
5 where the Plaintiff Children were struck by Defendant Hanson. PSUSD’s control over the location  
6 is further demonstrated by its authority to veto the Drop Off Location where it chose to place said  
7 location on December 9, 2021.

8 62. The Plaintiff Children’s injuries, and MONIQUE G.’s preventable death, as a  
9 result of being struck by Defendant Hanson’s vehicle, was a direct result of Defendants’ actions  
10 and omissions.

11 63. On December 9, 2021, and prior thereto, the Dangerous Property was in a  
12 dangerous condition which created a substantial and unreasonable risk of death and serious bodily  
13 harm when used by the Plaintiff Children with due care in a manner in which it was reasonably  
14 foreseeable that it would be used. The dangerous condition was not reasonably apparent to, and  
15 would not be anticipated by, a reasonable person, especially very young children of tender age,  
16 using said property with due care. The dangerous condition of said property existed due to  
17 Defendants County and PSUSD’s negligent, unsafe, improper, and inadequate ownership, control,  
18 use, operation, management construction, maintenance, repair, design, and supervision of said  
19 property at and near the location of the incident. Furthermore, said property was in a dangerous  
20 condition due to, among other things, Defendants County and PSUSD’s failure to alter, improve  
21 or modify said property and Drop Off Location designation to accommodate changed conditions  
22 in terms of the volume of traffic driving on said property. The property was also in a dangerous  
23 condition due to the amount of similar collisions that occurred at and about the Dangerous  
24 Property.

25 64. The Dangerous Property, due to Defendants County and PSUSD’s negligent,  
26 unsafe, improper, and inadequate ownership, control, use, operation, management construction,  
27 maintenance, repair, design, and supervision of said property further constituted a trap.

28 65. To the extent the design of the Dangerous Property was approved, said approval

1 was unreasonable and constituted a manifest abuse of discretion, or was otherwise negligent by  
2 failing to address the applicable engineering standards and conditions then existing or reasonably  
3 contemplated to exist in the future, once said design was implemented.

4 66. Defendants County, City, and PSUSD had actual knowledge of the existence of  
5 the dangerous condition and knew, or should have known through the exercise of due care, of its  
6 dangerous character a sufficient period of time prior to the injuries and death caused by the Subject  
7 Incident to have taken measures to protect against the dangerous condition.

8 67. Defendants County, City, and PSUSD had constructive notice of the dangerous  
9 condition because the condition had existed for a sufficient period of time and was of such an  
10 obvious nature that Defendants County, City, and PSUSD, in the exercise of due care, should  
11 have discovered the condition and its dangerous character. Defendants County, City, and PSUSD  
12 know and should have known of the likelihood of collisions between vehicles and pedestrians,  
13 especially children, at and about the Dangerous Property which would lead to serious injury or  
14 death, and should have discovered this condition a sufficient period of time before the December  
15 9, 2021 incident occurred to have allowed Defendants County, City, and PSUSD time to correct,  
16 eliminate or assuage those hazards.

17 68. On December 9, 2021, as a direct, proximate, and legal result of the dangerous  
18 condition of said property as alleged herein, and the negligent, unjustified failure, and refusal of  
19 the Defendants County, City, and PSUSD to remedy, assuage or eliminate the dangerous  
20 condition of said property by necessary and appropriate modifications, repairs, improvements and  
21 upgrades, MONIQUE G. suffered an untimely death and JULIO L. and ESMERALDA S. suffered  
22 severe injuries.

23 69. Plaintiffs are informed and believe and thereon allege that the Defendants County,  
24 City, and PSUSD knew and should have known for a significant period of time before December  
25 9, 2021, of serious incidents between motor vehicles at or near said property as a consequence of  
26 the dangerous condition of the Dangerous Property. Defendants County, City, and PSUSD had  
27 actual notice that said property needed redesign, repairs, replacement, upgrade, modification,  
28 and/or refurbishment yet Defendants County, City, and PSUSD neglected to carry out said work

1 and efforts. Plaintiffs are informed and believe and thereon allege that, had appropriate actions  
2 been taken by Defendants County, City, and PSUSD, the Subject Incident would have been  
3 prevented or, at the very least, Plaintiff Children would not have been harmed.

4 70. As a result of the Defendants County, City, and PSUSD's conduct, and each of  
5 them, MONIQUE G. suffered an untimely death and JULIO L. and ESMERALDA S. suffered  
6 severe injuries.

7 71. As a direct result of Defendants County, City, and PSUSD's conduct, Plaintiff's  
8 Julio L. and Esmeralda S. have suffered severe injuries, emotional distress, and economic  
9 damages according to proof at trial.

10 72. As a direct and proximate result of Defendants county and PSUSD's conduct, and  
11 the death of MONIQUE G., Guzman Plaintiffs have been deprived of the loss of the MONIQUE  
12 G.'s love, companionship, comfort, care, assistance, protection, affection, society, and moral  
13 support.

14 73. As a further direct and proximate result of Government Defendants' conduct,  
15 Guzman Plaintiffs have incurred funeral and burial expenses.

16 **SECOND CAUSE OF ACTION**

17 **NEGLIGENT UNDERTAKING AND SUPERVISION**

18 **(Under California Law and Cal. Gov. Code § 44808)**

19 **(Against Defendants PSUSD, FSI and DOES 1 through 15)**

20 74. Plaintiffs reallege and incorporate by reference each and every allegation  
21 contained hereinabove as though fully set forth herein.

22 75. Plaintiffs are informed and believe, and thereon allege, that at all times mentioned  
23 herein, Defendants PSUSD, FSI and DOES 1 through 15, inclusive, including said Defendants'  
24 employees, agents, and independent contractors, pursuant to, including but not limited to,  
25 California Government Code sections 815.2, 815.4, 820, and 44808, California Civil Code section  
26 1714, California Vehicle Code sections 34501.5 and 34508, owed a duty of care to all reasonably  
27 foreseeable people, including Plaintiff Children, to maintain, operate, patrol, service, facilitate,  
28 own, build, draft, engineer, design, inspect, modify, plan, and control the school busses and school

1 bus routes and designation of school bus stops in a reasonable manner. The Drop Off Location,  
2 Subject Intersection, and surrounding location where the Subject Incident occurred is part of the  
3 Defendants PSUSD and FSI's school bus route and drop off location for the students.

4 76. Plaintiffs are informed and believe, and thereon allege, that at all time mentioned  
5 herein, Defendants PSUSD, FSI and DOES 1 through 15, inclusive, including said Defendants'  
6 employees, agents, and independent contractors, pursuant to, including but not limited to,  
7 California Government Code sections 815.2, 815.4, 820, and 44808, California Civil Code section  
8 1714, breached the aforementioned duty by carelessly, negligently, and recklessly maintaining,  
9 operating, patrolling, servicing, facilitating, owning, building, drafting, engineering, designing,  
10 inspecting, modifying, planning, supervising and controlling the school route plan and Drop Off  
11 Location by acts and/or omissions which legally caused Plaintiffs and Plaintiff Children's injuries  
12 complained of herein.

13 77. Plaintiffs are informed and believe and based thereon allege that the Defendants  
14 were required to prepare a transportation safety plan. The transportation plan is inadequate and  
15 forces children to walk home in the roadway, unaccompanied by an adult.

16 78. Plaintiffs are informed and believe and based thereon allege that Defendants, and  
17 each of them, were required to provide instructions to the Plaintiff Children on emergency school  
18 bus procedures, including but not limited to instruction on walking from school bus stops.  
19 Plaintiff is informed and believe that Defendants failed to provide this training.

20 79. Defendant FSI and DOES 1 through 15, inclusive, including said Defendants'  
21 employees, agents, and independent contractors, under California Law generally as it applies to a  
22 party's obligation to exercise due care in carrying out its assumed and statutorily required duties  
23 and duties undertaken, owed a duty of care to all reasonably foreseeable people, including Plaintiff  
24 Children, to maintain, operate, patrol, service, facilitate, own, build, draft, engineer, design,  
25 inspect, modify, plan, and control the school busses and school bus routes and designation of  
26 school bus stops in a reasonable manner. The Drop Off Location, Subject Intersection, and  
27 surrounding area where the Subject Incident occurred is part of the Defendants PSUSD and FSI's  
28 school bus route and drop off location.

1           80.     Plaintiffs are informed and believe, and thereon allege, that at all time mentioned  
2 herein, Defendants, FSI and DOES 1 through 15, inclusive, including said Defendants’  
3 employees, agents, and independent contractors, under California Law generally as it applies to a  
4 party’s obligation to exercise due care in carrying out its assumed and statutorily required duties  
5 and duties undertaken, breached the aforementioned duties by carelessly, negligently, and  
6 recklessly maintaining, operating, patrolling, servicing, facilitating, owning, building, drafting,  
7 engineering, designing, inspecting, modifying, planning, supervising and controlling the school  
8 route plan and Drop Off Location by acts and/or omissions which legally caused Plaintiffs and  
9 Plaintiff Children’s injuries complained of herein.

10           81.     Defendants PSUSD, FSI and DOES 1 through 15 breached said duties through the  
11 following, nonexclusive, acts:

12           A.     Plaintiff Children lived just south of the Subject Intersection, on the west side of  
13 Corkill Road, whereas the Drop Off Location was located north of and about the Subject  
14 Intersection. The Drop Off Location, Subject Intersection, and surrounding area had no traffic  
15 control devices or signage; no crosswalks; no bus loading and/or unloading area; no traffic control  
16 officer monitoring street access by the student children, including Plaintiff Children; no sidewalks  
17 or curbs; no walkway for student children, including Plaintiff Children, off of Corkill Road, other  
18 than a narrow dirt shoulder that ceased to exist well before the Subject Intersection; no safe parking  
19 location for vehicles, causing vehicles to stack up on and along Corkill Road, causing traffic to  
20 grow; and no means by which Plaintiff Children could travel home south on Corkill Road and at  
21 and about the Subject Intersection. Said dangerous conditions were exacerbated by the posted  
22 speed limit of 40 mph. Nonetheless, in designing, planning, organizing and controlling its bus  
23 route and Drop Off Location, Defendants PSUSD, FSI, and DOES 1 through 15, inclusive, were  
24 in fact on notice that pedestrians and student children, including Plaintiff Children, would have to  
25 traverse the highly dangerous area at and about the Drop Off Location and Subject Intersection to  
26 walk home.

27           B.     Prior to December 9, 2021, Defendants PSUSD, FSI and DOES 1 through 15,  
28 inclusive, knew and should have known of the chaotic and dangerous conditions its decisions

1 created at and about the Drop Off Location and Subject Intersection. Defendants PSUSD, FSI and  
2 DOES 1 through 15, inclusive, collectively knew that Defendant Hanson regularly, consistently,  
3 and in an ongoing manner drove recklessly and in the same manner that caused the death of  
4 MONIQUE G. and serious injury to JULIO L. and ESMERALDA S. well before the Subject  
5 Incident. It was, in fact, the dangerous and chaotic conditions related to vehicle traffic that, on  
6 information and belief, led Defendant Hanson to drive in the dangerous manner that he did on  
7 multiple occasions. Defendants PSUSD, FSI and DOES 1 through 15, inclusive, knew and  
8 observed that drivers, including Defendant Hanson, regularly disregarded the laws designed to  
9 protect pedestrians, including Plaintiff Children, at and about the Drop Off Location and Subject  
10 Intersection. In the face of the foregoing knowledge, coupled with knowledge of the path of travel  
11 Plaintiff Children were required to take home, Defendants PSUSD, FSI and DOES 1 through 15,  
12 inclusive, did nothing to mitigate the serious dangers posed by their acts and/or omissions to  
13 Plaintiff Children.

14 C. Prior to and on December 9, 2021, Defendants PSUSD, FSI and DOES 1 through  
15 15, inclusive had the ability, means, and authority to select a school bus route and Drop Off  
16 Location that was not only reasonably safe for student children, but also complied with their duties  
17 of care. For example, Defendants PSUSD, FSI and DOES 1 through 15, inclusive, could have  
18 designated a Drop Off Location south of the Subject Intersection, and/or reconfigured the bus route  
19 to include two drop off locations on Corkill Road so as to substantially mitigate the dangers posed  
20 to the student children depending on where the children lived. However, Defendants PSUSD, FSI  
21 and DOES 1 through 15, inclusive, chose to subject the Plaintiff Children to the aforementioned  
22 dangerous conditions, despite the aforementioned notice.

23 D. California Vehicle Code section 22504(a) expressly prohibits all vehicles,  
24 including school busses, in unincorporated areas, from stopping or parking said school bus on a  
25 roadway “when it is practicable to stop, park, or leave the vehicle off such portion of the highway.”  
26 Not only were there several locations reasonably close to the Drop Off Location and Subject  
27 Intersection where it was practicable for Defendants PSUSD, FSI and DOES 1 through 15,  
28 inclusive, to comply with section 22504(a), but also those locations made far more sense. The

1 Drop Off Location, Subject Intersection, and surrounding area created significant vehicle  
2 congestion on Corkill Road, a main artery for the surrounding communities, for the reasons alleged  
3 herein. This congestion only exasperated the dangerous nature of the Drop Off Location, Subject  
4 Intersection, and surrounding area. Defendants PSUSD, FSI and DOES 1 through 15, inclusive,  
5 information and belief, either failed to consider how to comply with section 22504(s) and eliminate  
6 the resulting dangers or recklessly declined to follow the law.

7 82. Plaintiffs are informed and believe, and thereon allege, that Defendants PSUSD, FSI and  
8 DOES 1 through 15, inclusive, were per se negligent for establishing, controlling and maintaining  
9 a bus stop in violation of Vehicle Code section 22504(a). Plaintiffs further allege that at all times  
10 herein Plaintiff Children, being reasonably foreseeable pedestrians and affected members of the  
11 community, were persons belonging to the class of persons sought to be protected by section  
12 22504(a) and that the violation of said law was a direct, legal and proximate cause of the injuries  
13 and dangers claimed herein.

14 83. Plaintiffs are informed and believe, and thereon allege, that Defendants PSUSD, FSI and  
15 DOES 1 through 15, inclusive, were per se negligent for establishing, controlling and maintaining  
16 a bus stop in violation of 13 C.C.R. § 1238(c). Plaintiffs further allege that at all times herein  
17 Plaintiff Children, being reasonably foreseeable pedestrians and affected members of the  
18 community, were persons belonging to the class of persons sought to be protected by 13 C.C.R.  
19 § 1238(c) and that the violation of said law was a direct, legal and proximate cause of the injuries  
20 and dangers claimed herein.

21 84. As a direct and proximate result of the conduct of Defendants PSUSD, FSI and DOES 1  
22 through 15, inclusive, Plaintiff Children sustained significant injuries and other harms, including  
23 the death of MONIQUE G., as a result of the Subject Incident. As a consequence, Plaintiff  
24 Children endured great physical pain and mental anguish, extensive disfigurement, physical  
25 impairment and other consequences of injuries to their persons and property. Plaintiffs seek all  
26 damages otherwise accruing to Plaintiff Children: in a survival action as to MONIQUE G.,  
27 pursuant to California Code of Civil Procedure section 377.34; and as a direct action as to JULIO  
28 L. and ESMERALDA S.

1 85. As a direct and proximate result of the conduct of Defendants PSUSD, FSI and DOES 1  
2 through 15, inclusive, Guzman Plaintiffs have lost their beloved daughter to the fatal injuries  
3 sustained in the crash. By virtue of MONIQUE G.'s preventable and untimely death, Guzman  
4 Plaintiffs have suffered and endured significant and debilitating grief, the loss of companionship  
5 in society, loss of consortium, loss of financial support and loss of love, companionship, comfort,  
6 care, assistance, protection, affection, society, moral support, right of support, expectations of  
7 future support, as well as other benefits and assistance that the decedent would have provided to  
8 them and which will be stated according to proof, in accordance with California Code of Civil  
9 Procedure section 377.61.

10 86. As a direction and proximate result of the conduct of Defendants PSUSD, FSI and DOES  
11 1 through 15, inclusive, Guzman Plaintiffs have incurred economic expenses, including but not  
12 limited to, funeral, burial, and incidental expenses for MONIQUE G. in an amount to be  
13 determined according to proof in accordance with California Code of Civil Procedure section  
14 377.61. As a direct and proximate result of the conduct of Defendants PSUSD, FSI and DOES 1  
15 through 15, inclusive, Guzman Plaintiffs seek to recover all of their damages to which they are  
16 entitled and which will be stated according to proof, pursuant to California Code of Civil  
17 Procedure section 425.10.

18 **THIRD CAUSE OF ACTION**

19 **NEGLIGENCE**

20 **(Against Defendant Hanson, FSI and DOES 1 through 50)**

21 87. Plaintiffs reallege and incorporate by reference each and every allegation contained  
22 hereinabove as though fully set forth herein.

23 88. Defendants Hanson, FSI and DOES 1 through 50, inclusive, owed a duty of care to the  
24 Plaintiff Children. *See also* Cal. Code Civ. P. § 1714.

25 89. Plaintiffs are informed and believe and based thereon allege that Defendants Hanson, FSI  
26 and DOES 1 through 50 breached their duties of care that were owed to the Plaintiff Children.

27 90. Plaintiffs are informed and believe, and based thereon allege that as a result of Defendants  
28 Hanson, FSI and DOES 1 through 50's breach of their duties of care, Plaintiff Children suffered

1 serious harm and MONIQUE G. was killed.

2 91. Plaintiffs are informed and believe and, based thereon allege that each of Defendants  
3 Hanson, FSI and DOES 1 through 50's breach of their respective duties of care was a substantial  
4 factor in causing MONIQUE G.'s death and serious harm to JULIO L. and ESMERALDA S..

5 92. As a direct result of Defendants Hanson, FSI and DOES 1 through 50's conduct, and the  
6 serious injury to Plaintiff Children, the Plaintiffs have suffered severe injuries, emotional distress,  
7 and economic damages according to proof at trial.

8 93. As a direct result of Defendants Hanson, FSI and DOES 1 through 50's conduct, and the  
9 death of MONIQUE G., Guzman Plaintiffs have been deprived of the value of lost financial and  
10 other support from their daughter; the value of gifts or benefits that the decedent would have  
11 provided; and the reasonable value of household services MONIQUE G. would have provided.

12 94. As a direct and proximate result of Defendants Hanson, FSI and DOES 1 through 50's  
13 conduct, and the death of MONIQUE G., Guzman Plaintiffs have been deprived of the loss of the  
14 MONIQUE G.'s love, companionship, comfort, care, assistance, protection, affection, society,  
15 and moral support.

16 95. As a further direct and proximate result of Defendants Hanson, FSI and DOES 1 through  
17 50's conduct, Guzman Plaintiffs have incurred funeral and burial expenses.

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**PRAYER**

**WHEREFORE** Plaintiffs pray for judgment against all Defendants, and each of them, as follows:

- 1. General damages in an amount to be proven at trial;
- 2. Special damages in an amount to be proven at trial;
- 3. For costs of suit incurred herein; and
- 4. For such other and further relief as this Court deems just and proper.

Dated: December 9, 2022

**ABIR COHEN TREYZON SALO, LLP**

By:  \_\_\_\_\_

Slava Kasrelievich  
James G. Perry  
Joseph Finnerty  
Attorneys for Plaintiffs

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a jury trial.

Dated: December 9, 2022

**ABIR COHEN TREYZON SALO, LLP**

By:  \_\_\_\_\_

Slava Kasrelievich  
James G. Perry  
Joseph Finnerty  
Attorneys for Plaintiffs