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ORIGINAL FILED
Superior Court of California
County of Los Angeles

APR 03 2018

Sherril R. Carter, Executive Officer/Clerk
By: M. Soto Deputy
Moses Soto

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF LOS ANGELES

BY FAX

11 JULIE A. ESPHORST, an individual,

12 vs.

13 DARRYL LEANDER HICKS, an individual; TUNG
14 MING, an individual; CALIFORNIA
15 DEPARTMENT OF TRANSPORTATION
16 (CALTRANS), a department of the State of
17 California; COUNTY OF LOS ANGELES, a
18 government entity; CITY OF TORRANCE, a
19 governmental entity; SHAWNAN, a business entity
20 of unknown form; and DOES 1 through 75,
inclusive,

Defendants.

CASE NO. **BC 7 0 0 6 3 4**

PLAINTIFF'S COMPLAINT FOR:

1. **Wrongful Death - Negligence;**
2. **Negligence Per Se;**
3. **Dangerous Condition of Public Property (Government Code § 835)**

DEMAND FOR JURY TRIAL

21 COMES NOW, plaintiff JULIE A. ESPHORST, an individual, and alleges as follows:

22 **GENERAL ALLEGATIONS**

23 1. At all times mentioned herein, plaintiff JULIE A. ESPHORST was and now is a citizen
24 and resident of the State of California living in the County of Los Angeles. Plaintiff is the biological
25 mother of decedent Jesse Esphorst Jr. Jesse Esphorst Jr. was 16 years old at the time of the incident
26 described herein.

27 2. Plaintiff is informed and believes and thereupon alleges that at all times mention herein,
28 defendant DARRYL LEANDER HICKS or DOES 1 through 10 was and now is a citizen and resident

1 of the State of California who was operating a 2004 Audi A6 automobile bearing California License
2 Plate Number 7JJT465 (referred to hereinafter as the "SUBJECT AUDI").

3 3. Plaintiff is informed and believes and thereupon alleges that at all times mentioned
4 herein, the SUBJECT AUDI was being operated by DARRYL LEANDER HICKS or DOES 1 through
5 10 with the consent, knowledge and permission of DOES 11 through 20 who was/were the legal
6 owners of the SUBJECT AUDI.

7 4. Plaintiff is informed and believes and thereupon alleges that at all times mention herein,
8 defendant DARRYL LEANDER HICKS or DOES 1 through 10 was an individual who was operating
9 the SUBJECT AUDI within the scope and course of his agency and/or employment with DOES 11
10 through 20.

11 5. Plaintiff is informed and believes and thereupon alleges that at all times mention herein,
12 defendant TUNG MING or DOES 21 through 30 was and now is a citizen and resident of the State of
13 California who were operating a 2014 Mercedes GLK350 automobile bearing California License Plate
14 Number 7DSS658 (referred to hereinafter as the "SUBJECT MERCEDES").

15 6. Plaintiff is informed and believes and thereupon alleges that at all times mentioned
16 herein, the SUBJECT MERCEDES was being operated by TUNG MING or DOES 21 through 30 with
17 the consent, knowledge and permission of DOES 31 through 40 who WAS/were the legal owners of the
18 SUBJECT MERCEDES.

19 7. Plaintiff is informed and believes and thereupon alleges that at all times mention herein,
20 defendant TUNG MING or DOES 21 through 30 was an individual who was operating the SUBJECT
21 MERCEDES within the scope and course of his agency and/or employment with DOES 31 through 40.

22 8. Plaintiff is informed and believes and thereupon alleges that at all times mentioned
23 herein, DOES 11 through 20 and 31-40, inclusive, and each of them, were individuals or corporations,
24 limited companies, limited partnerships, partnerships, or sole proprietorships authorized to do and
25 doing business within the State of California.

26 9. Plaintiff is informed and believes and thereupon alleges that at all times mentioned
27 herein, defendant COUNTY OF LOS ANGELES is a public entity providing emergency dispatch

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1 services to and for 911 callers. As such, said defendant had a duty to exercise reasonable care in the
2 training and supervision of its 911 operators and in the execution of those services.

3 10. Plaintiff is informed and believes and thereupon alleges that at all times mentioned
4 herein, DOES 41 through 50 were 911 operators hired, employed, retained, trained, supervised,
5 managed and controlled by defendant COUNTY OF LOS ANGELES who acted with gross
6 negligence and in bad faith, as described herein, while in the course and scope of his/her
7 employment/agency for the COUNTY which led to injuries and damages to Plaintiff. As such,
8 defendant COUNTY OF LOS ANGELES is vicariously liable for the gross negligence of those
9 employees/agents.

10 11. Based upon the gross negligence of the COUNTY's employees/agents, pursuant to
11 Government Code sections 910 and 911, et seq., Plaintiff served a written Government Claim for
12 Damages on the COUNTY OF LOS ANGELES on or about September 6, 2007. That written claim
13 was deemed rejected by operation of law, and Plaintiffs filed this suit within six (6) months from the
14 date of that rejection.

15 12. Plaintiff is informed and believes and thereupon alleges that at all times mentioned
16 herein, defendants CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS),
17 COUNTY OF LOS ANGELES, CITY OF TORRANCE, and DOES 51 through 60, inclusive, and each
18 of them, are public entities located and/or operating in and/or existing under the laws of the State of
19 California who owned, controlled, designed, constructed, maintained, serviced, repaired, altered,
20 managed, improved, and/or were otherwise responsible for the condition of the roadway located at/near
21 the intersection of Crenshaw Boulevard and Crest Road in the City of Torrance, County of Los
22 Angeles, State of California (referred to hereinafter as the "SUBJECT ROADWAY") on the date of the
23 incident described herein.

24 13. Based upon the dangerous condition of the SUBJECT ROADWAY, pursuant to
25 Government Code sections 910 and 911, et seq., Plaintiff served a written Government Claim for
26 Damages on defendant CALTRANS on or about September 6, 2007. That written claim was deemed
27 rejected by operation of law, and Plaintiff filed this suit within six (6) months from the date of that
28 rejection.

1 14. Based upon the dangerous condition of the SUBJECT ROADWAY, pursuant to
2 Government Code sections 910 and 911, et seq., Plaintiff served a written Government Claim for
3 Damages on defendant COUNTY OF LOS ANGELES on or about September 6, 2007. That written
4 claim was deemed rejected by said defendant on October 27, 2017, and Plaintiff filed this suit within
5 six (6) months from the date of that rejection.

6 15. Based upon the dangerous condition of the SUBJECT ROADWAY, pursuant to
7 Government Code sections 910 and 911, et seq., Plaintiff served a written Government Claim for
8 Damages on defendant CITY OF TORRANCE on or about September 6, 2017. That written claim was
9 rejected by said defendant on October 18, 2017, and Plaintiff filed this suit within six (6) months from
10 the date of that rejection.

11 16. Plaintiff is informed and believes and thereupon alleges that at all times mentioned
12 herein, defendant SHAWNAN and DOES 61 through 75, inclusive, and each of them, were individuals
13 or corporations, limited companies, limited partnerships, partnerships, or sole proprietorships
14 authorized to do and doing business within the State of California who were working as contractors
15 and/or subcontractors for the public entity defendants on the SUBJECT ROADWAY. Plaintiff is
16 informed and believes that through their negligent actions/inactions on the SUBJECT ROADWAY,
17 SHAWNAN and DOES 61 through 75 caused and/or contributed to the dangerous condition of the
18 SUBJECT ROADWAY which led to the incident described herein.

19 17. The true names and capacities of each defendant designated herein as DOES 1 through
20 75, inclusive, whether an individual, business, public entity, or some other entity, are presently
21 unknown to Plaintiff, who therefore sues said defendants by such fictitious names, pursuant to Code of
22 Civil Procedure section 474. Plaintiff is informed and believes and on such information and belief
23 alleges that each DOE defendant is responsible in some actionable manner for the events alleged
24 herein. Plaintiff will amend her complaint to state the true names and capacities of said defendants
25 when the same have been ascertained.

26 18. At all times herein mentioned, each of the defendants sued herein as DOES 1 through
27 75, inclusive, were the agents, servants, employees and/or joint venturers of each of the remaining
28 defendants and were at all times acting within the course and scope of such agency, employment and/or

1 venture with the full knowledge, consent, authority, ratification and/or permission of each of the
2 remaining defendants.

3 19. Wherever appearing in this complaint, each and every reference to defendants, or any of
4 them, is intended to include, and shall be deemed to include, all fictitiously named defendants.

5 **GENERAL ALLEGATIONS**

6 20. Plaintiff is informed and believes that on or about March 7, 2017, defendant TUNG
7 MING or DOES 21 through 30 was driving the SUBJECT MERCEDES when it was struck by the
8 SUBJECT AUDI. Defendant DARRYL LEANDER HICKS or DOES 1 through 10 was driving the
9 SUBJECT AUDI at the time of the collision, and he fled the scene in the SUBJECT AUDI.

10 21. Plaintiff is informed and believes that defendant TUNG MING or DOES 21 through 30
11 called 911 to report the hit-and-run. DOES 41 through 50 was/were working as 911 operators for
12 defendant COUNTY OF LOS ANGELES when the 911 call was received. In violation of the
13 COUNTY's policies and procedures, DOES 41 through 50 recklessly implicitly or explicitly instructed
14 defendant TUNG MING or DOES 21 through 30 to pursue the SUBJECT AUDI in order to get its
15 license plate number. While still on the phone with the aforementioned 911 operator(s) and at his/her
16 direction, defendant TUNG MING or DOES 21 through 30 recklessly and carelessly pursue the
17 SUBJECT AUDI through residential streets at a high rate of speed. In violation of his/her training and
18 instruction, DOES 41 through 50 did not instruct defendant TUNG MING or DOES 21 through 30 to
19 discontinue the pursuit or to slow down.

20 22. Plaintiff is further informed and believes that at approximately 10:00 pm, defendant
21 DARRYL LEANDER HICKS or DOES 1 through 10 was driving the SUBJECT AUDI northbound on
22 Crenshaw Boulevard in the City of Torrance with defendant TUNG MING or DOES 21 through 30 in
23 pursuit in the SUBJECT MERCEDES. As the two rounded a blind curve in the roadway, the
24 SUBJECT AUDI crashed into a 2000 Toyota Sienna minivan which was in the process of making a
25 left-hand turn from southbound Crenshaw Boulevard onto eastbound Crest Road. Defendant DARRYL
26 LEANDER HICKS or DOES 1 through 10 did not stop the SUBJECT AUDI but instead fled the scene.
27 Shortly thereafter, the SUBJECT MERCEDES also crashed into the Toyota Sienna minivan and lost
28 control.

1 gave TUNG MING or DOES 21 through 30 express and/or implied permission to operate the
2 SUBJECT MERCEDES. As such, each is liable and responsible for the Plaintiff's injuries and
3 damages. (Cal. Vehicle Code § 17150)

4 31. Plaintiff is informed and believes and thereupon alleges that at all times mentioned
5 herein, defendant DARRYL LEANDER HICKS or DOES 1 through 10 was acting within the scope
6 and course of his/her agency and/or employment with DOES 11 through 20. As such, DOES 11
7 through 20, and each of them, are vicariously responsible for the actions of DARRYL LEANDER
8 HICKS or DOES 1 through 10.

9 32. Plaintiff is informed and believes and thereupon alleges that at all times mentioned
10 herein, defendant TUNG MING or DOES 21 through 30 was acting within the scope and course of
11 his/her agency and/or employment with DOES 31 through 40. As such, DOES 31 through 40, and each
12 of them, are vicariously responsible for the actions of TUNG MING or DOES 21 through 30.

13 33. Plaintiff is informed and believes and thereupon alleges that at all times mentioned
14 herein, DOES 11 through 20, and each of them, knew or should have known that defendant DARRYL
15 LEANDER HICKS or DOES 1 through 10 was not competent to operate the SUBJECT AUDI in a safe
16 and competent manner.

17 34. Knowing the above information about DARRYL LEANDER HICKS or DOES 1
18 through 10, it was negligent for DOES 11 through 20, and each of them, to allow DARRYL
19 LEANDER HICKS or DOES 1 through 10 to operate the SUBJECTAUDI because it was reasonably
20 foreseeable that DARRYL LEANDER HICKS or DOES 1 through 10 would ultimately cause an
21 accident which would seriously injure another, which is exactly what occurred in the subject accident.
22 DOES 11 through 20, and each of them, were therefore negligent in his/her/their ownership and
23 entrustment of the SUBJECT AUDI because he/she/they allowed DARRYL LEANDER HICKS or
24 DOES 1 through 10 unfettered use of the SUBJECT AUDI.

25 35. Plaintiff is informed and believes and thereupon alleges that at all times mentioned
26 herein, DOES 31 through 40, and each of them, knew or should have known that defendant TUNG
27 MING or DOES 21 through 30 was not competent to operate the SUBJECT MERCEDES in a safe and
28 competent manner.

1 36. Knowing the above information about TUNG MING or DOES 21 through 30, it was
2 negligent for DOES 31 through 40, and each of them, to allow TUNG MING or DOES 21 through 30
3 to operate the SUBJECT MERCEDES because it was reasonably foreseeable that TUNG MING or
4 DOES 21 through 30 would ultimately cause an accident which would seriously injure another, which
5 is exactly what occurred in the subject accident. DOES 31 through 40, and each of them, were
6 therefore negligent in his/her/their ownership and entrustment of the SUBJECT MERCEDES because
7 he/she/they allowed TUNG MING or DOES 21 through 30 unfettered use of the SUBJECT
8 MERCEDES.

9 37. Plaintiff is informed and believes and thereupon alleges that at all relevant times indicated
10 herein, DOES 41 through 50 were 911 operators for defendant COUNTY OF LOS ANGELES who
11 were acting within the course and scope of said agency and employment or ostensible agency and
12 employment. As such, defendant COUNTY OF LOS ANGELES is vicariously liable for the injuries
13 and damages proximately caused by an act or omissions of its employees performed within the scope of
14 his or her employment. (Gov. Code §815.2)

15 38. Plaintiff is informed and believes and thereupon alleges that at the time of the incident,
16 COUNTY 911 operators, like DOES 41-50, were trained, instructed and mandated to never instruct a
17 caller to pursue a suspect, exceed the post speed limit, operate a motor vehicle while on a cell phone,
18 and/or to take any actions that would unnecessarily endanger the health and safety of the caller and/or
19 the general public.

20 39. Plaintiff is informed and believes and thereupon alleges that on the date of the incident,
21 DOES 41-50 answered the 911 call placed by defendant TUNG MING or DOES 21 through 30 and in
22 conscious disregard to the safety of others instructed said defendant to follow, pursue, and/or chase the
23 SUBJECT AUDI in order to obtain the license plate number. In doing so, DOES 41-50 knew or should
24 have known that TUNG MING or DOES 21-30 was illegally using a cellphone while operating a motor
25 vehicle and that the two drivers were dangerously exceeding the posted speed limit on residential
26 streets which put both the drivers and the general public at grave risk of foreseeable injuries or death.
27 Despite this knowledge, and in violation of applicable rules and regulations, DOES 41-50 encouraged,
28 directed, and/or instructed TUNG MING or DOES 21 through 30 to pursue the SUBJECT AUDI and to

1 stay on the cellphone while doing so which eventually led to the collision that cost Plaintiff's son his
2 life. The actions and/or inactions of DOES 41-50 amounted to gross negligence and bad faith conduct
3 for which defendant COUNTY OF LOS ANGELES is vicariously liable.

4 40. Plaintiff is informed and believes and thereupon alleges that at all times mentioned
5 herein, defendants CALTRANS, COUNTY OF LOS ANGELES, CITY OF TORRANCE, and DOES
6 51 through 60, inclusive, and each of them, owned, possessed, designed, constructed, serviced,
7 repaired, altered, leased, operated, managed, administered, supervised, maintained, and/or controlled
8 the SUBJECT ROADWAY and all improvements thereon. Furthermore, Plaintiff is informed and
9 believes that at the time of the incident the SUBJECT ROADWAY was under construction and
10 defendants CALTRANS, COUNTY OF LOS ANGELES, CITY OF TORRANCE, and DOES 51
11 through 60, inclusive, and each of them, retained and exercised control over that construction project.

12 41. Plaintiff is informed and believes and thereupon alleges that defendants CALTRANS,
13 COUNTY OF LOS ANGELES, CITY OF TORRANCE, and DOES 51 through 60, and each of them,
14 and/or their employees, agents, servants and independent contractors negligently, carelessly and
15 recklessly removed traffic control signs/signals/devises on the SUBJECT ROADWAY; obscured the
16 vision and sightline of drivers using the SUBJECT ROADWAY with construction activities, signs
17 and/or equipment; created a confusing and chaotic scene on the SUBJECT ROADWAY due to their
18 actions and/or omissions on the construction project; and/or otherwise acted negligently to cause and/or
19 contributing to the incident.

20 42. Pursuant to Sections 815.2 and/or 815.4 of the Government Code, defendants
21 CALTRANS, COUNTY OF LOS ANGELES, CITY OF TORRANCE, and DOES 51 through 60 are
22 vicariously liable for the tortuous acts or omissions of their employees and/or independent contractors
23 as described herein.

24 43. Plaintiff is informed and believes and thereupon alleges that at all times mentioned
25 herein, defendant SHAWNAN and/or DOES 61 through 75, and each of them, were contractors and/or
26 subcontractors for the governmental entity defendants. Plaintiff is further informed and believes and
27 thereupon alleges that defendant SHAWNAN and/or DOES 61 through 75, acting within the course and
28 scope of their agency and/or employment, negligently, carelessly and recklessly removed traffic control

1 signs/signals/devises on the SUBJECT ROADWAY; obscured the vision and sightline of drivers using
2 the SUBJECT ROADWAY with construction activities, signage and/or equipment; created a confusing
3 and chaotic scene on the SUBJECT ROADWAY because of their actions and/or omissions on the
4 construction project; and/or otherwise acted negligently to cause and/or contributing to the incident.

5 44. As a direct and proximate result of the aforementioned conduct of all defendants, and
6 each of them, Jesse Esphorst Jr. was killed. As a direct and proximate result, Plaintiff sustained
7 pecuniary loss resulting from the loss of benefits, gifts, and household services that he provided, all to
8 her general damage in a sum within the jurisdictional limits of the Court, which will be stated according
9 to proof in accordance with C.C.P. § 425.10.

10 45. As a direct and proximate result of the aforementioned conduct of each defendant and the
11 resulting death of decedent Jesse Esphorst Jr., Plaintiff incurred funeral and burial expenses in an
12 amount to be proven at trial.

13 46. As a further direct and proximate result of the conduct of each defendants and the
14 resulting death of decedent Jesse Esphorst Jr., Plaintiff has sustained noneconomic damages in the form
15 of lost love, companionship, comfort, care, assistance, protection, affection, society, moral support,
16 training, and guidance in an amount to be determined by the jury at the time of trial but in excess of the
17 jurisdictional limits of this court.

18 47. The aforementioned actions and/or inactions of defendants DARRYL LEANDER
19 HICKS, TUNG MING, and/or DOES 1-10 and 21-30, inclusive, and each of them, was willful,
20 malicious and oppressive and done in conscious and callous disregard of the rights and safety of others.
21 Therefore, Plaintiff is entitled to exemplary and punitive damages against those defendants in a sum to
22 be determined by the jury that will sufficiently punish and deter said defendants from similar
23 action/inaction in the future.

24 SECOND CAUSE OF ACTION

25 NEGLIGENCE PER SE

26 **(Against Defendants Darryl Leander Hicks, Tung Ming, and/or Does 1-10 and 21-30, inclusive)**

27 48. Plaintiff repeats, repleads, and realleges paragraphs 1 through 47, and incorporate the
28 allegations thereof as though fully set forth herein.

1 49. On March 7, 2017, defendant DARRYL LEANDER HICKS or DOES 1 through 10
2 drove the SUBJECT AUDI in such an intentional, reckless and dangerous manner so as to collide with
3 the SUBJECT MERCEDES, and he then consciously, intentionally, willfully, and maliciously fled the
4 scene in violation of, in part, Section 20001 of the California Vehicle Code.

5 50. Defendant TUNG MING or DOES 21 through 30 then engaged in a high speed pursuit
6 of defendant DARRYL LEANDER HICKS or DOES 1 through 10 while using a cell phone in
7 violation of, in part, Section 23123 of the California Vehicle Code.

8 51. Defendants DARRYL LEANDER HICKS, TUNG MING and/or DOES 1 through 10
9 and 21 through 30, and each of them, consciously, intentionally, and maliciously drove the subject
10 vehicles on residential streets at speeds well in excess of both the posted speed limit. Their actions
11 were willful and reckless and done in conscious disregard for the safety of others. Moreover, their
12 actions were a direct violation of, in part, Sections 22349 and 22350 of the California Vehicle Code.

13 52. Plaintiff is informed and believes that defendants DARRYL LEANDER HICKS, TUNG
14 MING and/or DOES 1 through 10 and 21 through 30, and each of them, then consciously, intentionally,
15 and maliciously drove through a solid red traffic signal and violated the right-of-way of, and collided
16 with, the Toyota Sienna minivan in which Plaintiff's son was a front-seat passenger. The defendants'
17 actions were willful and reckless and done in conscious disregard for the safety of others. Moreover,
18 their actions were a direct violation of, in part, Section 21453 of the California Vehicle Code.

19 53. The aforementioned violations of law were a substantial and legal cause of the incident
20 and the death of Jesse Esphorst Jr..

21 54. As a direct and proximate result of the aforementioned conduct of defendants DARRYL
22 LEANDER HICKS, TUNG MING and/or DOES 1 through 10 and 21 through 30, and each of them,
23 Plaintiff sustained pecuniary loss resulting from the loss of benefits, gifts, and household services that
24 Jesse Esphorst, Jr. provided, all to her general damage in a sum within the jurisdictional limits of the
25 Court, which will be stated according to proof in accordance with C.C.P. § 425.10.

26 55. As a direct and proximate result of the aforementioned conduct of defendants DARRYL
27 LEANDER HICKS, TUNG MING and/or DOES 1 through 10 and 21 through 30, and the resulting

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1 death of decedent Jesse Esphorst Jr., Plaintiff incurred funeral and burial expenses in an amount to be
2 proven at trial.

3 56. As a further direct and proximate result of the conduct of each defendants and the
4 resulting death of decedent Jesse Esphorst Jr., Plaintiff has sustained noneconomic damages in the form
5 of lost love, companionship, comfort, care, assistance, protection, affection, society, moral support,
6 training, and guidance in an amount to be determined by the jury at the time of trial but in excess of the
7 jurisdictional limits of this court.

8 57. The aforementioned actions and/or inactions of defendants DARRYL LEANDER
9 HICKS, TUNG MING, and DOES 1-10 and 21-30, inclusive, and each of them, was willful, malicious
10 and oppressive and done in conscious and callous disregard of the rights and safety of others.
11 Therefore, Plaintiff is entitled to exemplary and punitive damages against those defendants in a sum to
12 be determined by the jury that will sufficiently punish and deter said defendants from similar
13 action/inaction in the future.

14 **THIRD CAUSE OF ACTION**

15 **DANGEROUS CONDITION OF PUBLIC PROPERTY**

16 **(Plaintiffs Against Caltrans; County of Los Angeles,**
17 **City of Torrance, and DOES 51-60, inclusive)**

18 58. Plaintiff repeats, repleads, and realleges paragraphs 1 through 57, and incorporate the
19 allegations thereof as though fully set forth herein.

20 59. Plaintiff is informed and believes that at all times mentioned herein, defendants
21 CALTRANS, COUNTY OF LOS ANGELES, CITY OF TORRANCE, and DOES 51 through 60,
22 inclusive, and each of them, owned, possessed, designed, constructed, serviced, repaired, altered,
23 leased, operated, managed, administered, supervised, maintained, and/or controlled the SUBJECT
24 ROADWAY and all improvements thereon. As such, each owed a duty to take measures to protect
25 against dangerous conditions on said public property of which it/they had actual or constructive notice.
26 (Gov. Code § 835)

27 60. Plaintiff is informed and believes that defendants CALTRANS, COUNTY OF LOS
28 ANGELES, CITY OF TORRANCE, and DOES 51 through 60, and each of them, and/or their

1 employees, agents, servants and independent contractors, did negligently, carelessly, recklessly or in
2 some other actionable manner act or failed to act to properly design, maintain, construct, inspect,
3 supervise, and/or repair said roadway whose negligent, careless and reckless acts or failures to act
4 created a dangerous condition of public property and an undiscovered trap which resulted in the above
5 described accident.

6 61. More specifically, the SUBJECT ROADWAY presented a dangerous condition of
7 public property, in part, because there existed obscured sightlines caused by the design of the roadway,
8 curvature of the roadway, elevation variances, adjoining land features, improper striping and/or
9 signage, ongoing construction, poor lighting, and improper and/or nonfunctioning traffic control
10 signs/signals that caused and/or contributed to the incident. Given the defective roadway conditions,
11 drivers were necessarily exposed to this risk. The combination of these factors created a chaotic traffic
12 condition, significant risk, and an undiscovered trap for motorists, using due care in the operation of
13 their vehicles.

14 62. Plaintiff is informed and believes and thereupon alleges that the aforementioned
15 conditions did not exist when the original plan or design for the roadway was approved, if at all, by the
16 appropriate legislative body and as such, constitute changed physical conditions. Under these changed
17 physical conditions, defendants CALTRANS, COUNTY OF LOS ANGELES, CITY OF TORRANCE,
18 and DOES 51 through 60, and each of them, had a duty to correct or alleviate the hazard that caused the
19 above described accident.

20 63. Plaintiff is informed and believes and thereon alleges that defendants CALTRANS,
21 COUNTY OF LOS ANGELES, CITY OF TORRANCE, and DOES 51 through 60, and each of them,
22 had actual or constructive notice of the dangerous condition in sufficient time before the subject
23 accident to have taken preventive and/or remedial measures. In fact, Plaintiff is informed and believes
24 that the SUBJECT ROADWAY was the site of hundreds of similar accident over a period of years that
25 resulted in severe injuries and/or fatalities because of said dangerous condition, of which said
26 defendants were aware.

27 64. Despite their actual or constructive notice of said dangerous condition, defendants
28 CALTRANS, COUNTY OF LOS ANGELES, CITY OF TORRANCE, and DOES 51 through 60, and

1 each of them, failed to provide an adequate and/or properly functioning traffic control signal at the
2 SUBJECT ROADWAY, failed to post a reduction of the speed limit and/or necessary safety warning
3 before the subject intersection, and/or failed to take any actions to eliminate and/or reduce the known
4 significant risk and danger to motorists on their roadway.

5 65. The dangerous condition that defendants CALTRANS, COUNTY OF LOS ANGELES,
6 CITY OF TORRANCE, and DOES 51 through 60, and each of them, created presented a reasonable
7 foreseeable risk of the kind of accident and injuries that occurred.

8 66. Plaintiff is informed and believes and thereupon alleges that the above described
9 accident was the direct, proximate and legal result of the dangerous condition of public property for
10 which the herein named defendants are legally responsible.

11 67. As a direct and proximate result of the aforementioned conduct of defendants,
12 CALTRANS, COUNTY OF LOS ANGELES, CITY OF TORRANCE, and DOES 51 through 60,
13 inclusive, and each of them, and the dangerous condition of the public property as herein described,
14 Jesse Esphorst Jr. was killed. As a direct and proximate result, Plaintiff sustained pecuniary loss
15 resulting from the loss of benefits, gifts, and household services that he provided, all to her general
16 damage in a sum within the jurisdictional limits of the Court, which will be stated according to proof in
17 accordance with C.C.P. § 425.10.

18 68. As a direct and proximate result of the aforementioned conduct of defendants,
19 CALTRANS, COUNTY OF LOS ANGELES, CITY OF TORRANCE, and DOES 51 through 60,
20 inclusive, and each of them, and the resulting death of decedent Jesse Esphorst Jr., Plaintiff incurred
21 funeral and burial expenses in an amount to be proven at trial.

22 69. As a further direct and proximate result of the conduct of defendants, CALTRANS,
23 COUNTY OF LOS ANGELES, CITY OF TORRANCE, and DOES 51 through 60, inclusive, and each
24 of them, and the resulting death of decedent Jesse Esphorst Jr., Plaintiff has sustained noneconomic
25 damages in the form of lost love, companionship, comfort, care, assistance, protection, affection,
26 society, moral support, training, and guidance in an amount to be determined by the jury at the time of
27 trial but in excess of the jurisdictional limits of this court.

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1 WHEREFORE, Plaintiffs prays for judgment against the defendants, and each of them, as
2 follows:

- 3 1. For an award of general and special damages according to proof;
- 4 2. For punitive damages against defendants DARRYL LEANDER HICKS, TUNG MING,
5 and DOES 1-10 and 21-30 ONLY according to proof and in an amount sufficient to
6 punish and deter said defendants from similar action/inaction in the future;
- 7 3. For prejudgment interest, according to proof;
- 8 4. For costs of suit incurred herein; and
- 9 5. For such other and further relief as the Court deems just and proper.

10
11 Dated: April 2, 2018

TAYLOR & RING, LLP

12
13 By 

14 John C. Taylor
15 Robert R. Clayton
16 Attorneys for Plaintiff

17 **DEMAND FOR JURY TRIAL**

18 Plaintiff requests a jury trial.

19
20 Dated: April 2, 2018

TAYLOR & RING, LLP

21
22 By 

23 John C. Taylor
24 Robert R. Clayton
25 Attorneys for Plaintiff