

S280322

In the Supreme Court of California

Jayde Downey,
Plaintiff and Appellant

v.

City of Riverside, et. al.,
Defendants and Respondents.

After a Decision by the Court of Appeal Fourth Appellate District, Division One, Case No. D080377 Appealing from a Judgment Entered in Favor of Defendants Riverside, Ara Sevacherian and Vahram Sevacherian, County Superior Court Case No. RIC 1905830 Honorable Harold W. Hopp, Judge.

MOTION FOR JUDICIAL NOTICE

Michael A. Verska, Sr. Deputy City Attorney,
Bar No. 207213

OFFICE OF THE CITY ATTORNEY – CITY OF RIVERSIDE

3750 University Avenue, Suite 250

Riverside, California 92501

Telephone (951) 826-5567

Facsimile (951) 826-5540

mverska@riversideca.gov

Attorneys for Defendant and Respondent

MOTION FOR JUDICIAL NOTICE

Pursuant to California Evidence Code sections 452 and 459, and California Rules of Court, rule 8.252, Respondent moves for judicial notice of the following:

1. CITY OF RIVERSIDE’S NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT; POINTS AND AUTHORITIES; DECLARATION OF STEVE LIBRING; DECLARATION OF NATHAN MUSTAFA; DECLARATION OF EDWARD REID; SUPPORTING EXHIBITS

These documents are attached to Respondent’s counsel’s included declaration as Exhibit A.

DATED: November 17, 2023

OFFICE OF THE CITY ATTORNEY

By: /s/ Michael A. Verska
MICHAEL A. VERSKA
Attorneys for Respondent

MEMORANDUM OF POINTS AND AUTHORITIES

This motion seeks judicial notice of CITY OF RIVERSIDE’S NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT; POINTS AND AUTHORITIES; DECLARATION OF STEVE LIBRING; DECLARATION OF NATHAN MUSTAFA; DECLARATION OF EDWARD REID; SUPPORTING EXHIBITS. Pursuant to California Rules of Court, rule 8.252(a)(2), the motion for judicial notice must state (A) why the matter to be noticed is relevant to the appeal; (B) whether the matter to be noticed was presented to the trial court and, if so, whether judicial notice was taken by that court; (C) if judicial notice was of the matter was not taken by the trial court, why the matter is subject to judicial notice under Evidence Code section 451, 452, or 453; and (D) whether the matter to be noticed relates to proceedings occurring after the order or judgment that is the subject of the appeal.

City of Riverside’s Motion for Summary Judgment is Relevant and Subject to Judicial Notice as a Record of the Court

The CITY OF RIVERSIDE’S NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT; POINTS AND AUTHORITIES; DECLARATION OF STEVE LIBRING; DECLARATION OF NATHAN MUSTAFA; DECLARATION OF EDWARD REID; SUPPORTING EXHIBITS (“City’s Motion for Summary Judgment and Supporting

Documents”) is relevant to the appeal because the operative issues on appeal involve alleged dangerous conditions of the intersection and the Plaintiff’s failure and inability to allege sufficient facts and additional potential facts establishing that she had familiarity with, and knowledge and awareness of, the intersection and the dangerous conditions sufficient to have contemporary sensory awareness of the causal connection between the negligent conduct and the resulting injury. The City’s Motion for Summary Judgment and Supporting Documents were filed in the trial court on July 7, 2023. The City’s Motion for Summary Judgment and Supporting Documents is subject to judicial notice under Evidence Code section 452, subdivision (d) as a record of the court. The City’s Motion for Summary Judgment and Supporting Documents relates to proceedings that occurred before the order that is the subject of the appeal.

CONCLUSION

For the reasons stated above, the City of Riverside respectfully requests this Court take judicial notice of the above identified matters.

DATED: November 17, 2023

OFFICE OF THE CITY ATTORNEY

By: /s/ Michael A. Verska
MICHAEL A. VERSKA
Attorneys for Respondent

DECLARATION OF MICHAEL A. VERSKA

I, MICHAEL A. VERSKA, declare as follows:

1. I am an attorney duly licensed to practice law in the State of California. I am a Senior Deputy City Attorney for the City of Riverside, attorneys for Respondent City of Riverside. I have personal knowledge of the matters set forth in this declaration and if called upon to testify to those matters, I could and would so testify.

2. Attached hereto as **Exhibit A** is a certified [or true and correct] copy of CITY OF RIVERSIDE’S NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT; POINTS AND AUTHORITIES; DECLARATION OF STEVE LIBRING; DECLARATION OF NATHAN MUSTAFA; DECLARATION OF EDWARD REID; SUPPORTING EXHIBITS.

I declare under penalty of perjury, under the laws of the State of California, that the forgoing is true and correct.

Executed on November 17, 2023 in Riverside, California.

By: /s/ Michael A. Verska
MICHAEL A. VERSKA
Attorneys for Respondent

EXHIBIT "A"

1 PHAEDRA A. NORTON, City Attorney, SBN 200271
2 REBECCA L. MCKEE, Assistant City Attorney, SBN 279485
3 MICHAEL A. VERSKA, Deputy City Attorney, SBN 207213
4 EDWARD J. REID, Deputy City Attorney, SBN 276872
5 OFFICE OF THE CITY ATTORNEY – City of Riverside
6 3750 University Avenue, Suite 250
7 Riverside, California 92501
8 Tel (951) 826-5567
9 mverska@riversideca.gov
10 ereid@riversideca.gov

*Fee Exempt Per
Govt. Code § 6103*

11 Attorneys for Defendant/Cross-Complainant/Cross-Defendant,
12 City of Riverside, a California charter city and municipal corporation

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 FOR THE COUNTY OF RIVERSIDE

15 MALYAH JANE VANCE and JAYDE
16 DOWNEY,

17 Plaintiffs,

18 v.

19 CITY OF RIVERSIDE, EVAN THEODORE
20 MARTIN, ARA SEVACHERIAN; VAHRAM
21 SEVACHERIAN; DOES 1 through 100,

22 Defendants.

23 AND ALL CROSS-ACTIONS

) CASE NO. RIC 1905830

) Assigned to Dept. 10

) **CITY OF RIVERSIDE’S NOTICE**
) **OF MOTION AND MOTION FOR**
) **SUMMARY JUDGMENT;**
) **POINTS AND AUTHORITIES;**
) **DECLARATION OF STEVE**
) **LIBRING; DECLARATION OF**
) **NATHAN MUSTAFA;**
) **DECLARATION OF EDWARD**
) **REID; SUPPORTING EXHIBITS**

) *[Filed concurrently with Separate*
) *Statement of Undisputed Material*
) *Facts; Declarations of Nathan*
) *Mustafa, Steve Libring, and Edward J.*
) *Reid; and Proposed Order.]*

) **Reservation ID: 416381796705**

) **Date: September 21, 2023**

) **Time: 8:30 a.m.**

) **Dept.: 10**

) Complaint Filed: 11/22/2019

) Trial Date: 10/20/2023

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:
PLEASE TAKE NOTICE that on **September 21, 2023, at 8:30 a.m.**, or as soon thereafter as this matter may be heard, in Department 10 of the Riverside County Superior Court, 4050 Main Street, Riverside, California, Defendant CITY OF RIVERSIDE (hereinafter “City”) will move this court for an order granting summary judgment pursuant to *Code of Civil Procedure* § 437c(a), in favor of the City, and against Plaintiffs MALYAH VANCE (hereinafter individually “Plaintiff Vance”) and JAYDE DOWNEY (hereinafter individually “Plaintiff Downey”) (hereinafter collectively “Plaintiffs”).

This Motion is made on the grounds that the undisputed material facts establish that the City is entitled to the design immunity provided by *Government Code* §830.6 as Canyon Crest Drive, including its traffic markings, signals, warnings, medians, and fixtures, were installed per plans and designs prepared and approved by the City’s Traffic Engineering Division. Further, as a matter of law, the evidence adduced via discovery shows that there was no dangerous condition of the City’s property pursuant to *Government Code* §835.

This Motion will be based on this notice; the attached Memorandum of Points and Authorities; the Separate Statement of Undisputed Material Facts; the declarations of Nathan Mustafa, Steve Libring, and Edward J. Reid and the exhibits authenticated thereby; the files and records in this action, and any further evidence or argument that the Court may properly receive at or before the hearing.

DATED: July 7, 2023

OFFICE OF THE CITY ATTORNEY



By: _____
EDWARD J. REID
Attorneys for Defendant/Cross-Complainant/
Cross-Defendant CITY OF RIVERSIDE

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I. INTRODUCTION 1

II. STATEMENT OF FACTS 2

A. The Subject Accident 2

B. Plaintiffs Operative Complaint and Factual Allegations 3

C. The Subject Intersection Was Part of A Design Improvement Plan Approved in 1992 4

D. The Subject Intersection Was Part of A Design Improvement Plan Approved in 2009 4

E. In 2017 the City Conducted a Speed Survey That Confirmed 45 MPH Is the Appropriate Speed Limit for Canyon Crest Drive 6

F. There is No History of Prior Similar Accidents at the Subject Intersection 7

III. LEGAL AUTHORITY FOR SUMMARY JUDGMENT 8

IV. LEGAL ARGUMENT. 9

A. The City is Entitled to Summary Judgment Based Upon the Design Immunity of Government Code Sect. 830.6 9

1. There is a Causal Relationship Between the Design and the Incident as a Matter of Law. . . . 10

2. There Was Discretionary Approval of the Design of, and Later Improvements to the intersection of Canyon Crest Drive and Via Zapata 11

3. There is Substantial Evidence Supporting the Reasonableness of the Design of the Intersection of Canyon Crest Drive and Via Zapata. 13

B. The Intersection of Canyon Crest Drive and Via Zapata Did Not Constitute a Dangerous Condition of Public Property on December 4, 2018 15

1. Plaintiff Vance Was Not Driving With “Due Care” 16

2. The City Cannot Be Liable Because There is No Evidence the City Had Actual or Constructive Notice of Any Dangerous Condition Before the Collision. 17

3. Plaintiffs Cannot Prove a Dangerous Condition Existed by Evidence of Previous Accidents . . 18

4. Plaintiffs Cannot Establish Substantial Evidence that Any Condition of City Property Proximately Caused Plaintiff Vance’s Injuries 18

V. CONCLUSION 20

TABLE OF AUTHORITIES

1

2 *Aguilar v. Atlantic Richfield Co.*

3 (2001) 25 Cal.4th 826 9

4 At p. 67 10, 14

5 At p. 348-349 12

6 At p. 385 12

7 At p. 410 15

8 At p. 940 11

9 At p. 1014 14

10 At pp. 160-161 14

11 Cal. Vehicle Code §21802 3, 4, 6, 7, 8, 20

12 *Ceja v. Department of Transportation*

13 (2011) 201 Cal.App.4th 1475 19

14 Code Civ. Proc. § 1011 1

15 Code Civ. Proc. § 1013 1

16 Code of Civ. Proc., § 437c 9

17 Code of Civil Procedure § 437c ii, 8

18 *Cornette v. Dept. of Transp.*

19 (2001) 26 Cal.4th 63 10

20 *Davis v. City of Pasadena*

21 (1996) 42 Cal.App.4th 701 16

22 *Dixon v. City of Livermore*

23 (2005) 127 Cal.App.4th 32 19-20

24 *Ducey v. Argo Sales Co.*

25 (1979) 25 Cal.3d 707. (1986) 17

26 Evidence Code §310 11

27 *Fielder v. City of Glendale*

28 (1977) 71 Cal.App.3d 719 17

First Commercial Mortgage Co. v. Reece

 (2001) 89 Cal. App. 4th 731 9

Fuller v. Dept. of Transp.

 (2001) 89 Cal.App.4th 1109 11

Fuller v. State of California

 (1975) 51 Cal.App.3d 926, 19

 Government Code §830 16, 17

 Government Code §830.2 17

1	Government Code §830.6	ii, 10, iii, 2, 8, 9, 11, 21
2	Government Code §835	ii, 19, 20
3	Government Code §835.2	18
4	Govt. Code § 6103	i
5	<i>Grenier v. City of Irwindale</i> (1997) 57 Cal.App.4th 931	11
6	<i>Hampton v. County of San Diego</i> (2015) 62 Cal.4th 340	13, 10, 12
7	<i>Hefner v. City of Sacramento</i> (1988) 197 Cal.App.3d 1007	14
8	<i>Joseph E. Di Loreto, Inc. v. O’Neill</i> (1991) 1 Cal.App.4th 149	9
9	<i>Lawson v. Safeway, Inc.</i> (2010) 191 Cal.App.4th 400	14
10	<i>Marriage & Family Center v. Superior Court</i> (1991) 228 Cal.App.3d 1647	9
11	<i>Salas v. Department of Transportation</i> (2011) 198 Cal.App.4th 1058	17
12	<i>Sambrano v. City of San Diego</i> (2001) 94 Cal.App.4th 225	19
13	<i>Sangster v. Paetkau</i> (1998) 68 Cal.App.4th 151	9
14	Section 830.6	10, 11, 12, 14
15	Section 835	18
16	Sutton, supra, the court,	14
17	<i>Thompson v. City of Glendale</i> (1976) 61 Cal.App.3d 378	11
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 This is an action brought by Plaintiffs in relation to a traffic collision, which occurred at
4 the intersection of Canyon Crest Drive and Via Zapata in Riverside, California, on December 4,
5 2018. In their operative Third-Amended Complaint (hereinafter “TAC”) Plaintiffs allege a
6 statutory cause of action for Dangerous Condition of Public Property against Defendant CITY OF
7 RIVERSIDE (hereinafter “City”).¹ While the allegations in the TAC as it pertains to the City
8 generally sound in negligent traffic design and contain only conclusory, non-specific allegations,
9 Plaintiffs sets forth in her response to the City’s written discovery that the following facts form
10 the basis for their claim Plaintiff Vance was injured as a result of a dangerous condition of public
11 property: (1) the line of sight of southbound Canyon Crest Drive from Via Zapata is too short; (2)
12 the line of sight was limited by designated parking along Canyon Crest; (3) the line of sight was
13 limited by large trees planted in the parkway along Canyon Crest; and (4) the speed limit of 45
14 miles per hour is unsafe.² Further, Plaintiffs’ TAC limits the allegations related to ownership of
15 the trees that purportedly blocked Plaintiff Vance’s view to Defendants ARA and VAHRAM
16 SEVACHERIAN (hereinafter collectively “Sevacherian Defendants”)³

17 Additionally, in her deposition, Plaintiff Vance testified she does not remember anything
18 from the day of the collision, although it is her understanding that the reason the collision occurred
19 was because she failed to stop for a stop sign.⁴ Further, Plaintiff Downey testified Plaintiff Vance
20 was distracted at the time of the collision and that she does not know whether Plaintiff Vance
21 stopped at the stop sign or where Plaintiff Vance was looking prior to the collision.⁵

22 ¹ See Plaintiffs’ TAC attached hereto as Exhibit “D” at pp. 5-7; see Declaration of Edward J. Reid (hereinafter
23 “Reid Declaration”) at ¶5; see City’s Separate Statement of Undisputed Material Facts (hereinafter “UMF”)
Nos. 14, 16.

24 ² See Plaintiff’s verified response to City’s Special Interrogatories, Set One attached as Exhibit “E” to Reid
Declaration at Special Interrogatory No. 8; see Reid Declaration at ¶6; see UMF Nos. 11-12, 15, 22-24, 31-34.

25 ³ See Exhibit “D”, at ¶¶9, 28-33; see Reid Declaration at ¶5. But see, id. at ¶¶11-19, wherein Plaintiffs make no
allegation that the City owned said trees/vegetation; see UMF No. 15.

26 ⁴ See UMF Nos. 5, 7-8; see relevant portions of the deposition of Plaintiff (hereinafter “Plaintiff Depo
27 Transcript”) attached hereto as Exhibit “F” [at p. 28, lines 6-8; at p. 100, lines 9-14; at p. 137, lines 1-8; p. 155,
lines 9-16]; see Reid Declaration at ¶7.

28 ⁵ See relevant portions of the deposition of Jayde Downey (hereinafter “Downey Depo Transcript”) attached
hereto as Exhibit “G” [at p. 51, line 7 - p. 52, line 9; at p. 55, line 15 - p. 56, line 9; at p. 56, line 15 – p. 57, line
9; at p. 57, lines 16-22; at p. 65, line 8 - p. 66, line 22]; see Reid Declaration at ¶8; see UMF Nos. 2-4, 6, 13.

1 Herein, the City contends that the claims contained in Plaintiffs’ TAC has no merit as there
2 are no triable issues of material fact which might impute liability upon the City. As will be
3 discussed in greater detail below, the City is immune from liability under *Government Code*
4 §830.6, insomuch as a contrary interpretation of the section would implicate the adequacy of the
5 deliberative process at the discretionary approval stage and would assuredly lead a jury to second-
6 guess the wisdom of the design that the statute was intended to avoid.⁶ Further, Plaintiffs lack
7 evidence demonstrating a dangerous condition of public property caused their alleged injuries.⁷
8 Accordingly, the City now moves for summary judgment in its favor and against Plaintiffs.

9 **II. STATEMENT OF FACTS**

10 **A. The Subject Accident**

11 On December 4, 2018, Plaintiff Vance was driving eastbound on Via Zapata and entered
12 the intersection of Via Zapata and Canyon Crest Drive.⁸ While driving, she was lost and speaking
13 on her cellular phone to Plaintiff Downey, in an effort to locate her intended destination.⁹ At the
14 time, in addition to being lost and talking on her phone, she was also using a GPS device to further
15 assist her. As Plaintiff attempted to make a left hand turn from eastbound Via Zapata onto
16 northbound Canyon Crest Drive, she was struck by a vehicle traveling southbound on Canyon
17 Crest, driven by EVAN THEODORE MARTIN (hereinafter “Defendant Martin”).¹⁰

18 Plaintiff Vance does not remember anything from the day of the subject collision, including
19 how she made the turn onto Canyon Crest, from where exactly on Via Zapata she turned, or
20 whether she stopped at the stop sign.¹¹ In fact, it is Plaintiff Vance’s understanding that the reason
21 the collision occurred was because she failed to stop at the stop sign.¹² Additionally, Plaintiff
22 Vance informed Plaintiff Downey while she was simultaneously talking on her phone and driving
23 that she was coming to a stop sign, but did not tell Plaintiff Downey she actually stopped.¹³

24 ⁶ See UMF Nos. 17-30; see also *Hampton v. County of San Diego* (2015) 62 Cal.4th 340, 351.

25 ⁷ See UMF, Nos. 1-15, 32-34.

26 ⁸ See UMF No. 1; see TAC at ¶¶7-10; See Traffic Collision Report attached hereto as Exhibit “H”.

27 ⁹ See UMF Nos. 2,4; see TAC at ¶¶7-10; see Exhibit “G”.

28 ¹⁰ See UMF No. 1; See TAC at ¶¶7-10; see Exhibit “H” at pp. 5-6.

¹¹ See UMF No. 5; see also Exhibit “F” [at p. 28, lines 6-8; at p. 137, lines 1-8; p. 155, lines 9-16]; Reid Declaration at ¶7.

¹² See UMF No. 7.

¹³ See UMF Nos. 6-7; see Exhibit “G” at p. 55, line 15 - p. 56, line 9; at p. 56, line 15 – p. 57, line 9; at p. 57, lines 16-22; at p. 65, line 8 - p. 66, line 22; Reid Declaration at ¶8.

1 Plaintiff Downey also testified that immediately before the collision, Plaintiff Vance was distracted
2 while driving and does not know whether Plaintiff Vance even looked before turning.¹⁴ Contrary
3 to the claims included in the TAC, there is no evidence that any parked cars blocked Plaintiff
4 Vance’s view of southbound Canyon Crest at the time of the accident.¹⁵ Ultimately, the report by
5 the Riverside Police Department memorializing the collision found Plaintiff Vance to be at fault
6 for the collision by failing to yield at a stop sign.¹⁶

7 **B. Plaintiffs Operative Complaint and Factual Allegations**

8 On May 23, 2019, the City received Plaintiffs’ Government Tort Claim.¹⁷ Rather than
9 allege specific facts giving rise to their claim, Plaintiffs instead including only conclusory, non-
10 specific general recovery theory allegations.¹⁸

11 On June 11, 2021, Plaintiffs filed their operative Third Amended Complaint. Like
12 Plaintiffs’ Tort Claim, Plaintiffs allege nothing but non-specific, conclusory general recovery
13 theory allegations as it pertains to Plaintiffs’ sole statutory cause of action for dangerous condition
14 of public property against the City. Nonetheless, based on Plaintiffs’ generalized conclusory
15 allegations, it appears Plaintiff Vance’s claim is one generally sounding in negligent roadway
16 design. Plaintiff Downey’s claim is one sounding in negligent infliction of emotional distress on
17 the basis that she was speaking to Plaintiff Vance when the collision occurred.^{19 20}

18 Despite Plaintiffs’ insufficiently pled allegations, Plaintiff Vance sets forth the specific
19 factual bases underlying her claim against the City in her response to the City’s written discovery.
20 Specifically, in response to Special Interrogatory No. 8, wherein the City asks Plaintiff Vance to
21 state all facts that form the basis her claim she was injured as a result of a dangerous condition of
22 public property: (1) the line of sight of southbound Canyon Crest Drive from Via Zapata is too
23 short; (2) the line of sight was limited by designated parking along Canyon Crest; (3) the line of
24

25 ¹⁴ See UMF Nos. 2-4, 13.

¹⁵ See UMF No. 11.

¹⁶ See UMF No. 8; see Exhibit “H” at pp. 5-6.

¹⁷ See generally Plaintiff’s Government Tort Claim attached hereto as Exhibit “I”; see Reid Declaration at ¶7.

¹⁸ See g Exhibit “I” at pp. 3-4; see Reid Declaration at ¶7.

¹⁹ See Plaintiffs’ TAC, at pp. 5-7; see Reid Declaration at ¶2.

²⁰ The City demurred to Plaintiffs’ TAC as it pertains to Plaintiff Downey’s claim. On August 16, 2021, this Court granted the City’s Demurrer without leave to amend. The ruling was overturned on appeal; however, Plaintiff Vance has yet to file an amended pleading. See Reid Declaration at ¶8. See UMF No. 16.

1 sight was limited by large trees planted in the parkway along Canyon Crest; and (4) the speed limit
2 of 45 miles per hour is unsafe.²¹ Additionally, in response to the City’s Special Interrogatories,
3 Plaintiff Vance responds that she has no facts demonstrating that City had actual notice and only
4 generalized conclusions based on information and belief that the City had constructive notice of
5 the alleged dangerous condition.²²

6 **C. The Subject Intersection Was Part of A Design Improvement Plan Approved in 1992**

7 Plan XL-272, entitled “Rehabilitation of Major City Streets 1990-1991 Canyon Crest Drive
8 County Club Drive to Central Avenue” included a traffic design improvement plan, which
9 involved the intersection at Canyon Crest Drive and Via Zapata. Specifically, Plan XL-272
10 indicates that former City Traffic Engineer, Barry Beck, approved the design and placement of the
11 limit line where Plaintiff should have stopped her car before making her turn onto Canyon Crest
12 Drive on the day of the subject accident. Specifically, Item #24 under the Striping & Marking
13 Legend indicates to install a solid white “stop marking” as drawn on Via Zapata Drive. There were
14 no substantive changes to the limit line since Plan XL-272 was approved in 1992 to the time of
15 Plaintiff’s accident in 2018.²³ Accordingly, Plan XL-272 constituted an improvement to a
16 plan/design of public property where said improvement was approved by an employee exercising
17 discretionary authority to give such approval.²⁴ Further, according to Mr. Mustafa, the design of
18 the intersection located at Canyon Crest Drive and Via Zapata was reasonable from an engineering
19 standpoint.²⁵

20 **D. The Subject Intersection Was Part of A Design Improvement Plan Approved in 2009**

21 As set forth in the Declaration of Steve Libring filed concurrently herewith, in 2009, In
22 2009, while he was employed as City Traffic Engineer with the City of Riverside, he was assigned
23 a traffic project involving the intersection located at Canyon Crest Drive and Via Zapata.
24 Specifically, this traffic improvement plan was (Work Order ID No. 2946) involved the installation
25

26 ²¹ See Plaintiff’s verified response to City’s Special Interrogatories, Set One attached hereto as Exhibit “B” at
Special Interrogatory No. 8; see Reid Declaration at ¶6.

27 ²² See id. at Special Interrogatory Nos. 12 and 14; see Reid Declaration at ¶6.

28 ²³ See Declaration of Nathan Mustafa filed concurrently herewith (hereinafter “Mustafa Declaration”) at ¶4; see
Plan XL-272 attached to Mustafa Declaration as Exhibit “A”; see Reid Declaration at ¶2; see UMF No. 20-21.

²⁴ See UMF No. 20-22; see Mustafa Dec., ¶¶4-5.

²⁵ See UMF No. 22; see Mustafa Dec., ¶5.

1 of bike lanes, the addition of street parking stripes along Canyon Crest, and appropriate signage
2 adjacent to the second lanes of travel along north and south Canyon Crest Drive. The improvement
3 plan included the intersection of Canyon Crest Drive and Via Zapata. As set forth in his
4 Declaration, Mr. Libring was duly authorized by the City of Riverside to make any and all
5 improvements to the subject intersection.²⁶

6 In exercising his authority, he determined the existing signage, including the location of
7 the stop sign which controls the intersection of Canyon Crest and Via Zapata was adequate as
8 designed in 1992, as it is set forward as far forward as reasonably possible in order to accommodate
9 maximum visibility for vehicles traveling eastbound on Via Zapata and making a left hand turn
10 onto northbound Canyon Crest Drive, while still accommodating pedestrians crossing Via Zapata,
11 bicycles traveling in the newly added bicycle lane, and traffic using the access road adjacent to
12 Canyon Crest. Further, Mr. Libring determined that the existing stop sign accounts for nearby
13 vegetation. Additionally, like Mr. Mustafa, Mr. Libring determined that should an individual
14 driver feel additional visibility is necessary to turn onto northbound Canyon Crest, the intersection
15 is designed in such a way that the driver may inch/creep forward to attain additional desired
16 visibility.²⁷ Importantly, Mr. Libring arrived at this determination after weighing all competing
17 factors, including vehicles traveling north and south on Canyon Crest Drive and the vehicles
18 traveling east on Via Zapata attempting to turn onto Canyon Crest; the newly added bicycle lanes;
19 pedestrians and bicycles (and possibly golf carts) traveling in the southbound direction on Canyon
20 Crest; street parking and necessary parking restrictions, and an accounting for nearby vegetation.²⁸

21 Also included in the 2009 improvement plan was the addition of street parking stripes and
22 parking restrictions along Canyon Crest Drive. These provisions were duly authorized by him in
23 accordance with my duties as City Traffic Engineer. After weighing all the relevant competing
24 factors, Mr. Libring determined that the redesign improvement plan was reasonable and met with
25 standard of traffic design of the City of Riverside. Further, in implementing the redesign
26 improvement plan, he determined that the design of the existing intersections, including the of the

27 ²⁶ See Declaration of Steve Libring filed concurrently herewith (hereinafter “Libring Declaration”) at ¶¶8-9; see
28 Exhibits “J”-“L”; see Reid Declaration at ¶¶9-11; see UMF Nos. 27-29.

²⁷ See Libring Declaration at ¶¶11-12; see Mustafa Dec. at ¶¶5.

²⁸ See id. at ¶¶9-16; see UMF No. 29-30.

1 placement of the stop sign at the intersection of Canyon Crest and Via Zapata, were adequate and
2 reasonable despite the additional changes implemented under the redesign improvement plan.²⁹

3 Accordingly, Work Order ID No. 2946 constituted an improvement to a plan/design of
4 public property where said improvement was approved by an employee exercising discretionary
5 authority to give such approval.³⁰ Further, according to Riverside’s former City Traffic Engineer,
6 the design of the intersection, including the line of sight at the intersection of Canyon Crest Drive
7 and Via Zapata and the presence of parked vehicles and vegetation, was reasonable from an
8 engineering standpoint.³¹ Additionally, it is Mr. Libring’s opinion that the City approved 2009
9 redesign improvement plan for Canyon Crest Drive was not responsible for causing the collision
10 in this matter nor was the addition of parking and reasonable parking restrictions.³²

11 **E. In 2017 the City Conducted a Speed Survey That Confirmed 45 MPH Is the**
12 **Appropriate Speed Limit for Canyon Crest Drive**

13 On June 20, 2017, the City’s Traffic Engineering Division performed a “Traffic and
14 Engineering Survey for Speed Zoning” (hereinafter, “Traffic Survey”) of Canyon Crest Drive
15 between Martin Luther King Blvd. and Alessandro Blvd. The Traffic Survey included the
16 intersection of Canyon Crest Drive and Via Zapata.³³ The results of the Traffic Survey established
17 that the 85th percentile speed was 50 miles per hour (“MPH”). Per California State law, the City
18 Traffic Engineer Nathan Mustafa exercised his discretion to approve the appropriate speed limit
19 for this location set to 45 MPH due to “unusual conditions” which were identified as “roadway
20 slope, pedestrian and golf cart activity.” Mr. Mustafa’s signature approving the 45 MPH speed
21 limit is found on pg. 2 of the Traffic and Engineering Survey for Speed Zoning. Had the City
22 Traffic Engineering Division established a speed limit on Canyon Crest Drive lower than 45 MPH,
23 it would have been unenforceable as the speed limit may only be set at an absolute maximum of 5
24 MPH lower than the 85th percentile speed.³⁴

25
26 ²⁹ See UMF No. 30.

27 ³⁰ See UMF No. 27; see Libring Declaration, at ¶¶13, 15, 16.

28 ³¹ See UMF No. 30; see Libring Declaration, at ¶¶13, 15, 16.

³² See UMF No. 31.

³³ See Traffic and Engineering Survey for Speed Zoning attached to Mustafa Declaration as Exhibit “B”; see Mustafa Declaration at ¶5.

³⁴ See UMF No. 23; see Mustafa Declaration at ¶5.

1 Accordingly, based on the results of the Traffic Survey, Mr. Mustafa used his discretionary
2 authority to lower the speed limit to 45 MPH, which constituted an improvement to a preexisting
3 plan/design of a construction of public property where said improvement was approved by an
4 employee exercising discretionary authority to give such approval.³⁵ Further, according to Mr.
5 Mustafa, the speed limit design of the intersection located at Canyon Crest Drive and Via Zapata
6 was reasonable from an engineering standpoint.³⁶

7 Further, as will be discussed below, according to the Traffic Collision Report, Defendant
8 Martin admitted he was traveling faster than the posted speed limit at the time of the accident.³⁷
9 Because Defendant Martin was speeding, Plaintiffs' contention that the posted speed limit on
10 Canyon Crest was not reasonable is rendered moot.

11 **F. There is No History of Prior Similar Accidents at the Subject Intersection**

12 As the Deputy Director of Public Works, Nathan Mustafa obtained a copy and reviewed
13 a "Collision Summary Report" for the subject intersection for the period of May 25, 2014 to May
14 25, 2019.³⁸ Mr. Mustafa's review of the Collision Summary Report revealed that there were seven
15 (7) total collisions at the Intersection, none of which were similar to the subject accident, during
16 this 5-year time period. Of the seven collisions: one (1) was the subject accident; one (1) involved
17 a vehicle in which the driver collided against a wall; one (1) involved a "rear-end" in which a
18 driver under the influence of alcohol collided against a parked vehicle; three (3) occurred during
19 the morning heavy traffic between the hours of 7:20 a.m. to 8:21 a.m.; and one (1) occurred at 2:44
20 p.m., closer to afternoon traffic.³⁹ Not only do all the referenced collisions have their own
21 distinguishing features from the subject collision with Plaintiff Vance, additionally, none of the at
22 fault drivers were found to be distracted using a cell phone at the time of the collision like the
23 Plaintiff in this case.⁴⁰

24
25
26 ³⁵ See UMF No. 24; see Mustafa Declarations at ¶6.

27 ³⁶ See UMF Nos. 22, 32; see Mustafa Declarations at ¶6.

28 ³⁷ See UMF No. 9, see Exhibit "H" at pp. 5-6.

³⁸ See Collision Summary Report Traffic attached to Mustafa Declaration as Exhibit "C"; see Mustafa Declaration at ¶7; see UMF No. 25; see Reid Declaration at ¶4.

³⁹ Ibid.

⁴⁰ Ibid.

1 By way of the instant Motion, this moving Defendant submits that Plaintiffs' claims
2 described above have no merit. First, as will be further described below, the City is immune from
3 liability under *Government Code* §830.6.⁴¹ Further, Plaintiffs lack evidence demonstrating that a
4 dangerous condition of public property caused their alleged injuries.⁴² Accordingly, the City
5 respectfully request that this Court grant the instant Motion for Summary Judgment.

6 **III. LEGAL AUTHORITY FOR SUMMARY JUDGMENT**

7 *Code of Civil Procedure* §437c, states, in relevant part:

8 "(a) Any party may move for summary judgment in any action or proceeding if it
9 is contended that the action has no merit or that there is no defense to the action
10 or proceeding."

11 * * *

12 "(c) The motion for summary judgment shall be granted if all the papers submitted
13 show that there is no triable issue as to any material fact and that the moving party
14 is entitled to a judgment as a matter of law.

15 * * *

16 "(p)(2) A defendant ... has met his or her burden of showing that a cause of action
17 has no merit if that party has shown that one or more elements of the cause of
18 action . . . cannot be established . . . Once the defendant ... has met that burden,
19 the burden shifts to the plaintiff . . . to show that a triable issue . . . exists. . . ."

20 There is no discretion to refuse summary judgment when the evidence before the court
21 discloses no triable issue as to any material fact. (*Marriage & Family Center v. Superior Court*
22 (1991) 228 Cal.App.3d 1647.) A defendant "moving for summary judgment bears an initial burden
23 of production to make a prima facie showing of the nonexistence of any triable issue of material
24 fact." (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 850.) This burden is met by
25 negating an essential element of the plaintiff's case, or by establishing a complete defense, or by
26 demonstrating the absence of evidence to support the plaintiff's case. (*First Commercial Mortgage*
27 *Co. v. Reece* (2001) 89 Cal. App. 4th 731, 736-37.) Further, a moving defendant need not

28 ⁴¹ See UMF Nos. 17-30.

⁴² See UMF Nos. 1-5, 32-34.

1 conclusively negate an element of the plaintiff’s cause of action, but only needs to show that
2 plaintiff cannot establish at least one element of said claim. (*Aguilar, supra*, 25 Cal.4th at 853.)

3 Once the moving defendant’s burden is met, the burden shifts to the plaintiff to demonstrate
4 the existence of a triable issue of material fact. (*Code of Civ. Proc.*, § 437c, subd. (p)(2).) The
5 plaintiff can only meet this burden by producing “substantial” responsive evidence of a triable
6 issue. (*Sangster v. Paetkau* (1998) 68 Cal.App.4th 151, 163.) “[R]esponsive evidence that gives
7 rise to no more than mere speculation cannot be regarded as substantial, and is insufficient to
8 establish a triable issue of material fact.” (*Ibid.*) “When opposition to a motion for summary
9 judgment is based on inferences, those inferences must be reasonably deducible from the evidence,
10 and not such as are derived from speculation, conjecture, imagination, or guesswork.” (*Joseph E.*
11 *Di Loreto, Inc. v. O’Neill* (1991) 1 Cal.App.4th 149, 161.)

12 **IV. LEGAL ARGUMENT**

13 **A. The City is Entitled to Summary Judgment Based Upon the Design Immunity of**
14 **Government Code Sect. 830.6**

15 In *Cornette v. Dept. of Transp.* (2001) 26 Cal.4th 63, one of two controlling authorities on
16 *Government Code* §830.6 design immunity, which arose out of an allegedly dangerous freeway
17 condition, the California Supreme Court held:

18 “However, a public entity may avoid such liability [for a dangerous condition of
19 its property] by raising the affirmative defense of *design immunity*. (Sect. 830.6)
20 A public entity claiming design immunity must establish three elements: (1) a
21 causal relationship between the plan or design and the accident; (2) discretionary
22 approval of the plan or design prior to construction; and (3) substantial evidence
23 supporting the reasonableness of the plan or design. [Citations omitted].
24 [Emphasis added]. [At pg. 66].

25 The *Cornette* court defined the trial court’s role in the design immunity analysis:

26 “The third element of design immunity, the existence of substantial evidence
27 supporting the reasonableness of the adoption of the plan or design, ***must be tried***
28 ***by the court, not the jury***. Section 830.6 makes it quite clear that the ‘trial or
appellate’ court is **to** determine whether ‘there is ***any substantial evidence upon***
the basis of which (a) a reasonable public employee could have adopted the plan
or design or the standards therefore or (b) a reasonable legislative body or other
body or employee could have approved the plan or design or the standards
therefore.” [Emphasis added]. [At p. 67].

1 In explaining the public policy underlying design immunity, the *Cornette* court further
2 held:

3 “The rationale for design immunity is to *prevent a jury from second-guessing*
4 *the decision of a public entity by reviewing the identical questions of risk that had*
5 *previously been considered by the government officers who adopted or approved*
6 *the plan or design.* [Citation omitted]. “[T]o permit reexamination in tort litigation
7 of particular discretionary decisions where reasonable men may differ as to how the
8 discretion should be exercised *would create too great a danger of impolitic*
9 *interference with the freedom of decision-making by those public officials in whom*
10 *the function of making such decisions has been vested.”* [Emphasis added]. [At p. 69].

11 The California Supreme Court in *Hampton, supra*, at 340, affirmed the Court of Appeal’s
12 affirmation of the trial court’s order granting the County of San Diego’s motion for summary
13 judgment based upon *Government Code* §830.6. In *Hampton*, the Court quoted from *Cornette* and
14 reiterated the three elements of design immunity. [*Id.* pp. 342-343]. *Hampton* also reiterated the
15 *Cornette* explanation of the rationale for design immunity. [*Id.* pp. 349-350].

16 Based on *Cornette, Hampton* and *Evidence Code* §310, the trial court has the obligation to
17 decide whether or not the City is entitled to *Government Code* §830.6 design immunity as a
18 preliminary matter where, as here, there is no reasonable dispute that the City meets the elements
19 of the design immunity. Here, the City can establish each of the three elements of design immunity.

20 **1. *There is a Causal Relationship Between the Design and the Incident as a***
21 ***Matter of Law***

22 The first element of design immunity requires a showing that a plaintiff’s injuries were
23 caused by a feature inherent in the approved plan or design. (*Grenier v. City of Irwindale* (1997)
24 57 Cal.App.4th 931, 940). This element usually is established by the allegations in the complaint
25 that the injury occurred as a result of a plan or design. (*Fuller v. Dept. of Transp.* (2001) 89
26 Cal.App.4th 1109, 1114 [a defendant public entity may rely upon plaintiff’s pleadings to establish
27 the necessary element of causation].) This first element is met in this case as Plaintiffs’ TAC
28 alleges that the dangerous condition that caused their injuries was indeed caused by an alleged
defective roadway plan or design.⁴³ Accordingly, the first prong of the design immunity defense
has been met as a matter of law.

29 **2. *There Was Discretionary Approval of the Design of, and Later Improvements to***
30 ***the intersection of Canyon Crest Drive and Via Zapata***

⁴³ See Exhibit “D” at p. 5-6, at ¶¶12,13; see Reid Declaration at ¶2; see also Exhibit “I”.

1 In *Grenier v City of Irwindale* (1997) 57 Cal.App.4th 931 the court held:

2 “The second element, discretionary approval prior to construction, ‘*simply*
3 *means approval in advance of construction by the legislative body or officer*
4 *exercising discretionary authority*’.” At p. 940.

5 In *Thompson v. City of Glendale* (1976) 61 Cal.App.3d 378, the plaintiff contended that
6 the City of Irwindale was not entitled to design immunity because “the design of the handrail
7 consisted *solely of a shop drawing* which was designed by an outside fabricator rather than a
8 public employee.” [Emphasis added]. [*Id.* at 384]. In rejecting plaintiff’s position, the court held:

9 “There is *no requirement that the design be expressed in any particular form*.
10 The plan need only be sufficiently explicit to assure that it is *understandable to*
11 *the [public] employee giving the approval*.” [Emphasis added]. [At p. 385].

12 The facts in *Hampton, supra*, are directly on point with the subject incident. In *Hampton*,
13 plaintiffs were attempting to make a left-hand turn from a rural side road onto a two-lane
14 thoroughfare when they collided with another vehicle. *Hampton, supra*, at 343. Like this case, the
15 California Highway Patrol found the *Hampton* plaintiffs caused the accident by failing to stop at
16 the stop sign before proceeding into the intersection. *Id.* At 344. Further, the plaintiffs’ principal
17 claim against the public entity was that “the design and construction of the intersection where the
18 accident occurred afforded inadequate visibility under applicable County design standards.” *Ibid.*

19 The *Hampton* Court primarily addressed the second element of design immunity, whether
20 the person approving the plan or design had discretionary authority to do so. The County
21 successfully moved for summary judgment based upon design immunity for an intersection where
22 the plaintiffs contended the County’s design drawings did not describe or depict a “high
23 embankment” or take it into account as an impediment to “sight lines” under applicable County
24 design standards, for a driver turning left from Miller Road onto Cole Grade Road, nor did the
25 design plan identify the “sight distance” a driver in plaintiff’s position would have. *Ibid.* Plaintiffs
26 make similar arguments in the instant matter. Nonetheless, the *Hampton* Court rejected the
27 plaintiffs’ arguments and affirmed summary judgment in favor of the County.

28 In discussing the second element of design immunity, discretionary authority, the *Hampton*
Court described the plaintiffs’ contentions on appeal and the Court’s response as follows:

“Plaintiffs contend that “*approv[al]*” by one “*exercising discretionary authority*”
(§ 830.6), requires an exercise of discretion in the sense of an exercise of judgment

1 or choice, and that, in their words, “one cannot truly exercise judgment or make
2 a choice without an awareness of what is to be judged or chosen.” According to
3 plaintiffs, “only an engineer who realizes a design does not conform to governing
4 standards can truly make a discretionary decision to approve the design despite its
5 nonconformity. By contrast, an engineer who approves a nonconforming design on
6 the mistaken belief it conformed to governing standards has acted through inadvertence,
7 not discretion.” ... *We disagree. Plaintiffs' claim essentially is that there was an abuse*
8 *of discretion. As we shall demonstrate, however, such claims are considered under the*
9 *reasonableness element of the statute.*” [Emphasis added]. [At p. 348-349].

10 This goes directly to any contention Plaintiffs in this matter bring that the City did not
11 consider any “sight distance” or “sight line” for Canyon Crest Drive when approving the Plan XL-
12 272 or Work Order ID No. 2946. *Hampton* flatly rejects exactly that contention as a basis for
13 denying the second element of design immunity. The question is *whether the engineer approving*
14 *the plans had discretionary authority to do so, not whether the approval was or was not wise.*
15 The *Hampton* Court rejected the latter argument as it would implicate the adequacy of the
16 deliberative process at the discretionary approval stage and would assuredly lead a jury to second-
17 guess the wisdom of the design that the statute was intended to avoid. *Hampton, supra* at 351.⁴⁴

18 Here, as set for in the Declaration of Nathan Mustafa, Mr. Mustafa conducted a Traffic
19 Survey and exercised his discretion to approve the appropriate speed limit for this location set to
20 45 MPH, the maximum allowable for a speed limit to be enforceable under California State Law,
21 due to “unusual conditions” which were identified as “roadway slope, pedestrian and golf cart
22 activity.”⁴⁵

23 Further, as set forth in Mr. Mustafa’s Declaration, the City’s former Traffic Engineer,
24 Barry Beck, signed Plan XL-272 and, in doing so, approved the design and placement of the limit
25 line where Plaintiff should have stopped her car before making her turn onto Canyon Crest Drive
26 on the day of the subject accident.⁴⁶ Additionally, according to the Declaration of Mr. Libring, in
27 2009, Mr. Libring exercised his discretionary authority as Traffic Engineer for the City to authorize
28 and approve the Work Order ID No. 2946, which was a traffic design improvement plan affecting
the above-referenced intersection.⁴⁷

⁴⁴ See also *Hampton* at 348-51 [discussion on rationale for the second element of *Government Code* §830.6].

⁴⁵ See UMF Nos. 23-24; Mustafa Declaration at ¶¶5, 6.

⁴⁶ See UMF Nos 20-22; Mustafa Declaration at ¶4.

⁴⁷ See UMF Nos. 27-29; Libring Declaration at ¶¶3, 9-16.

1 Therefore, the City has satisfied its evidentiary burden for the second prong of the design
2 immunity defense as a matter of law.

3 **3. There is Substantial Evidence Supporting the Reasonableness**
4 **of the Design of the Intersection of Canyon Crest Drive and Via Zapata**

5 As noted above, *Cornette* defined the trial court’s role in the design immunity analysis:
6 “The third element of design immunity, the existence of substantial evidence
7 supporting the reasonableness of the adoption of the plan or design, **must be tried**
8 **by the court, not the jury**. Section 830.6 makes it quite clear that the ‘trial or
9 appellate’ court is to determine whether ‘there is **any substantial evidence upon**
10 **the basis of which (a) a reasonable public employee could have adopted the plan**
11 **or design** or the standards therefore or (b) a reasonable legislative body or other
12 body or employee could have approved the plan or design or the standards
13 therefore.’” [Emphasis added]. At p. 67.

14 In *Hefner v. City of Sacramento* (1988) 197 Cal.App.3d 1007 the court of appeal upheld
15 the trial court’s grant of summary judgment in favor of the City based upon Section §830.6
16 immunity, holding that the third element of design immunity is met where a public entity produces:
17 “[A]ny **substantial evidence** on which the approval can be **reasonably** based, and
18 **it is error to submit a design defense to a jury**. [Citations omitted]. For example,
19 **a conflict will not create a triable issue of fact to defeat a motion for summary**
20 **judgment**. [Citation omitted].” [Emphasis added]. [*Id.* at 1014].

21 *Hefner* also noted: “Ordinarily, the opinion of a civil engineer as to the reasonableness of
22 a design constitutes ‘any’ substantial evidence to support a design immunity defense under §
23 830.6.” *Id.* at 1015. Both Mr. Mustafa’s and Mr. Libring’s declarations state that, in their opinions,
24 the designs expressed in plan XL-272 and Work Order No. 6625 were reasonable.⁴⁸

25 Further, in *Sutton, supra*, the court, quoting *Higgins v. State of California* (1997) 54
26 Cal.App.4th 177, noted:

27 “If there is **any substantial evidence** supporting the reasonableness of the approved
28 design, design immunity applies. This is true even though the plaintiffs present
evidence of a design defect: ‘That a paid expert witness for plaintiff, in hindsight,
found . . . the design was defective, does not mean, ipso facto, that the design was
unreasonably approved.’” [Emphasis original] At pp. 160-161.

Lawson v. Safeway, Inc. (2010) 191 Cal.App.4th 400, involved allegations that a 65’ long
semi tractor-trailer parked legally on State Route 101 in Crescent City blocked the sight line of a
driver who pulled out of a street intending to make a left turn and into the path of plaintiffs’ vehicle

⁴⁸ See Mustafa Declaration, ¶¶4, 5; see Libring Declaration, ¶¶11-16; see UMF Nos. 22, 30, 32.

1 thus causing a collision. The court found that, because of the size of the vehicle, Safeway could
2 be found liable even though its tractor-trailer was legally parked, but also held:

3 “We would also agree that parked vehicles often obstruct views in ways that increase
4 the risk of nearby collisions, and that imposing liability would not be appropriate in the
5 great majority of such situations. ***Obscured sight lines caused by parked vehicles are
an unavoidable risk with which drivers must generally be expected to cope.***”
6 [Emphasis added]. [At p. 410].

7 Thus, *Lawson* recognizes that on-street parking is a routine occurrence, something with
8 which drivers must “cope”; not something that deviates from design norms. The same can be said
9 for the facts in this case: the vehicles parked on the north and southbound curb lines of Canyon
10 Crest Drive at the intersection with Via Zapata were a normal everyday occurrence “with which
11 drivers must generally be expected to cope.”

12 Further, the *Hampton* court similarly dealt with sight restrictions as the plaintiff alleged the
13 County’s “design drawings for the intersection did not describe or depict the embankment or take
14 it into account as an impediment to visibility, nor did the design plan identify the sight distance a
15 driver in plaintiff Hampton's position would have, nor, significantly, did the design afford the
16 visibility required by County standards.” *Hampton* at 344. The County, however, proffered
17 evidence of construction plans signed by a civil engineer and traffic engineer who served as Deputy
18 County Engineer, was in charge of the County of San Diego Design Engineering Section, and was
19 delegated discretion and authority to approve plans. The County traffic engineer opined through a
20 declaration that the “design of the plan was reasonable because it provided adequate visibility for
21 a driver on Miller Road who could ‘creep forward’ from the stop sign toward the edge of the lane
22 of oncoming traffic on Cole Grade Road.” *Id.* at 345.

23 Here, Mr. Mustafa is a California licensed Civil Engineer and Traffic Engineer and Mr.
24 Libring is a California licensed Traffic Engineer.⁴⁹ They analyzed and applied their professional
25 judgment in exercising their discretionary authority to approve Plan XL-272 and Work Order No.
26 2946, respectively. This fact alone is “substantial evidence” of reasonableness that meets the third
27 element of the design immunity defense as a matter of law.

28 _____
⁴⁹ See Mustafa Declaration, ¶2; see Libring Declaration, ¶2; see UMF Nos. 17-18; 26.

1 Additionally, the posted speed limit at the Intersection was reasonable. Mr. Mustafa is a
2 California licensed civil engineer and traffic engineer. Therefore, his analysis and professional
3 judgment in exercising his discretionary authority to conduct a traffic survey and approve the
4 appropriate speed limit for this location set to 45 MPH constitutes substantial evidence supporting
5 the reasonableness of the design.

6 Therefore, as a matter of law, the City has met all three of the prongs necessary to trigger
7 the affirmative defense of design immunity.⁵⁰ Therefore, the Court should grant the City’s Motion
8 for Summary Judgment.

9 **B. The Intersection of Canyon Crest Drive and Via Zapata Did Not Constitute a**
10 **Dangerous Condition of Public Property on December 4, 2018**

11 Even if the Court finds design immunity does not apply in this case, the City still cannot
12 be held liable for plaintiffs’ claimed injuries because 1) the intersection did not create a substantial
13 risk of injury, 2) Plaintiff was not using the property with due care, and 3) Plaintiff cannot establish
14 what proximately caused her injuries seeing she has no memory of the incident so she cannot
15 establish that any roadway condition caused her injuries, and 4) the City had no notice of the
16 condition before this collision occurred.

17 *Government Code* §830 states, in pertinent part, as follows:

18 “As used in this chapter:

19 (a) ‘Dangerous condition’ means a condition of property that creates a *substantial*
20 (as distinguished from a minor, trivial or insignificant) risk of injury when such
21 property or adjacent property *is used with due care* in a manner in which it is
22 *reasonably foreseeable* that it will be used.” [Emphasis added].

23 In *Davis v. City of Pasadena* (1996) 42 Cal.App.4th 701, the court held that the trial court
24 properly granted the City’s motion for summary judgment where plaintiffs alleged a stairway was
25 dangerous. The husband and wife were descending the stairs at an oblique angle while carrying
26 either end of a baby stroller; the wife fell on the stairs. In affirming summary judgment, the Court
27 of Appeal, relying on *Government Code* §§830 and 830.2, held:

28 “Ordinarily the existence of a dangerous condition is a question of fact.
 [Citations omitted]. However, as the *Peterson* court observed, whether a
 condition is dangerous ‘may be resolved as a question of law if reasonable

⁵⁰ See UMF Nos. 17-30.

1 minds can come to but one conclusion. [Citations omitted].
2 ***‘[I]t is for the court to determine whether, as a matter of law, a given defect is not***
3 ***dangerous. This is to guarantee that cities do not become the insurers***
4 ***against the injuries arising from trivial defects.*** [Citations omitted].”
5 [Emphasis added]. At pg. 704.

6 See also, *Salas v. Department of Transportation* (2011) 198 Cal.App.4th 1058, 1071; *Fielder v.*
7 *City of Glendale* (1977) 71 Cal.App.3d 719, 734. As *Davis* held, if the court finds that the alleged
8 condition is not dangerous then the City is entitled to summary judgment.

9 1. Plaintiff Vance Was Not Driving With “Due Care”

10 *Government Code* §830.2 states:

11 “A condition is ***not a dangerous condition*** within the meaning of this chapter if the trial or
12 appellate court, viewing the evidence most favorably to the plaintiff, determines as a matter
13 of law that the risk created by the condition was of such a ***minor, trivial or insignificant***
14 ***nature*** in view of the surrounding circumstances that no reasonable person would conclude
15 that the condition created a substantial risk of injury when such property or adjacent
16 property ***was used with due care in a manner in which it was reasonably foreseeable***
17 ***that it would be used.***” [Emphasis added].

18 In order to satisfy the first prong of the dangerous condition test established by *Government*
19 *Code* §§830 and 830.2, Plaintiffs ***must first*** be able to surmount the hurdle of proving that Plaintiff
20 Vance was driving with “due care.” The City contends that Plaintiffs cannot overcome this hurdle.

21 California courts have held on many occasions that the real test of a dangerous condition
22 is whether the public property or adjacent property constituted a hazard to those exercising due
23 care in the use of the property—not whether the property or adjacent property constituted a hazard
24 to those using the property in some abnormal manner. (See *Ducey v. Argo Sales Co.* (1979) 25
25 Cal.3d 707, 726-727.) (See also *County of San Diego v. Superior Court* (2015) 242 Cal.App.4th
26 460, 471-472 [use of rope swing in park was not using park with “due care”]; *Fredette v. City of*
27 *Long Beach* (1986) 187 Cal. App.3d 122, 132 [lack of barricade not dangerous condition].)

28 Here, the danger of injury to Plaintiff Vance arose only because of Plaintiff Vance’s own
negligent use of her cell phone and GPS device distracting her from driving and failure to make a
full stop at the stop sign to observe for oncoming traffic. Based upon Plaintiff Downey’s
testimony, Plaintiff Vance was lost and on the phone talking to Plaintiff Downey at the time of the
incident. A combination of Plaintiff Vance being lost trying to find her destination, using her cell
phone to input directions in the GPS, and talking to Plaintiff Downey over the phone were all

1 substantial factors of Plaintiff Vance being a distracted driver.⁵¹ There is no basis to find that the
2 City is responsible for Plaintiff Vance’s negligent distracted driving.

3 Further, Mr. Mustafa’s declaration states that he reviewed the Riverside Police Department
4 “Collision Summary Report” for the Intersection and found only seven (7) prior collisions during
5 that five-year period, none of which are substantially similar to the subject incident as none of the
6 drivers, including the at fault drivers, were found to have been distracted through the use of their
7 cell phones.⁵² This is conclusive evidence that, when used with due care by drivers, the Intersection
8 did not constitute a dangerous condition.

9 **2. City Had No Actual or Constructive Notice of Any Dangerous Condition
Prior to the Collision**

10 *Government Code* §835.2 states, in pertinent part, as follows:

11 “(a) A public entity had **actual notice** of a dangerous condition within the meaning
12 of subdivision (b) of Section 835 if it had actual knowledge of the existence of
13 the condition and knew or should have known of its dangerous character.

14 (b) A public entity had **constructive notice** of a dangerous condition within the
15 meaning of subdivision (b) of section 835 only if the plaintiff establishes that the
16 condition had existed for such a period of time and was of such an obvious
17 nature that the public entity, in the exercise of due care, should have discovered
18 the condition and its dangerous character.” [Emphasis added].

19 Applying the above-noted law to this case, the Declaration of Nathan Mustafa addresses
20 the Riverside Police Department “Collision Summary Report” which shows that there was no
21 history of similar accidents at the Intersection in the nearly five (5) years prior to the subject
22 accident that would have placed the City on notice that a dangerous condition existed.⁵³

23 Further, in response to the City’s Special Interrogatories, Plaintiff Vance responds that she
24 has no facts demonstrating that City had actual notice and only generalized conclusions based on
25 information and belief that the City had constructive notice of the alleged dangerous condition.⁵⁴
26 Therefore, based on the above, because Plaintiffs cannot demonstrate the City had notice of a
27 dangerous condition, their claim against the City must be dismissed.

28 **3. Plaintiffs Cannot Prove a Dangerous Condition Existed by Evidence of
Previous Accidents**

51 UMF Nos 2-5.

52 See Mustafa Declaration, ¶7; see UMF No. 25.

53 See Mustafa Declaration, ¶7.; see UMF Nos. 25, 34.

54 See UMF No.34; see Exhibit “E” at Nos. 12 and 14; see Reid Declaration at ¶6.

1 It is well settled that “before evidence of previous accidents may be admitted to prove the
2 existence of a dangerous condition, it must first be shown that the conditions under which the
3 alleged previous accidents occurred were the same or substantially similar to the one in question.”
4 *Fuller v. State of California* (1975) 51 Cal.App.3d 926, 943, [citing *Laird v. T. W. Mather, Inc.*
5 (1958) 51 Cal.2d 210, 220]. While there must be substantial similarity to offer other accident
6 evidence for any purpose, a stricter degree of substantial similarity is required when other accident
7 evidence is offered to show a dangerous condition; “if offered to show a dangerous condition of a
8 particular thing . . . the other accident must be connected in some way with that thing.” *Sambrano*
9 *v. City of San Diego* (2001) 94 Cal.App.4th 225, 237 (citing *City of Long Beach v. Farmers &*
10 *Merchants Bank of Long Beach* (2000) 81 Cal. App. 4th 780).

11 As was noted in *Sambrano*, evidence of other accidents require that “[T]he accidents are
12 similar and occurred under substantially the same circumstances.” See also, *Ceja v. Department*
13 *of Transportation* (2011) 201 Cal.App.4th 1475, 1482. There is no evidence of any substantially
14 similar accident that occurred at the Intersection. Therefore, Plaintiff cannot prove the
15 Intersection was a dangerous condition through the use of previous accidents.⁵⁵

16 **4. Plaintiffs Cannot Establish Substantial Evidence that Any Condition of City**
17 **Property Proximately Caused Plaintiff Vance’s Injuries**

18 To establish liability under *Government Code* §835, it is a plaintiff’s burden to prove
19 through admissible evidence that the accident was “proximately” caused by the alleged dangerous
20 condition. If a plaintiff fails to show a causal relationship by substantial evidence between the
21 alleged dangerous condition and her injuries, no cause of action exists as a matter of law. (See
22 *Government Code* §835; *Dixon v. City of Livermore* (2005) 127 Cal.App.4th 32, 43 [“Abstract
23 negligence, without proof of a causal connection to the injury suffered, will not support a finding
24 of liability. Proof of causation must be by substantial evidence, and evidence which leaves the
25 determination of these essential facts in the realm of mere speculation and conjecture is
26 insufficient.”].) Further, *Government Code* §835 specifically states that a public entity is only
27 liable for an alleged dangerous condition “if the plaintiff establishes that... the injury was
28 **proximately caused** by the dangerous condition.” (Emphasis added.) It is therefore Plaintiff’s

⁵⁵ See UMF No. 25, see Mustafa Declaration at ¶6.

1 burden to prove that any condition of City property caused her injuries. Here, Plaintiff cannot meet
2 that burden.

3 Plaintiff Vance does not remember anything from the day of the subject collision, including
4 how she made the turn onto Canyon Crest, from where exactly on Via Zapata she turned, or
5 whether she stopped at the stop sign.⁵⁶ In fact, it is Plaintiff Vance's understanding that the reason
6 the collision occurred was because she failed to stop at the stop sign.⁵⁷ Additionally, Plaintiff
7 Vance informed Plaintiff Downey while she was simultaneously talking on her phone and driving
8 that she was coming to a stop sign, but did not tell Plaintiff Downey she actually stopped.⁵⁸
9 Plaintiff Downey also testified that immediately before the collision, Plaintiff Vance was distracted
10 while driving and does not know whether Plaintiff Vance even looked before turning.⁵⁹ Contrary
11 to the claims included in the TAC, there is no evidence that any parked cars or trees/vegetation
12 blocked Plaintiff Vance's view of southbound Canyon Crest at the time of the accident.⁶⁰
13 Ultimately, the report by the Riverside Police Department memorializing the collision found
14 Plaintiff Vance to be at fault for the collision by failing to yield at a stop sign.⁶¹

15 As discussed above, Plaintiff Vance (and possibly Plaintiff Downey) are the only ones that
16 could testify as to whether she looked for oncoming traffic, what she saw, if her view of traffic
17 was obstructed, what obstructed her view, by what objects, and whether Plaintiff actually stopped
18 at the stop sign. Neither Plaintiff can proffer any such evidence. Further, based on the information
19 we do have, we know Defendant Martin was driving over the posted 45 m.p.h. speed limit, but it
20 was nonetheless determined that Plaintiff Vance caused the accident by failing to stop for the stop
21 sign.⁶² Because no evidence exists which might demonstrate anyone other than Plaintiff Vance
22 caused the collision in this matter, her claim against the City must fail.

23 ///

24 ///

25 _____
26 ⁵⁶ See UMF Nos. 2-6, 13.

27 ⁵⁷ See UMF No. 7.

28 ⁵⁸ See UMF Nos. 2, 6.

⁵⁹ See UMF Nos. 2-6, 13.

⁶⁰ See UMF Nos. 11-12.

⁶¹ See UMF No. 8.

⁶² See UMF Nos. 9-10; see Exhibit "H" at pp. 5-6.

1 **V. CONCLUSION**

2 Based on the foregoing, this moving Defendant has demonstrated Plaintiffs' Complaint has
3 no merit as there are no triable issues of material fact which might impute liability upon the City.
4 Specifically, the City has demonstrated that it is immune from liability under *Government Code*
5 §830.6.⁶³ Further, Plaintiffs lack evidence demonstrating that a dangerous condition of public
6 property caused their alleged injuries.⁶⁴ Accordingly, moving Defendant respectfully request that
7 this Court grant the instant Motion in its favor and against both Plaintiffs.⁶⁵

8
9 DATED: July 7, 2023

OFFICE OF THE CITY ATTORNEY

10 

11
12 By: _____
13 EDWARD J. REID
14 Attorneys for Defendant/Cross-Complainant/
15 Cross-Defendant CITY OF RIVERSIDE

16
17
18
19
20
21
22
23
24
25
26
27
28 ⁶³ See UMF Nos. 17-30.

⁶⁴ See UMF Nos. 1-5, 32-34.

⁶⁵ See UMF No. 16.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I am employed in the county aforesaid; I am over the age of 18 years and not a party to the within above-entitled action; my business address is 3750 University Avenue, Suite 250, Riverside, California 92501.

On July 7, 2023, I served the within **CITY OF RIVERSIDE’S NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT; POINTS AND AUTHORITIES; DECLARATION OF STEVE LIBRING; DECLARATION OF NATHAN MUSTAFA; DECLARATION OF EDWARD REID; SUPPORTING EXHIBITS**

on the interested parties in said action addressed as follows:

(XX) **VIA ELECTRONIC SERVICE**– Based on court order or an agreement of the parties to accept service by email, I caused the documents to be electronically served to the email addresses of the interested parties as listed below. Said documents were transmitted from my electronic address of cperez-cota@riversideca.gov . I did not receive, within reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Evan Theodore Martin 1009 NE Elm Street Grant’s Pass, OR 97526 Tel: 541-630-6601 (Sent via US Mail)	Pro Per Defendant/Cross-Defendant EVAN THEODORE MARTIN
Shelby Kennick, Esq. CP LAW GROUP 655 North Central Avenue, Suite 1125 Glendale, CA 91203 skennick@cplawgrp.com Tel: 818-853-5131; Fax: 818-638-8549 Assistant: Amy Chikuami Tel: 818-853-5151 achikuami@cplawgrp.com	Attorney for Defendants/Cross-Defendants ARA SEVACHARIAN and VAHRAM SEVACHERIAN
(X) PERSONAL - I have caused such document to be delivered by hand to the office of the listed addressee via courier service - pursuant to Code Civ. Proc. § 1011.	
Gregory G. Rizio Eric Ryanen Lynn Whitlock RIZIO LIPINSKY LAW FIRM, PC 2677 N. Main Street, Suite 225 Santa Ana, CA 92705 grizio@riziolawfirm.com eryanen@riziolawfirm.com lwhitlock@riziolawfirm.com Tel: 714-547-1234; Fax: 714-547-1245 Assistant: Michele A. Markus markus@riziolawfirm.com	Attorney for Plaintiffs MALYAH JANE VANCE and JAYDE DOWNEY

I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

Executed on July 7, 2023, Riverside, California.

Christina Perez-Cota
Christina Perez-Cota

1 PHAEDRA A. NORTON, City Attorney, SBN 200271
2 REBECCA L. MCKEE-REIMBOLD, Assistant City Attorney, SBN 279485
3 MICHAEL A. VERSKA, Sr. Deputy City Attorney, SBN 207213
4 EDWARD J. REID Deputy City Attorney, SBN 276872
5 **OFFICE OF THE CITY ATTORNEY – City of Riverside**
6 3750 University Avenue, Suite 250
7 Riverside, California 92501
8 Tel (951) 826-5567; Fax (951) 826-5540
9 mverska@riversideca.gov
10 ereid@riversideca.gov

*Fee Exempt Per
Govt. Code § 6103*

11 Attorneys for Defendant/Cross-Complainant/Cross-Defendant,
12 City of Riverside, a California charter city and municipal corporation

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 FOR THE COUNTY OF RIVERSIDE

15 MALYAH JANE VANCE and JAYDE
16 DOWNEY,

17 Plaintiffs,

18 v.

19 CITY OF RIVERSIDE, EVAN THEODORE
20 MARTIN, ARA SEVACHERIAN; VAHRAM
21 SEVACHERIAN; DOES 1 through 100,

22 Defendants.

23 AND ALL CROSS-ACTIONS

) CASE NO. RIC 1905830

) Assigned to Dept. 10

) **CITY OF RIVERSIDE’S**
) **SEPARATE STATEMENT OF**
) **UNDISPUTED MATERIAL**
) **FACTS IN SUPPORT OF**
) **MOTION FOR SUMMARY**
) **JUDGMENT**

) [Filed Concurrently with Notice of
) Motion and Motion For Summary
) Judgment; Declarations of Nathan
) Mustafa, Steve Libring, and
) Edward J. Reid; and Proposed
) Order]

) **Date: September 21, 2023**
) **Time: 8:30 a.m.**
) **Dept.: 10**

) **Reservation ID: 416381796705**

) Trial Date: 10/20/2023

24
25
26 Defendant CITY OF RIVERSIDE (hereinafter, “City”) in the above-entitled action
27 submits the following Separate Statement of Undisputed Material Facts pursuant to *Code of Civil*
28 *Procedure* section 437c(b)(1) in support of the City’s motion for summary judgment.

**As to Plaintiff’s First Cause of Action Dangerous Condition of Public Property,
Gov’t. Code §835**

Defendants’ Undisputed Material Facts and Supporting Evidence	Opposing Parties’ Response and Supporting Evidence
<p>1. On December 4, 2018, Plaintiff MALYAH JANE VANCE (hereinafter “Plaintiff Vance”) was operating a 2006 Kia Spectra eastbound on Via Zapata and entered the intersection of Via Zapata and Canyon Crest Drive, at which time Plaintiff Vance’s vehicle was struck by a 2010 Ford Fusion operated by Defendant Martin which was traveling southbound on Canyon Crest Drive (hereinafter “the collision”).</p> <p>Supporting Evidence: Exhibit “D” at ¶7; Exhibit “H” at pp. 1, 5-6; Exhibit “I” at pp. 3-5; Exhibits “F” and “G” generally; Reid Declaration at ¶¶5, 7-10.</p>	
<p>2. In the moments prior to the collision, Plaintiff Vance was speaking to Plaintiff JAYDE DOWNEY (hereinafter “Plaintiff Downey”) on Plaintiff Vance’s cellular phone while driving.</p> <p>Supporting Evidence: Exhibit “D” at ¶10; Exhibit “H” at p. 2; Exhibit “G” [at p. 51, line 7 - p. 52, line 9; at p. 55, line 15 - p. 56, line 9; at p. 57, lines 16-22; at p. 65, line 8 - p. 66, line 22]; Reid Declaration at ¶¶5, 8.</p>	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<p>3. In the moments prior to the collision, Plaintiff Vance was using a GPS Navigation Device/Application while driving.</p> <p>Supporting Evidence: Exhibit “D” at ¶10; Exhibit “G” [at p. 51, line 7 - p. 52, line 9; at p. 55, line 15 - p. 56, line 9; at p. 57, lines 16-22; at p. 65, line 8 - p. 66, line 22]; Reid Declaration at ¶¶5, 8.</p>	
<p>4. In the moments prior to the collision, Plaintiff Vance was lost.</p> <p>Supporting Evidence: Exhibit “D” at ¶10; Exhibit “G” [at p. 51, line 7 - p. 52, line 9; at p. 55, line 15 - p. 56, line 9; at p. 57, lines 16-22; at p. 65, line 8 - p. 66, line 22]; Reid Declaration at ¶¶5, 8.</p>	
<p>5. Plaintiff Vance does not recall anything from December 4, 2018 (the day of the collision).</p> <p>Supporting Evidence: Exhibit “F” [at p. 28, lines 6-8; at p. 137, lines 1-8; p. 155, lines 9-16]; Reid Declaration at ¶7.</p>	
<p>6. On the day of the collision, before making a left-hand turn onto Canyon Crest Drive from eastbound Via Zapata, it is unknown whether Plaintiff Vance stopped at the stop sign located at the intersection.</p> <p>Supporting Evidence: Exhibit “F” at p. 28, lines 6-8; at p. 100, lines 9-14; at p. 137, lines</p>	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<p>1-8; p. 155, lines 9-15; Exhibit “G” at p. 55, line 15 - p. 56, line 9; at p. 56, line 15 – p. 57, line 9; at p. 57, lines 16-22; at p. 65, line 8 - p. 66, line 22; Reid Declaration at ¶¶7, 8.</p>	
<p>7. At her deposition, Plaintiff Vance testified she knows the reason the accident (collision) happened was because she failed to stop for a stop sign. Supporting Evidence: Exhibit “F” at p. 100, lines 9-14; 6-8; at p. 155, lines 9-16; Reid Declaration at ¶7.</p>	
<p>8. The Riverside Police Department determined that Plaintiff Vance caused the collision by being in violation of California <i>Vehicle Code</i> §21802(a). Supporting Evidence: Exhibit “H” at p. 6; Exhibit “I” at pp. 2, 10; see Exhibit “F” at p. 100, lines 9-14; 6-8; at p. 155, lines 9-16; Reid Declaration at ¶¶7, 9-10.</p>	
<p>9. Defendant EVAN THEODORE MARTIN admitted to the Riverside Police Department that immediately prior to the collision, his vehicle was traveling at an estimated speed of 50 miles per hour. Supporting Evidence: Exhibit “H” at pp. 5-6; Exhibit “I” at p. 2, 10; “Reid Declaration at ¶¶9-10.</p>	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<p>10. The speed limit on the portion of Canyon Crest where the collision occurred was 45 miles per hour.</p> <p>Supporting Evidence: Exhibit “H” at p. 1; Exhibit “I” at p. 2, 6; “Reid Declaration at ¶¶9-10; Mustafa Declaration at ¶6.</p>	
<p>11. It is unknown whether any parked vehicles on Canyon Crest Drive obstructed Plaintiff Vance’s line of sight when she began her left-hand turn onto Canyon Crest Drive from Via Zapata.</p> <p>Supporting Evidence: Exhibit “F” [at p. 28, lines 6-8; at p. 137, lines 1-8; p. 155, lines 9-16]; Exhibit “G” [at p. 126, line 18 – p. 127, line 7; Reid Declaration at ¶¶7, 8.</p>	
<p>12. It is unknown whether any trees or other forms of vegetation on Canyon Crest Drive obstructed Plaintiff Vance’s line of sight when she began her left-hand turn onto Canyon Crest Drive from Via Zapata.</p> <p>Supporting Evidence: Exhibit “F” [at p. 28, lines 6-8; at p. 137, lines 1-8; p. 155, lines 9-16]; Exhibit “G” [at p. 126, line 18 – p. 127, line 7; Reid Declaration at ¶¶7, 8.</p>	
<p>13. It is unknown where Plaintiff Vance was looking immediately prior to when she began her left-hand turn onto Canyon Crest Drive from Via Zapata.</p>	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<p>Supporting Evidence: Exhibit “F” [at p. 28, lines 6-8; at p. 137, lines 1-8; p. 155, lines 9-16]; Reid Declaration at ¶7.</p>	
<p>14. Plaintiffs MALYAH JANE VANCE and JAYDE DOWNEY’s (hereinafter collectively “Plaintiffs”) operative Third Amended Complaint (hereinafter “TAC”) alleges against the City a single cause of action for Dangerous Condition of Public Property pursuant to <i>Government Code</i> §835.</p> <p>Supporting Evidence: Exhibit “D” at ¶¶11-19; Reid Declaration at ¶5.</p>	
<p>15. Plaintiffs’ TAC limits the allegations related to ownership of the trees that purportedly obstructed Plaintiff Vance’s view of the intersection at Canyon Crest Drive and Via Zapata to Defendants ARA and VAHRAM SEVACHERIAN (hereinafter collectively “Sevacherian Defendants”)</p> <p>Supporting Evidence: Exhibit “D” at ¶¶11-19; 27-33; Reid Declaration at ¶5.</p>	
<p>16 Plaintiff Downey’s theory of liability in her cause of action against the City is one for negligent infliction of emotion distress under the bystander theory. Plaintiff Downey’s claim is dependent upon Plaintiff Vance’s claim for dangerous condition of public property. Should Plaintiff Vance’s cause of</p>	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<p>action against the City be defeated by the City’s Motion for Summary Judgment, so too shall Plaintiff Downey’s cause of action against the City.</p> <p>Supporting Evidence: Exhibit “D” at ¶¶11-19; Reid Declaration at ¶5; see CACI 1621 – element (1) one; <i>Catsouras v. Department of California Highway Patrol</i> (2010) 181 Cal.App.4th 856, 875-876.</p>	
<p>17. Since December 17, 2014, Nathan Mustafa has been continually licensed as a Civil Engineer in the State of California, license no. 83654.</p> <p>Supporting Evidence: Mustafa Declaration at ¶2.</p>	
<p>18. Since December 20, 2016, Nathan Mustafa has been continually licensed as a Traffic Engineer in the State of California, license no. 2816.</p> <p>Supporting Evidence: Mustafa Declaration at ¶2.</p>	
<p>19. Barry Beck has been a licensed Civil Engineer in the State of California, License # 20900, since 1971 Since December 20, 2016.</p> <p>Supporting Evidence: Mustafa Declaration at ¶4.</p>	
<p>20. Plan XL-272, “Rehabilitation of Major City Streets 1990-1991 Canyon Crest Drive</p>	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<p>County Club Drive to Central Avenue” (hereinafter “Plan XL-272”) was a plan or design of a construction of, or an improvement to, public property.</p> <p>Supporting Evidence: Mustafa Declaration at ¶4; Exhibit “A”; Reid Declaration at ¶2; Declaration of Steve Libring at ¶¶8-11.</p>	
<p>21. Barry Beck, as Riverside City Traffic Engineer, exercised his discretionary authority in approving Plan XL-272.</p> <p>Supporting Evidence: Mustafa Declaration at ¶4; Exhibit “1”; Reid Declaration at ¶2; Declaration of Steve Libring at ¶¶8-11.</p>	
<p>22. The design of the intersection at Canyon Crest Drive and Via Zapata was reasonable from an engineering standpoint.</p> <p>Supporting Evidence: Mustafa Declaration at ¶¶4-5; Exhibit “A”; Reid Declaration at ¶2; Declaration of Steve Libring at ¶11.</p>	
<p>23. Based on the Traffic and Engineering Survey for Speed, if the City Traffic Engineering Division established a speed limit on Canyon Crest Drive lower than 45 MPH, it would not have been enforceable as the speed limit may only be set 5 MPH lower than the 85th percentile speed.</p> <p>Supporting Evidence: Mustafa Declaration at ¶6; Exhibit “B”; Reid Declaration at ¶3.</p>	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<p>24. As the Deputy Director of Public Works, Nathan Mustafa had discretionary authority to lower the speed limit on Canyon Crest Drive.</p> <p>Supporting Evidence: Mustafa Declaration at ¶¶3,6; Exhibit “B”; Reid Declaration at ¶3.</p>	
<p>25. According to the Collision Summary Report for the period of May 25, 2014 to May 25, 2019 for intersection of Canyon Crest Drive and Via Zapata, there is no allegations that any prior collision included therein were caused by obstructed views. In addition, apart from Plaintiff Vance’s collision, none of the other at-fault drivers involved in these prior collisions were found to be distracted using a cell phone at the time of the collision.</p> <p>Supporting Evidence: Mustafa Declaration at ¶7; Exhibit “C”; Reid Declaration at ¶4.</p>	
<p>26. In 1995, Steve Libring earned his TR 1801 California Traffic Engineer License, a license he has maintained consistently to present day.</p> <p>Supporting Evidence: Libring Declaration at ¶2.</p>	
<p>27. Work Order No. 2946 was a City approved plan or design of a construction of, or an improvement to, public property.</p> <p>Supporting Evidence: Exhibits “J”-“L”; Reid Declaration at ¶¶12-14; Declaration of Steve Libring at ¶¶8-15.</p>	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<p>28. Steve Libring was duly authorized as City Traffic Engineer by the City of Riverside to make any and all improvements in the area of Canyon Crest Drive referenced in Work Order ID No. 2946, including the intersection of Canyon Crest and Via Zapata.</p> <p>Supporting Evidence: Exhibits “J”-“L”; Reid Declaration at ¶¶12-14; Declaration of Steve Libring at ¶¶3, 9.</p>	
<p>29. All of the actions taken by Mr. Libring as it relates to adopting and implementing the 2009 City approved improvement plan to Canyon Crest Drive set forth in Work Order ID No. 2946, were subject to his discretionary authority as a City Traffic Engineer employed by the City of Riverside.</p> <p>Supporting Evidence: Exhibits “J”-“L”; Reid Declaration at ¶¶12-14; Declaration of Steve Libring at ¶¶3, 9.</p>	
<p>30. All of the actions Steve Libring took in implementing Word Order ID No 2946, including the addition of parking stripes and reasonable parking restrictions and allowing the location of the stop sign controlling the intersection at Canyon Crest and Via Zapata to remain as it existed previously, were appropriate and reasonable under the circumstances.</p>	

<p>1 Supporting Evidence: Exhibits “J”-“L”; Reid 2 Declaration at ¶¶12-14; Declaration of Steve 3 Libring at ¶¶3, 9.</p>	
<p>4 31. The 2009 City approved redesign 5 improvement plan (Word Order ID No 2946) 6 was not responsible for causing the collision in 7 this matter nor was the addition of parking and 8 reasonable parking restrictions. 9 Supporting Evidence: Exhibits “J”-“L”; Reid 10 Declaration at ¶¶12-14; Declaration of Steve 11 Libring at ¶¶4-8, 16.</p>	
<p>12 32. The Intersection of Canyon Crest Drive and 13 Via Zapata Did Not Constitute a Dangerous 14 Condition of Public Property on December 4, 15 2018. 16 Supporting Evidence: Exhibits “A”-“C”; 17 Reid Declaration at ¶¶2-10, 12-14; Libring 18 Declaration at ¶¶9-16; Mustafa Declaration at 19 ¶¶4-7; Exhibit “F” [at p. 28, lines 6-8; at p. 100, 20 lines 9-14; at p. 137, lines 1-8; p. 155, lines 9- 21 16]; Exhibit “G” [at p. 51, line 7 - p. 52, line 9; 22 at p. 55, line 15 - p. 56, line 9; at p. 56, line 15 23 – p. 57, line 9; at p. 57, lines 16-22; at p. 65, 24 line 8 - p. 66, line 22]; Exhibit “E” at 25 interrogatories Nos. 8, 14, 16; Exhibit “H” at 26 pp. 1-2, 5-6; Exhibits “J”-“L”.</p>	
<p>27 33. City had no notice of any dangerous 28 condition prior to the collision.</p>	

1 **Supporting Evidence:** Reid Declaration at
2 ¶¶3-11; Mustafa Declaration at ¶¶6-7; Exhibit
3 “F” [at p. 28, lines 6-8; at p. 100, lines 9-14; at
4 p. 137, lines 1-8; p. 155, lines 9-16]; Exhibit
5 “G” [at p. 51, line 7 - p. 52, line 9; at p. 55, line
6 15 - p. 56, line 9; at p. 56, line 15 – p. 57, line
7 9; at p. 57, lines 16-22; at p. 65, line 8 - p. 66,
8 line 22]; Exhibit “E” at interrogatories Nos.14,
9 16; Exhibit “H” at pp. 5-6.

10 34. Plaintiffs cannot establish substantial
11 evidence that any condition of City property
12 proximately caused Plaintiff Vance’s injuries.

13 **Supporting Evidence:** Reid Declaration at
14 ¶¶3-11; Mustafa Declaration at ¶¶5-7; Exhibit
15 “F” [at p. 28, lines 6-8; at p. 100, lines 9-14; at
16 p. 137, lines 1-8; p. 155, lines 9-16]; Exhibit
17 “G” [at p. 51, line 7 - p. 52, line 9; at p. 55, line
18 15 - p. 56, line 9; at p. 56, line 15 – p. 57, line
19 9; at p. 57, lines 16-22; at p. 65, line 8 - p. 66,
20 line 22]; Exhibit “E” at interrogatories Nos.14,
21 16; Exhibit “H” at pp. 5-6; Libring Declaration
22 at ¶¶9-16.

23 DATED: July 7, 2023

OFFICE OF THE CITY ATTORNEY



24
25
26 By: _____
27 EDWARD J. REID
28 Attorneys for Defendant/Cross-Complainant/
Cross-Defendant CITY OF RIVERSIDE

- 12 -

CITY OF RIVERSIDE’S SEPARATE STATEMENT OF UNDISPUTED MATERIAL FACTS ISO MSJ

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I am employed in the county aforesaid; I am over the age of 18 years and not a party to the within above-entitled action; my business address is 3750 University Avenue, Suite 250, Riverside, California 92501.

On July 7, 2023, I served the within **CITY OF RIVERSIDE’S SEPARATE STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT** on the interested parties in said action addressed as follows:

() **VIA ELECTRONIC SERVICE**– Based on court order or an agreement of the parties to accept service by email, I caused the documents to be electronically served to the email addresses of the interested parties as listed below. Said documents were transmitted from my electronic address of cperez-cota@riversideca.gov . I did not receive, within reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Evan Theodore Martin 1009 NE Elm Street Grant’s Pass, OR 97526 Tel: 541-630-6601 (Via US MAIL)	Pro Per Defendant/Cross-Defendant EVAN THEODORE MARTIN
Shelby Kennick, Esq. CP LAW GROUP 655 North Central Avenue, Suite 1125 Glendale, CA 91203 skennick@cplawgrp.com Tel: 818-853-5131; Fax: 818-638-8549 Assistant: Amy Chikuami Tel: 818-853-5151 achikuami@cplawgrp.com	Attorney for Defendants/Cross-Defendants ARA SEVACHARIAN and VAHRAM SEVACHERIAN
(<input type="checkbox"/>) PERSONAL - I have caused such document to be delivered by hand to the office of the listed addressee via courier service - pursuant to Code Civ. Proc. § 1011.	
Gregory G. Rizio Eric Ryanen Lynn Whitlock RIZIO LIPINSKY LAW FIRM, PC 2677 N. Main Street, Suite 225 Santa Ana, CA 92705 grizio@riziolawfirm.com eryanen@riziolawfirm.com lwhitlock@riziolawfirm.com Tel: 714-547-1234; Fax: 714-547-1245 Assistant: Michele A. Markus markus@riziolawfirm.com	Attorney for Plaintiffs MALYAH JANE VANCE and JAYDE DOWNEY

I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

Executed on July 7, 2023, at Riverside, California.

Christina Perez-Cota
Christina Perez-Cota

1 PHAEDRA A. NORTON, City Attorney, SBN 200271
2 REBECCA L. MCKEE-REIMBOLD, Assistant City Attorney, SBN 279485
3 MICHAEL A. VERSKA, Sr. Deputy City Attorney, SBN 207213
4 EDWARD J. REID, Deputy City Attorney, SBN 276872
5 **OFFICE OF THE CITY ATTORNEY – City of Riverside**
6 3750 University Avenue, Suite 250
7 Riverside, California 92501
8 Tel (951) 826-5567; Fax (951) 826-5540
9 mverska@riversideca.gov
10 ereid@riversideca.gov

*Fee Exempt Per
Govt. Code § 6103*

11 Attorneys for Defendant/Cross-Complainant/Cross-Defendant,
12 City of Riverside, a California charter city and municipal corporation

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 FOR THE COUNTY OF RIVERSIDE

15 MALYAH JANE VANCE and JAYDE
16 DOWNEY,

17 Plaintiffs,

18 v.

19 CITY OF RIVERSIDE, EVAN THEODORE
20 MARTIN, ARA SEVACHERIAN; VAHRAM
21 SEVACHERIAN; DOES 1 through 100,

22 Defendants.

23 AND ALL CROSS-ACTIONS

) CASE NO. RIC 1905830

) Assigned to Dept. 10

) **DECLARATION OF EDWARD J.
REID IN SUPPORT OF CITY OF
RIVERSIDE’S MOTION FOR
SUMMARY JUDGMENT**

) **Date: September 21, 2023**

) **Time: 8:30 a.m.**

) **Dept.: 10**

) **Reservation ID: 416381796705**

) Complaint Filed: 11/22/2019

) Trial Date: 10/20/2023

24 I, Edward J. Reid do declare that:

25 1. I am an attorney at law duly licensed to practice before all of the courts of the State
26 of California. I am a Deputy City Attorney in the Office of the City Attorney, and I am counsel
27 of record for Defendant CITY OF RIVERSIDE (hereinafter “City”) in this case. The facts stated
28 herein are based upon personal knowledge except those stated upon information and belief, which
I believe to be true.

1 2. Attached to the City’s Motion for Summary Judgment as **Exhibit “A”** is a true and
2 correct copy of the of the City’s 1992 Plan for XL-272. See also Declaration of Nathan Mustafa
3 (hereinafter “Mustafa Declaration”) filed concurrently herewith at ¶4.

4 3. Attached to the City’s Motion for Summary Judgment as **Exhibit “B”** is a true and
5 correct copy of the of the 2017 Traffic and Engineering Survey for Speed Zoning. See also
6 Mustafa Declaration at ¶6.

7 4. Attached to the City’s Motion for Summary Judgment as **Exhibit “C”** is a true and
8 correct copy of the of the Collision Summary Report for the intersection at Canyon Crest Drive
9 and Via Zapata. See also Mustafa Declaration at ¶7.

10 5. Attached to the City’s Motion for Summary Judgment collectively as **Exhibit “D”**
11 is a true and correct copy of the of Plaintiffs’ Third Amended Complaint (hereinafter “TAC”).

12 6. On or about October 16, 2023, Plaintiff MALYAH JANE VANCE (hereinafter
13 “Plaintiff Vance”) provided her verified responses to City’s Special Interrogatories, Set One.
14 Attached hereto as **Exhibit “E”** is a true and correct copy of Plaintiff Vance’s verified responses
15 to the City’s Special Interrogatories, Set One with her verification for the same included.

16 7. Attached to the City’s Motion for Summary Judgment collectively as **Exhibit “F”**
17 are true and correct copies of the face page, appearance page and the relevant pages of the
18 December 8, 2021 Deposition of Malyah J. Vance which support the City’s Motion for Summary
19 Judgment.

20 8. Attached to the City of Riverside’s Motion for Summary Judgment collectively as
21 **Exhibit “G”** are true and correct copies of the face page, appearance page and the relevant pages
22 of the December 21, 2021 Deposition of Jayde Downey which support the City’s Motion for
23 Summary Judgment.

24 9. On or about October 16, 2023, Plaintiff Vance provided their verified
25 responses to the City’s Requests for Production of Documents, Set One. Included in the
26 documents provided by Plaintiffs in response the City’s request for documents was the City of
27 Riverside’s Police Department’s Traffic Collision Report. Attached hereto as **Exhibit “H”** is a
28 true and correct the City of Riverside’s Police Department’s Traffic Collision Report.

1 10. Attached to the City’s Motion for Summary Judgment as **Exhibit “I”** is a true and
2 correct copy of Plaintiffs’ Government Tort Claim.

3 11. The City demurred to Plaintiffs’ TAC as it pertains to Plaintiff Downey’s claim for
4 damages. On August 16, 2021, this Court granted the City’s Demurrer without leave to amend.
5 The ruling was overturned on appeal by Plaintiff; however, Plaintiff Vance has yet to file an
6 amended pleading.

7 12. Attached to the City’s Motion for Summary Judgment collectively as **Exhibit “J”**
8 is a true and correct copy of the Work Order for Work Order ID No. 2946.

9 13. Attached to the City’s Motion for Summary Judgment collectively as **Exhibit “K”**
10 is a true and correct copy of Service Request 6732 for Work Order ID No. 2946.

11 14. Attached to the City’s Motion for Summary Judgment collectively as **Exhibit “L”**
12 is a true and correct copy of the Plan Attachment for Work Order ID No. 2946.

13 I declare under the penalty of perjury under the laws of the State of California that the foregoing
14 is true and correct. Executed this 7th day of July 2023 at Riverside, California.

15
16 

17 _____
18 Edward J. Reid, Declarant

“Exhibit A”

“Exhibit B”

CITY OF RIVERSIDE

Department of Public Works, Traffic Engineering Division

TRAFFIC AND ENGINEERING SURVEY FOR SPEED ZONING

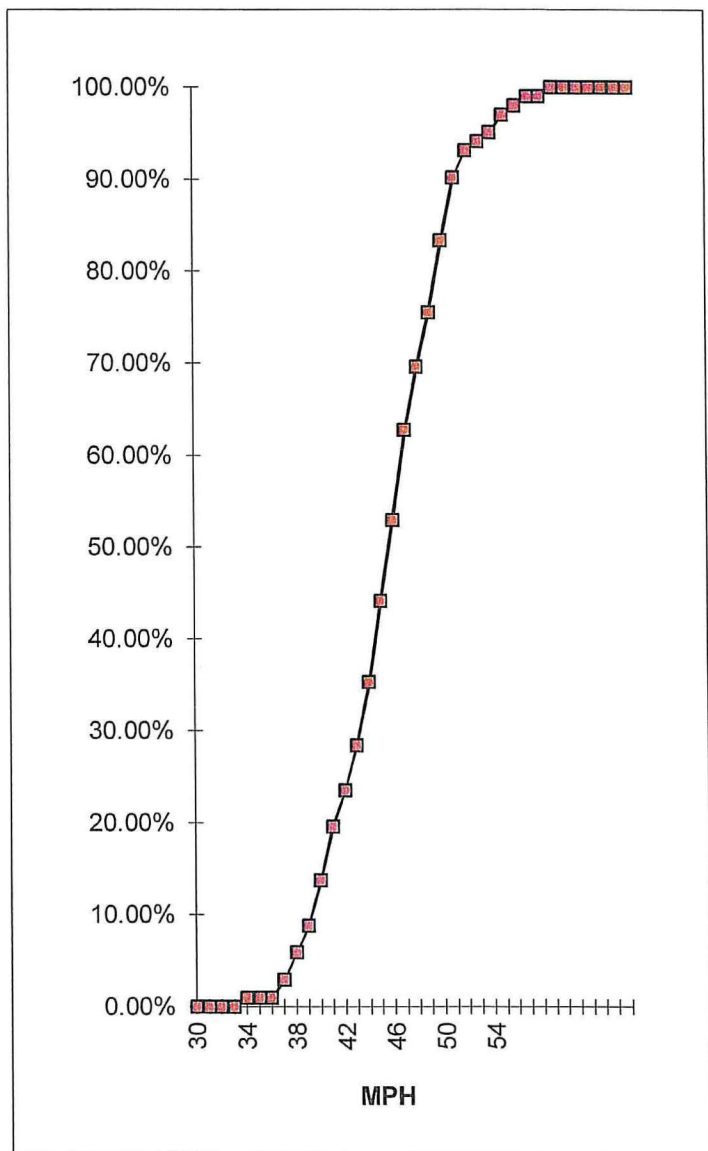
STREET CANYON CREST DRIVE LOC. N/O CHECKOV DR.

SPEED SURVEY LIMITS: Between MARTIN LUTHER KING and ALESSANDRO BLVD.
BLVD.

Date: 6/20/2017 Posted Speed: 45 Critical Speed (85th percentile speed) 50 MPH

50th Percentile speed 46 MPH 10 MPH Pace 42-51 Percent in Pace 70.6%

SPEED	NO. OBSERV.	PCT.	ACC. PCT.
30			
31			
32			
33			
34	1	0.98%	0.98%
35			0.98%
36			0.98%
37	2	1.96%	2.94%
38	3	2.94%	5.88%
39	3	2.94%	8.82%
40	5	4.90%	13.73%
41	6	5.88%	19.61%
42	4	3.92%	23.53%
43	5	4.90%	28.43%
44	7	6.86%	35.29%
45	9	8.82%	44.12%
46	9	8.82%	52.94%
47	10	9.80%	62.75%
48	7	6.86%	69.61%
49	6	5.88%	75.49%
50	8	7.84%	83.33%
51	7	6.86%	90.20%
52	3	2.94%	93.14%
53	1	0.98%	94.12%
54	1	0.98%	95.10%
55	2	1.96%	97.06%
56	1	0.98%	98.04%
57	1	0.98%	99.02%
58			99.02%
59	1	0.98%	100.00%
60			100.00%
61			100.00%
62			100.00%
63			100.00%
64			100.00%
65			100.00%



OBSERV. 102

CITY OF RIVERSIDE

Department of Public Works, Traffic Engineering Division

TRAFFIC AND ENGINEERING SURVEY FOR SPEED ZONING

CANYON CREST DRIVE Between MARTIN LUTHER KING and ALESSANDRO BLVD.
BLVD.

Date: 6/20/2017 Time: 10:51 AM Weather: CLEAR, DRY Prepared By: DFULLER
TO 11:05 AM

Posted Speed: 45 MPH Critical Speed: (85th percentile speed) 50 MPH

OTHER CONSIDERATIONS

ACCIDENT RECORD REVIEW:

Does not warrant speed limit less than critical speed.
 Warrants speed limit less than critical speed.

UNUSUAL CONDITIONS:

Warrants speed limit less than critical speed because of unusual conditions not readily
apparent to the motorists:
Roadway slope, pedestrian and golf cart activity.

RADAR ENFORCEABLE SPEED

This traffic and engineering survey indicates that the appropriate speed limit for this location is:

45 MPH *[Signature]* 6/21/17
City Traffic Engineer Date

CERTIFICATION

I, _____ declare:
That I am employed by the City of Riverside, State of California, in the Traffic Engineering Division
of the Public Works Department.
That the attached traffic and engineering survey is a true copy of the traffic and engineering survey
present in the Traffic Engineering files.
That the traffic and engineering survey was prepared in the ordinary course of Traffic and Engineering
Division business, for and by the Division to determine the appropriate speed limits.
I declare under the penalty of perjury that the foregoing is true.

Executed at Riverside, California, on this _____ day of _____ 20 _____

declarant

“Exhibit C”

CANYON CREST DR & VIA ZAPATA

Party 1 Driver	South	Proceeding Straight	Male	Age: 48	2017 CHEVROLET	SILVERADO	Pickups & Panels	No Injury
Veh Type:		Sobriety: HNBD	Assoc Factor: None Apparent			Lap/Shoulder Harness Used	Cell Phone Not in Use	
Party 2 Parked Vehicle	South	Parked	Age:	2017 KIA	R/O	Passenger Car, Station Wagon, Jeep	No Injury	
Veh Type:		Sobriety: Not Applicable	Assoc Factor: None Apparent		Not Stated			
Party 3 Parked Vehicle	South	Parked	Age:	1995 ACURA	INTEGRA	Passenger Car, Station Wagon, Jeep	No Injury	
Veh Type:		Sobriety: Not Applicable	Assoc Factor: None Apparent		Not Stated			
180004149	12/4/2018	13:23	Tuesday	CANYON CREST DR - VIA ZAPATA	0'	Direction: Not Stated	Daylight	Clear
	Broadside	Other Motor Vehicle	Auto R/W Violation		21802(a)	Hit & Run: No	Severe Injury	# Inj: 2 # Killed: 0
Party 1 Driver	East	Making Left Turn	Female	Age: 20	2006 KIA	SPECTRA	Passenger Car, Station Wagon, Jeep	Severe Injury
Veh Type:		Sobriety: HNBD	Assoc Factor: None Apparent			Lap/Shoulder Harness Used	Cell Phone Handheld in Use	
Party 2 Driver	South	Proceeding Straight	Male	Age: 20	2010 FORD	FUSION	Passenger Car, Station Wagon, Jeep	Other Visible Injury
Veh Type:		Sobriety: HNBD	Assoc Factor: None Apparent			Lap/Shoulder Harness Used	Cell Phone Not in Use	

ings for Query:

Street: CANYON CREST DR
 Cross Street: VIA ZAPATA
 Intersection Related: True
 Sorted By: Date and Time

“Exhibit D”

6/11/2021
C. Mundo

Electronically Filed

1 **RIZIO LIPINSKY LAW FIRM PC**
Gregory G. Rizio, Bar No. 157008
2 grizio@riziolawfirm.com
Eric Ryanen, Bar No.: 146559
3 eryl@riziolawfirm.com
2677 N Main St., Suite 225
4 Santa Ana, CA 92705
Telephone: (714) 547-1234
5 Facsimile: (714) 547-1245

6 Attorneys for Plaintiffs MALYAH JANE VANCE and JAYDE DOWNEY

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF RIVERSIDE**

11 MALYAH JANE VANCE; JAYDE
12 DOWNEY,

13 Plaintiffs,

14 v.

15 CITY OF RIVERSIDE; EVAN THEODORE
16 MARTIN; ARA SEVACHERIAN; VAHRAM
17 SEVACHERIAN; DOES 1 through 100,

18 Defendants.

Case No. RIC 1905830

THIRD AMENDED COMPLAINT

Demand for Jury Trial

19 **THE PARTIES**

20 1. Plaintiffs MALYAH JANE VANCE (hereinafter "VANCE") and JAYDE DOWNEY
21 (hereinafter "DOWNEY") are and were at all times relevant herein individuals residing in, and
22 citizens of the state of California, and county of Riverside.

23 2. Plaintiffs are informed and believe and thereupon allege that at all times relevant
24 herein, defendant CITY OF RIVERSIDE (hereinafter "CITY") was and is a public entity duly
25 organized and existing under and by virtue of the laws of the state of California.

26 3. Plaintiffs are informed and believe and thereupon allege that at all times relevant herein
27 defendant EVAN THEODORE MARTIN (hereinafter "MARTIN") was and is an individual
28 residing in, and a citizen of the state of California, and county of Riverside.

1 4. Plaintiffs are informed and believe and thereupon allege that at all times relevant herein,
2 defendants ARA SEVACHERIAN and VAHRAM SEVACHERIAN were and are individuals
3 residing in, and citizens of the state of California.

4 5. The true names and capacities, whether individual, corporate, associate or otherwise, of
5 defendants DOES 1 through 100, inclusive, and each of them, are unknown to plaintiffs.
6 Plaintiffs therefore sues said defendants by such fictitious names. Plaintiffs will seek leave of
7 court to amend this complaint when the identities of said DOES have been ascertained. Plaintiffs
8 are informed and believe and thereon allege that each defendant named herein as DOE is
9 responsible in some manner for the events and happenings referred to herein which proximately
10 caused damages to plaintiffs as hereinafter alleged.

11 6. Plaintiffs are informed and believe and thereon allege that defendants, and each of them,
12 were the agents, joint venturers, servants, employees, assistants and consultants of each other, and
13 were as such acting within the course, scope and authority of said agency, joint venture and
14 employment. In doing the things alleged in this complaint each defendant was acting within the
15 course and scope of their employment with the remaining defendants; or, each defendant
16 authorized, consented to or ratified the conduct of the remaining defendants, and each of them.
17 Each defendant, when acting as a principal, was negligent and reckless in the selection, hiring,
18 entrustment and supervision of each and every other defendant as an agent, servant, employee,
19 assistant or consultant.

20 **FACTUAL ALLEGATIONS**

21 7. On December 4, 2018, plaintiff VANCE was operating her 2006 Kia Spectra eastbound on
22 Via Zapata and entered the intersection of Via Zapata and Canyon Crest Drive, at which time
23 VANCE's vehicle was struck by a 2010 Ford Fusion owned and operated by defendant MARTIN,
24 which vehicle was traveling southbound on Canyon Crest Drive. As a result of said collision,
25 plaintiff VANCE suffered serious personal injuries.

26 8. Canyon Crest Road and Via Zapata are public streets in the city of Riverside, within
27 Riverside County. Plaintiffs are informed and believe, and thereupon allege, that at all times
28 relevant herein defendant CITY and/or Does 1 through 10 owned, managed, supervised, controlled,

1 and/or maintained Canyon Crest Drive at or near the intersection at Via Zapata (hereinafter the
2 “SUBJECT ROADWAY”).

3 9. Plaintiffs are informed and believe and thereupon allege that at all times relevant herein
4 defendants ARA SEVACHERIAN, VAHRAM SEVACHERIAN and Does 11 through 20 owned,
5 managed, supervised, controlled, and/or maintained the real property adjacent to the SUBJECT
6 ROADWAY, and located at 901 Via Zapata, Riverside, California (hereinafter the “SUBJECT
7 PROPERTY”).

8 10. At all relevant times, plaintiff DOWNEY was present, or virtually present, at the scene of the
9 collision, at the time of the collision and, then and there, had contemporaneous, sensory awareness
10 of the connection between the injury-causing traffic collision and the grievous injury suffered by
11 her daughter as a result of the collision, thereby causing Plaintiff DOWNEY suffered serious
12 emotional injuries and damages as a result of these events and conditions at the scene, in that,
13 among other things:

14 A/ Before the collision occurred, Plaintiff DOWNEY’s cell phone rang while she was at
15 work. Using earbuds, she answered the phone. The caller was her daughter, plaintiff VANCE. At
16 that time, plaintiff DOWNEY knew that plaintiff VANCE was driving to a realtor on 5055
17 Canyon Crest, to deliver a check for the rent on the family’s home. Plaintiff VANCE explained to
18 plaintiff DOWNEY that the navigation system in her car told her she had arrived, but she was
19 driving around or near an apartment complex. Plaintiff DOWNEY asked where she was. Plaintiff
20 VANCE responded with a location or address at or near 5505 Canyon Crest (close to the Via
21 Zapata/Canyon Crest intersection). Plaintiff DOWNEY then opened a map application on her
22 work computer, found directions to get from her daughter’s location to 5055 Canyon Crest and
23 told Plaintiff VANCE where to drive. The instructions included a direction to turn left on to
24 Canyon Crest from Via Zapata. Plaintiff DOWNEY was familiar with the intersection, and the
25 surrounding area: she had driven by and through that area many times. She knew plaintiff
26 VANCE would have to stop for a stop sign at the Via Zapata/Canyon Crest intersection. Plaintiff
27 DOWNEY heard plaintiff VANCE, in a self-talk voice said, something like “I’m gonna go left,
28 I’m gonna go left, OK...OK...OK” – in a manner and tone of voice that plaintiff DOWNEY

1 understood was consistent with plaintiff VANCE waiting to turn left and mentally ‘checking off’
2 traffic on Canyon Crest as it approached and cleared the intersection before she could turn left.

3 B/ Then, in rapid succession, plaintiff DOWNEY heard plaintiff VANCE take audibly
4 sharp, gasping breath; her frightened or shocked exclamation: “Oh!”; and the simultaneous, or
5 near-simultaneous sounds of an explosive metal-on-metal vehicular crash; shattering glass; and
6 rubber tires skidding or dragging across asphalt. Plaintiff DOWNEY had not heard the sounds of
7 skidding tires or squealing brakes in the seconds immediately preceding the impact. Then and
8 there, plaintiff DOWNEY knew from the combination of the sounds she heard, and from having
9 directed plaintiff VANCE where to drive, that plaintiff VANCE had been injured in a high-
10 velocity motor vehicle collision that had occurred at or near Via Zapata at Canyon Crest. As the
11 sound of tires skidding or dragging across asphalt diminished and having heard no sounds or
12 vocalizations from her daughter, plaintiff DOWNEY understood her daughter was injured so
13 seriously she could not speak.

14 C/ Plaintiff DOWNEY – who was already standing -- announced to the people in her
15 office, something like, “I have to go, my daughter has been in a car accident, I have to go”.
16 Plaintiff DOWNEY then ran to her car and started driving toward the scene of the incident. While
17 running to her car and driving to the scene, plaintiff DOWNEY – with her earbuds still in her ears
18 and her phone still connected to the phone of plaintiff VANCE -- called out to her daughter. For a
19 time, plaintiff DOWNEY heard nothing. She then heard the sound of rustling in her daughter’s
20 car. Plaintiff DOWNEY started screaming into her phone, “Can you hear me? Can you hear me?
21 I can hear you, can you hear me?” She then heard the voice of a stranger, a man who said,
22 something like, “Would you stop? I’m trying to find a pulse”. Plaintiff DOWNEY waited, and
23 then asked, “Is she alive?” Moments later, the voice said, “She breathed. I got a breath”, and
24 then, the voice said something like this: “What I am going to tell you to do is going to be the
25 hardest thing you will ever do in your life. I want you to hang up your phone and call 911, and
26 have them respond to Via Zapata and Canyon Crest Drive in Riverside.”

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FIRST CAUSE OF ACTION
DANGEROUS CONDITION OF PUBLIC PROPERTY
(Pursuant to Government Code § 835)
(Plaintiffs MALYAH VANCE and JAYDE DOWNEY
Against Defendants CITY and DOES 1 through 10, Inclusive)

11. Plaintiffs incorporate herein by reference the allegations set forth above in paragraphs 1 through 10 (A) through (C).

12. Government Code § 835 provides that a public entity such as defendants CITY is liable for the dangerous condition of its property when the property was in aforementioned dangerous condition at the time of the injury, the injury was proximately caused by the dangerous condition, the dangerous condition created a reasonably foreseeable risk of this kind of injury, and the public entity had actual or constructive notice of the dangerous condition with time to remedy or protect against the dangerous condition.

13. The collision referred to above resulting in injury to plaintiffs occurred because defendants created, or permitted to exist, a dangerous condition of public property; and/or its employees negligently and carelessly committed, or omitted, acts, so as to cause injury and damage to plaintiffs, as follows:

A) The traffic markings, signals, warnings, medians, and fixtures thereon (or lack thereof), were so located constructed, placed, designed, repaired, maintained, used, and otherwise defective in design, manufacture and warning that they constituted a dangerous condition of public property, in that, among other things, they created an unreasonable and foreseeable risk of injury and harm to occupants of vehicles in the intersection.

B) All of these conditions, combined with the condition of the pavement, road design and the speed limit, created a dangerous condition of public property. Plaintiffs further contend that the road itself and the surrounding area was so constructed, placed, designed, repaired, maintained, used, and otherwise defective in design, manufacture and warning that the involved section of road constituted a dangerous condition of public property, in

1 that, among other things, it created an unreasonable and foreseeable risk of injury and harm
2 to occupants of vehicles in the intersection.

3 C) Before this event occurred, the defendants knew that there had been numerous other
4 collisions in or about this area and intersection and that some of those collisions caused
5 injuries to occupants of motor vehicles. Defendants had sufficient time, notice and
6 resources to warn, advise and correct the dangerous conditions and take preventative
7 measures such as providing sufficient warnings, signals, traffic markings, etc. In addition,
8 or in the alternative, before this event occurred, the defendant's agent(s) and employee(s)
9 had sufficient notice of, among other things, other similar events that caused other injuries
10 to other drivers of other vehicles near the area where this incident occurred and resulting
11 from this same dangerous condition of public property.

12 D) Plaintiffs' investigation is ongoing and plaintiffs reserve the right to supplement this
13 claim at a later date.

14 14. Plaintiffs VANCE and DOWNEY timely served their original government claims in
15 accordance with Government Code §§ 905 and 910 *et seq.* on defendant CITY, which claims were
16 denied (Attached as Exhibit 1 are true and correct copies of the claims and their denials).

17 Plaintiffs filed this suit within six (6) months from the date of rejection of said government claims.

18 15. As a direct and proximate result of the dangerous condition of public property and the
19 collision between the VANCE and MARTIN vehicles, which collision was caused, in whole or in
20 part by those dangerous conditions:

21 A) Plaintiff VANCE suffered and will continue to suffer severe physical, mental and
22 emotional injuries, pain and suffering, and related damages, in sums according to proof at
23 the time of trial; and,

24 B) Plaintiff DOWNEY, who was present at the scene of the collision in that she was
25 talking to her daughter, plaintiff VANCE, on the phone, was made aware of the collision,
26 and the ensuing events, as they occurred. As a further direct and proximate result of the
27 dangerous condition of public property which caused the collision, as aforesaid, plaintiff
28 DOWNEY was caused to suffer severe emotional distress on account of the dangerous

1 condition of public property. Plaintiff DOWNEY thereby suffered and will continue to
2 suffer severe and serious emotional distress and general damages. Pursuant to California
3 Code of Civil Procedure §§ 425.10 and 425.11, the sum of said damages will be
4 determined at the time of trial.

5 16. As a direct and proximate result of the dangerous condition of public property and the
6 ensuing collision, as aforesaid, plaintiff VANCE was required to employ the services of hospitals,
7 physicians, surgeons, nurses and other professional services for treatment and management of her
8 injuries; and, plaintiff DOWNEY was required to employ the services of health and behavioral
9 health care professionals for her severe emotional distress. Both plaintiffs incurred expenses for
10 these and other professional health and emotional injuries and are informed and believe and
11 thereon alleges that further services of said nature will be required by plaintiffs for an
12 unpredictable period in the future, all to the damage of plaintiffs in a sum according to proof.

13 17. As a further direct and proximate result of the dangerous condition of public property and
14 the ensuing collision, as aforesaid, plaintiff VANCE was prevented from attending to her usual
15 occupation, and plaintiff is informed and believes and thereupon alleges that plaintiff VANCE will
16 thereby be prevented from attending to her usual occupation for a period of time in the future, and
17 thereby will also sustain a loss of earning capacity, in addition to lost earnings, past, present and
18 future; the exact amount of such losses is unknown to plaintiff at this time, and when said amounts
19 are ascertained, the plaintiff will ask leave of court to amend this Complaint and allege said
20 amounts according to proof, pursuant to California Code of Civil Procedure § 425.10.

21 18. As a further direct and proximate result of the dangerous condition of public property and
22 the ensuing collision, as aforesaid, plaintiff VANCE'S property was damaged or destroyed and
23 she will lost and will continue to lose the use of that property in the future, all to her damage in
24 sums according to proof at the time of trial.

25 19. Upon compliance with California Code of Civil Procedure section 998, both plaintiffs will
26 seek awards of costs, pursuant to California Civil Code section 3291, in sums according to proof.

1 **SECOND CAUSE OF ACTION**

2 **NEGLIGENCE**

3 **(Plaintiffs MALYAH JANE VANCE and JAYDE DOWNEY Against Defendants MARTIN**
4 **and DOES 21 through 30, Inclusive)**

5 20. Plaintiffs incorporate herein by reference the allegations set forth above in paragraphs 1
6 through 19.

7 21. On information and belief, defendants MARTIN and DOES 21 through 30, owned, leased,
8 managed, maintained, controlled, and operated a motor vehicle that was registered to, and
9 entrusted to them by MARTIN and DOES 21 through 30.

10 22. At the times, places and in the manner as aforesaid, defendants MARTIN and DOES 21
11 through 30, so negligently and owned, operated, maintained, controlled, entrusted, employed and
12 drove their vehicle, as aforesaid, so as to legally cause same to collide with plaintiff VANCES's
13 motor vehicle, as aforesaid, thereby causing plaintiff VANCE to suffer severe personal injuries
14 and related damages, in a sum within the jurisdiction of this court and in an amount according to
15 proof at the time of trial; and causing plaintiff DOWNEY to suffer severe emotional distress, in a
16 sum according to proof at the time of trial.

17 23. By reason of the foregoing, said plaintiff VANCE was required to employ the services of
18 hospitals, physicians, surgeons, nurses and other professional services for treatment and
19 management of her injuries; and, plaintiff DOWNEY was required to employ the services of
20 health and behavioral health care professionals for her severe emotional distress. Both plaintiffs
21 incurred expenses for these and other professional health and emotional injuries and are informed
22 and believe and thereon alleges that further services of said nature will be required by plaintiffs for
23 an unpredictable period in the future, all to the damage of plaintiffs in a sum according to proof.

24 24. As a direct and proximate result of the negligence of defendants, and each of them,
25 plaintiff was hurt and injured in her health, strength, and activity, sustaining injury to her nervous
26 system and person, all of which injuries have caused, and continue to cause, plaintiff great mental,
27 physical, and nervous pain and suffering. As a result of such injuries, plaintiff has suffered
28 general damages in an amount in excess of the jurisdictional minimum of this Court.

1 25. Upon compliance with California Code of Civil Procedure section 998, plaintiffs will seek
2 an award of prejudgment interest and costs, pursuant to California Civil Code section 3291, in a
3 sum according to proof.

4 26. By further reason of the foregoing, said plaintiff incurred and continues to incur lost wages
5 and diminished earning capacity in a sum within the jurisdiction of this court and according to
6 proof at the time of trial.

7 **THIRD CAUSE OF ACTION**

8 **NEGLIGENCE**

9 **(Plaintiffs MALYAH JANE VANCE and JAYDE DOWNEY Against Defendants ARA**
10 **SEVACHERIAN, VAHRAM SEVACHERIAN, and Does 1 through 10, Inclusive)**

11 27. Plaintiffs incorporate herein by reference the allegations set forth above in paragraphs 1
12 through 26.

13 28. Defendants ARA SEVACHERIAN, VAHRAM SEVACHERIAN, and Does 1 through
14 10, inclusive, and each of them, negligently caused, owned, managed, operated, maintained,
15 and/or inspected the SUBJECT PROPERTY in such a manner as to cause The SUBJECT
16 PROPERTY to be unsafe, specifically including but not limited to, overgrown and untrimmed, or
17 improperly trimmed vegetation and trees along Canyon Crest Drive, north of Via Zapata, and in
18 the parkway between the CITY's sidewalk and the west curb of Canyon Crest Drive, just north of
19 where the collision occurred. Plaintiff hereinafter refers to this area within The SUBJECT
20 PROPERTY as "The Landscaped Area."

21 29. Said vegetation and trees constituted a dangerous condition in that they caused an unsafe
22 obstruction to the view of vehicular traffic turning left from eastbound Via Zapata onto
23 northbound Canyon Crest Drive, which obstruction was a cause of the collision between plaintiff
24 and defendant Martin. The collision between plaintiff's vehicle, and the vehicle operated by
25 defendant Martin was caused in whole or in part by said vegetation obstructing, or interfering with
26 the view of plaintiff, and/or defendant Martin, as plaintiff was making a left turn from Via Zapata
27 onto northbound Canyon Crest Drive.

28

1 30. The SUBJECT PROPERTY was further rendered dangerous by the lack of warnings that
2 there existed such a dangerous condition. The SUBJECT PROPERTY was rendered dangerous by
3 the negligence of defendants, and each of them, in that defendants failed to properly operate,
4 inspect, maintain, repair, and manage The SUBJECT PROPERTY and The Landscaped Area, and
5 failed to provide proper warnings with respect to said dangerous condition.

6 31. Plaintiffs are informed and believe and thereon allege that defendants, and each of them,
7 had actual notice of said dangerous condition because said dangerous condition was created by
8 defendants. Plaintiffs are further informed and believe, and thereon allege that defendants, and
9 each of them at least had constructive notice of the above described dangerous condition, in that,
10 among other things, said dangerous condition existed for such a length of time that defendants, if
11 they did not actually know of said dangerous conditions, would, and should have known of said
12 dangerous condition had they performed an adequate inspection of The SUBJECT PROPERTY,
13 including The Landscaped Area. Despite having actual or construction knowledge of said
14 dangerous condition, failed to take reasonable and necessary steps to protect their patrons, and
15 those visiting The SUBJECT PROPERTY from said dangerous condition.

16 32. Said dangerous condition violated certain provisions of the Riverside Municipal Code,
17 including but not limited to: Section 13.06.010 ("Obstructions on Private Property"), 13.06.090
18 ("Vegetation Property Owner Maintenance Responsibility and Duty to Public"), 13.10.010
19 ("Maintenance and Repair of Sidewalks and Trails"), 13.10.030 ("Liability for Injuries to Public"),
20 and Section 6.14.020 ("Landscape Maintenance"). By virtue of their violations of said statutes
21 and ordinances, which ordinances were designed and intended to protect persons such as plaintiffs,
22 defendants were negligent per se, and plaintiffs will be entitled to evidentiary presumptions
23 consistent therewith, as provided by California Evidence Code section 669.

24 33. As a result of the above described incident, plaintiff VANCE sustained physical and
25 emotional injuries and damages in an amount in excess of the jurisdictional minimum of this court
26 and according to proof at the time of trial, including but not limited to past and future medical
27 expenses, property damage, loss of earnings, and loss of earning capacity. In addition, plaintiffs
28 VANCE and DOWNEY have suffered, and will continue to suffer, and claim herein damages for

1 pain and suffering, anxiety, emotional distress and other general damages, in an amount according
2 to proof at the time of trial, but which damages fall within the jurisdiction of this Court.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, plaintiffs pray for judgment against the defendants, as follows:

5
6 On the first cause of action of plaintiffs, Malyah Vance and Jayde Downey against City of Riverside
7 and DOES 1 through 10,

- 8 (a) General damages in an amount to be established by the trier of fact;
- 9 (b) Special damages, including but not limited to, hospital and medical expenses
10 incurred, hospital and medical expenses to be incurred in the future, property damage, lost
11 wages incurred to date, future lost wages, and loss of earning capacity, all in an amount to
12 be established by the trier of fact;
- 13 (c) Statutory costs, including expert witness fees, and,
- 14 (d) Such additional relief as this Court should deem proper;

15
16 On the second and third causes of action of plaintiffs, Malyah Vance and Jayde Downey against
17 defendants Evan Theodore Martin, Ara Sevacherian, Vahram Sevacherian and DOES 11
18 through 100,

- 19 (a) General damages in an amount to be established by the trier of fact;
- 20 (b) Special damages, including but not limited to, hospital and medical expenses
21 incurred, hospital and medical expenses to be incurred in the future, property damage, lost
22 wages incurred to date, future lost wages, and loss of earning capacity, all in an amount to
23 be established by the trier of fact;
- 24 (c) Statutory costs, including expert witness fees;
- 25 (d) Prejudgment interest in a sum according to proof, and,
- 26 (e) Such additional relief as this Court should deem proper.

27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: 6-10-21

RIZIO LIPINSKY LAW FIRM PC

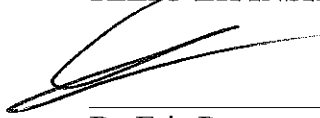


By Eric Ryanen

Plaintiffs hereby demand a trial by jury.

Dated: 6-10-21

RIZIO LIPINSKY LAW FIRM PC



By Eric Ryanen

1 **PROOF OF SERVICE**

2 I am employed in the County of Orange, State of California. I am over the age of 18 and
3 not a party to the within action; my business address is 2677 N. Main Street, Suite 225, Santa
4 Ana, California 92705.

5 On June 10, 2021, I served on all interested parties in this action the foregoing document
6 described as:

- 7 1. SUMMONS ON THIRD AMENDED COMPLAINT
8 2. THIRD AMENDED COMPLAINT

9 I served the above document(s) by electronic mail in the United States during normal business
10 hours by causing the within document(s) to be transmitted to attorneys of record of the parties
11 herein at the email addresses of said attorneys as set forth below. The electronic service was in
12 compliance with CRC Rule 2.251 and was transmitted complete without error.

13 **ATTORNEY FOR CITY OF RIVERSIDE:**

14 Michael A. Verska, Deputy City Attorney
15 City of Riverside, Office of the City Attorney
16 3750 University Avenue, Suite 350
17 Riverside, CA 92501
18 mverska@riversideca.gov
19 vbeauregard@riversideca.gov

20 **ATTORNEY FOR SEVERACHERIAN DEFENDANTS:**

21 Gary H. Klein, Esq.
22 CP Law Group
23 655 North Central Avenue, Suite 2100
24 Glendale, CA 91203
25 p: 818-853-5145
26 f: 818-638-8549
27 gklein@cplawgrp.com
28 achikuami@cplawgrp.com

ATTORNEY FOR MARTIN:

D.W. Duke
Law Office of D.W. Duke
41593 Winchester Rd., Ste. 200
Temecula, CA 92590-4857
951-265-1756
duke@duke-law.org

23 I declare under penalty of perjury, under the laws of the State of California, that the above
24 is true and correct.

25 Executed this 10th day of June, 2021, at Santa Ana, California.

26 
27 _____
28 Michele A. Markus

“Exhibit E”

1 **RIZIO LIPINSKY LAW FIRM PC**
Gregory G. Rizio, Bar No. 157008
2 grizio@riziolawfirm.com
Eric Ryanen, Bar No. 146559
3 eryanen@riziolawfirm.com
2677 North Main Street, Ste. 225
4 Santa Ana, CA 92705
Phone: (714) 505-2468
5 Facsimile: (714) 547-1245

6 Attorneys for Plaintiffs

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF RIVERSIDE**

11 MALYAH JANE VANCE, an individual;
12 JAYDE DOWNEY, an individual.

13 Plaintiffs,

14 vs.

15 CITY OF RIVERSIDE, a government entity;
16 COUNTY OF RIVERSIDE, a government
entity; EVAN THEODORE MARTIN, an
17 individual; and DOES 1 through 100,
Inclusive,

18 Defendants.

CASE NO.: RIC 1905830

Date Action Filed: 11/22/19

Assigned to: Hon. L Jackson Lucky, Dept. 10

**MALYAH VANCE’S RESPONSE TO
CITY OF RIVERSIDE’S FIRST SET OF
SPECIAL INTERROGATORIES**

20 PROPOUNDING PARTY: Defendant CITY OF RIVERSIDE

21 RESPONDING PARTY: Plaintiff MALYAH VANCE

22 SET NO.: One

23 It should be noted that the responding party has not fully completed her investigation of the
24 facts relating to this case, has not fully completed her discovery in this action, and has not
25 completed her preparation for trial. All of the responses herein are based only upon such
26 information and documents which are presently available to, and specifically known, to the
27 responding party, and disclose only those contentions which presently occur to such responding
28

1 party. It is anticipated that further discovery, independent investigation, legal research and analysis
2 will supply additional facts, add meaning to the known facts, as well as establish entirely new
3 factual conclusions and legal conclusions, all of which may lead to substantial additions to,
4 changes in, and variations from the responses herein set forth.

5 The following responses are given without prejudice to responding party's legal right to
6 produce evidence of any subsequently discovered fact, or facts, which the responding party may
7 later recall. Responding party, accordingly, reserves the right to change any and all responses
8 herein as additional facts are ascertained, analyses are made, legal research is completed, and
9 contentions are made. The responses contained herein are made in a good faith effort to supply as
10 much factual information and as much specification of legal contentions as are presently known,
11 but should in no way to the prejudice of responding party in relation to further discovery, research
12 or analysis.

13 Except for explicit facts admitted herein, no incidental or implied admissions are intended
14 hereby. By responding to these requests, responding party does not in any way waive any
15 objections which would warrant exclusion of evidence if interposed at the time of trial.

16 **GENERAL OBJECTIONS**

17 The following general objections apply to the entirety of Defendant's Special
18 Interrogatories, Set One (the "Interrogatories"). The assertion of same, similar, or additional
19 objections to the individual interrogatories does not waive any of Plaintiff's general objections as
20 set forth below.

21 1. Plaintiff generally objects to Defendant's Interrogatories and to each interrogatory
22 therein to the extent that they impose instructions, requirements or limitations other or greater than
23 those set forth in the California Code of Civil Procedure.

24 2. Plaintiff generally objects to Defendant's Interrogatories and to each interrogatory
25 therein to the extent that the interrogatories are overbroad in terms of time and/or scope, unduly
26 burdensome, oppressive, vague, ambiguous and/or unreasonable.

27
28

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 3:**

2 Objection. Vague and ambiguous as to “component.” Without waiving any objections,
3 and responding subject thereto, plaintiff responds:

4 Pain and suffering, including physical pain from the bodily injuries plaintiff sustained,
5 mental anguish and pain, suffering and psychological trauma, scarring, shock, anxiety, insomnia,
6 inconvenience, emotional distress, grief, humiliation, loss of quality of life, inability to engage in
7 certain pleasurable activities, and loss of enjoyment of life.

8 **SPECIAL INTERROGATORY NO. 4:**

9 State all facts supporting YOUR contention that Evan Martin acted negligently on the date
10 of the alleged INCIDENT as pled in YOUR First Amended Complaint.

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 4:**

12 He was speeding.

13 **SPECIAL INTERROGATORY NO. 5:**

14 IDENTIFY all non-expert witnesses whom support YOUR contention that Evan Martin
15 acted negligently on the date of the alleged INCIDENT as pled by YOU in YOUR First Amended
16 Complaint.

17 **RESPONSE TO SPECIAL INTERROGATORY NO. 5:**

18 See plaintiff’s response to form interrogatory 12.1.

19 **SPECIAL INTERROGATORY NO. 6:**

20 IDENTIFY all City of Riverside employees with whom YOU have COMMUNICATED
21 regarding the alleged INCIDENT from December 4, 2018 through present day.

22 **RESPONSE TO SPECIAL INTERROGATORY NO. 6:**

23 Objection. Overbroad, and calls for privileged attorney work product investigation
24 information. Without waiving any objections, and responding as to non-privileged information,
25 plaintiff responds:

26 Plaintiff and/or her parents had communications with the first responders, and Riverside
27 PD officers responding to the scene, and/or investigating the incident. In addition, plaintiff, by
28 and through her attorneys have corresponded with city employees for various reasons, including

1 to obtain a copy of the Traffic Collision Report, to file a government claim, to ask for publicly
2 available records, and with the city attorney defending this matter about litigation issues.
3 Defendant has a record of the city employees involved in these discussions and communications.
4 Neither plaintiff or her agents, including attorneys, have interviewed any city employee not
5 known to defendant already specifically about the substance of the allegations asserted.

6 **SPECIAL INTERROGATORY NO. 7:**

7 IDENTIFY all City of Riverside employees with whom YOU have COMMUNICATED
8 regarding the alleged injuries from the INCIDENT from December 4, 2018 through present day.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**

10 Objection. Overbroad, and calls for privileged attorney work product investigation
11 information. Without waiving any objections, and responding as to non-privileged information,
12 plaintiff responds:

13 Plaintiff and/or her parents had communications with the first responders, and Riverside
14 PD officers responding to the scene, and/or investigating the incident. In addition, plaintiff, by
15 and through her attorneys have corresponded with city employees for various reasons, including
16 to obtain a copy of the Traffic Collision Report, to file a government claim, to ask for publicly
17 available records, and with the city attorney defending this matter about litigation issues.
18 Defendant has a record of the city employees involved in these discussions and communications.
19 Neither plaintiff or her agents, including attorneys, have interviewed any city employee not
20 known to defendant already specifically about the substance of the allegations asserted, or
21 plaintiff's alleged injuries.

22 **SPECIAL INTERROGATORY NO. 8:**

23 State in as much detail as possible the facts that form the basis of YOUR (as used in these
24 interrogatories, the term "YOU" and "YOUR" refer to plaintiff and anyone acting on plaintiff's
25 behalf) contention that YOU were injured as a result of a dangerous condition of public property.

26 **RESPONSE TO SPECIAL INTERROGATORY NO. 8:**

27 Objection. Calls for privileged information, and specifically, the opinions of plaintiffs'
28 expert consultants, which information is privileged attorney work product. Without waiving any

1 objections, and responding as to non-privileged information, plaintiff responds:

2 The average, or critical speed of southbound traffic on Canyon Crest Drive is 51.2 miles
3 per hour – the speed at which defendant Martin was, in fact, traveling, by his own admission.
4 According to the American Association of State Highway and Transportation Officials
5 (AASHTO), there should be a clear line of sight for 640 feet for vehicles stopped on a minor road
6 such as Via Zapata, to see approaching vehicles at the intersection of a major road such as
7 Canyon Crest Drive, assuming a critical speed of 51.2 miles per hour on the major road. The
8 Highway Design Manual prepared by the California Department of Transportation provides a
9 recommended clear line of sight of 565 feet. The available sight distance for an eastbound driver
10 stopped on Via Zapata to observe approaching southbound traffic on Canyon Crest Drive is
11 substantially less than these standards – ranging from 139 to 162 feet, depending on where the
12 vehicle on Via Zapata is located. The clear line of sight is limited by designated parking allowed
13 by defendant city of Riverside along the west curb line of Canyon Crest Drive, large trees in the
14 parkway between the west curb of Canyon Crest Drive, and the sidewalk, and because the limit
15 line on Via Zapata is located too far back (west) of the prolongation of the west curb line of
16 Canyon Crest Drive. Further, the speed limit on Canyon Crest Drive is unsafe at 45 miles per
17 hour.

18 **SPECIAL INTERROGATORY NO. 9:**

19 State in as much detail as possible the facts that form the basis of YOUR contention that
20 the City of Riverside owned the property where YOU claim that YOU were injured.

21 **RESPONSE TO SPECIAL INTERROGATORY NO. 9:**

22 The city of Riverside has produced documents, including plan documents, showing it
23 owns, constructed, and maintained the roadway portion of the intersection of Canyon Crest Drive
24 and Via Zapata. Pursuant to Riverside Municipal Code sections 13.10.010, 13.10.030,
25 18.260.170, 13.06.090, and California Streets & Highways Code sections 5600 and 5610, the City
26 is jointly liable with the adjoining property owner for injuries resulting to members of the public
27 resulting from dangerous conditions in the adjoining parkway between the west curb of Canyon
28 Crest Drive and the sidewalk.

1 **SPECIAL INTERROGATORY NO. 10:**

2 Identify (as used in these interrogatories, the term "IDENTIFY" means to provide a
3 person or entity's name, address and telephone number) anyone other than the City of Riverside
4 who YOU contend had an ownership interest in the property where YOU claim that YOU were
5 injured.

6 **RESPONSE TO SPECIAL INTERROGATORY NO. 10:**

7 The adjoining private property owners adjacent to the parkway between the sidewalk and
8 the curb on the west side of Canyon Crest Drive, and north of Via Zapata. The identity(ies) of
9 these private property owners is as yet unknown to plaintiff. Discovery and investigation are
10 continuing.

11 **SPECIAL INTERROGATORY NO. 11:**

12 With respect to YOUR response to interrogatory no. 10, identify any DOCUMENT (as
13 used in this interrogatory, the term "DOCUMENT" means any written instrument including, but
14 not limited to, title, deed, land grant, County Recorder document, legal description, lease and/or
15 contract) which supports YOUR claim that the City Riverside owned the property where YOU
16 claim to have been injured.

17 **RESPONSE TO SPECIAL INTERROGATORY NO. 11:**

18 Objection. Overbroad, and in fact, the interrogatory is so overbroad as to include
19 privileged information, and specifically, the opinions of plaintiffs' expert consultants, which
20 information is privileged attorney work product. Without waiving any objections, and responding
21 as to non-privileged information, plaintiff responds:

22 Plaintiff produces herewith, in response to defendant's Request for Production of
23 Documents, Set No. One, all non-privileged responsive documents in her possession. Reference
24 is also made to those documents heretofore produced by the other parties in this action.

25 **SPECIAL INTERROGATORY NO. 12:**

26 State in as much detail as possible any fact which supports YOUR contention that any
27 defendant has actual notice of the dangerous condition of public property prior to the INCIDENT
28 (as used in these interrogatories, the term "INCIDENT" means the injury causing event which

1 forms the basis of YOUR complaint in this matter)

2 **RESPONSE TO SPECIAL INTERROGATORY NO. 12:**

3 Objection. The interrogatory is overbroad, and in fact, is so overbroad as to include
4 privileged information, and specifically, the opinions of plaintiffs' expert consultants, which
5 information is privileged attorney work product. Without waiving any objections, and responding
6 as to non-privileged information, plaintiff responds:

7 The parking and limit line issue were created by the city of Riverside. It is unknown at this
8 time who constructed the parkway, including who planted, and maintained the trees in the
9 parkway. Discovery and investigation are continuing.

10 **SPECIAL INTERROGATORY NO. 13:**

11 State in as much detail as possible any fact which indicates the date prior to the
12 INCIDENT that any defendant obtained actual notice of the dangerous condition of public
13 property which YOU contend caused YOUR injuries.

14 **RESPONSE TO SPECIAL INTERROGATORY NO. 13:**

15 Objection. The interrogatory is overbroad, and in fact, is so overbroad as to include
16 privileged information, and specifically, the opinions of plaintiffs' expert consultants, which
17 information is privileged attorney work product. Without waiving any objections, and responding
18 as to non-privileged information, plaintiff responds:

19 Unknown at this time. Discovery and investigation are continuing.

20 **SPECIAL INTERROGATORY NO. 14:**

21 State in as much detail as possible any facts which supports YOUR contention that any
22 defendant had constructive notice of the dangerous condition of public property prior to the
23 INCIDENT.

24 **RESPONSE TO SPECIAL INTERROGATORY NO. 14:**

25 Objection. The interrogatory is overbroad, and in fact, is so overbroad as to include
26 privileged information, and specifically, the opinions of plaintiffs' expert consultants, which
27 information is privileged attorney work product. Without waiving any objections, and responding
28 as to non-privileged information, plaintiff responds:

1 Plaintiff is informed and believes and thereon alleges that, as to the trees in the parkway,
2 defendant city of Riverside had at least constructive notice because it regularly inspects the
3 parkway in which the trees are located, and inspects and maintains City property located within
4 the parkway, such as luminaires, street signs, and irrigation, as well the sidewalk, curb, gutter and
5 street adjoining the parkway. The trees that create the view obstruction were in the parkway for a
6 sufficient length of time that the danger they presented to motorists would, or should have been
7 readily observed upon any meaningful inspection.

8 **SPECIAL INTERROGATORY NO. 15:**

9 State in as much detail as possible any characteristic of the alleged dangerous condition of
10 public property which YOU contend caused YOUR injuries which YOU contend indicates how
11 long the alleged dangerous condition had existed prior to the INCIDENT.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 15:**

13 Objection. Vague and ambiguous. The interrogatory is so vague and ambiguous that
14 plaintiff is unable to provide a response. Objection is further asserted on the basis that, to extent
15 plaintiff understands this interrogatory, it is asked and answered above in special interrogatories
16 14 through 16. Objection is further asserted on the basis that, to the extent plaintiff understands
17 this interrogatory, the interrogatory is overbroad, and in fact, is so overbroad as to include
18 privileged information, and specifically, the opinions of plaintiffs' expert consultants, which
19 information is privileged attorney work product.

20 **SPECIAL INTERROGATORY NO. 16:**

21 State in as much detail as possible any fact which indicates the date that any defendant
22 obtained constructive notice of the dangerous condition of public property prior to the
23 INCIDENT.

24 **RESPONSE TO SPECIAL INTERROGATORY NO. 16:**

25 Objection. Asked and answered above in special interrogatory no. 16. Plaintiff refers to
26 her response to special interrogatory 14.

27 **SPECIAL INTERROGATORY NO. 17:**

28 State in as much detail as possible how long YOU contend that the dangerous condition or

1 public property existed prior to the INCIDENT.

2 **RESPONSE TO SPECIAL INTERROGATORY NO. 17:**

3 Objection. The interrogatory is overbroad, and in fact, is so overbroad as to include
4 privileged information, and specifically, the opinions of plaintiffs' expert consultants, which
5 information is privileged attorney work product. Without waiving any objections, and responding
6 as to non-privileged information, plaintiff responds:

7 Since the date parking was allowed along the west curb of Canyon Crest Drive, and north
8 of Via Zapata, and since the limit line on Via Zapata was marked, and since the trees in the
9 parkway between the sidewalk and west curb of Canyon Crest Drive were installed.

10 **SPECIAL INTERROGATORY NO. 18:**

11 State in as much detail as possible any fact which supports YOUR contention that
12 propounding party's maintenance practices for the location of the INCIDENT which forms the
13 basis of YOUR complaint fell below the standard of care.

14 **RESPONSE TO SPECIAL INTERROGATORY NO. 18:**

15 Objection. Vague and ambiguous as to "maintenance practices." Objection is further
16 asserted on the basis that the interrogatory is overbroad, and in fact, is so overbroad as to include
17 privileged information, and specifically, the opinions of plaintiffs' expert consultants, which
18 information is privileged attorney work product. Without waiving any objections, and responding
19 as to non-privileged information, plaintiff responds:

20 Plaintiff is unaware at this time of defendant's maintenance practices with respect to the
21 location at which the incident occurred. Discovery and investigation are continuing. However,
22 any meaningful maintenance of the location at which the incident occurred would have included
23 ensuring a safe, adequate and clear line of site for motorists exiting Via Zapata onto Canyon Crest
24 Drive.

25 **SPECIAL INTERROGATORY NO. 19:**

26 Identify any DOCUMENTS which supports YOUR contention that propounding party's
27 maintenance practices for the location of the INCIDENT fell below the standard of care.

28 **RESPONSE TO SPECIAL INTERROGATORY NO. 19:**

1 Objection. The interrogatory is overbroad, and in fact, is so overbroad as to include
2 privileged information, and specifically, the opinions of plaintiffs' expert consultants, which
3 information is privileged attorney work product. Without waiving any objections, and responding
4 as to non-privileged information, plaintiff responds:

5 Plaintiff produces herewith, in response to defendant's Request for Production of
6 Documents, Set No. One, all non-privileged responsive documents in her possession. Reference is
7 also made to those documents heretofore produced by the other parties in this action.

8 **SPECIAL INTERROGATORY NO. 20:**

9 State in as much detail as possible any fact which supports YOUR contention that
10 propounding party's inspection practices for the location of the INCIDENT fell below the
11 standard of care at any time prior to the INCIDENT.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 20:**

13 Objection. Vague and ambiguous as to "inspection." Objection is further asserted on the
14 basis that the interrogatory is overbroad, and in fact, is so overbroad as to include privileged
15 information, and specifically, the opinions of plaintiffs' expert consultants, which information is
16 privileged attorney work product. Without waiving any objections, and responding as to non-
17 privileged information, plaintiff responds:

18 Plaintiff is unaware at this time of defendant's inspection practices with respect to the
19 location at which the incident occurred. Discovery and investigation are continuing. However,
20 any meaningful inspection would have noted the inadequate site line provided to motorists exiting
21 Via Zapata onto Canyon Crest Drive.

22 **SPECIAL INTERROGATORY NO. 21:**

23 Identify any documents which supports YOUR contention that propounding party's
24 inspection practices for the location of the incident fell below the standard of care prior to the
25 incident.

26 **RESPONSE TO SPECIAL INTERROGATORY NO. 21:**

27 Objection. The interrogatory is overbroad, and in fact, is so overbroad as to include
28 privileged information, and specifically, the opinions of plaintiffs' expert consultants, which

1 information is privileged attorney work product. Without waiving any objections, and responding
2 as to non-privileged information, plaintiff responds:

3 Plaintiff produces herewith, in response to defendant's Request for Production of
4 Documents, Set No. One, all non-privileged responsive documents in her possession. Reference is
5 also made to those documents heretofore produced by the other parties in this action.

6 **SPECIAL INTERROGATORY NO. 22:**

7 IDENTIFY any witness (other than an expert witness) with knowledge which supports
8 YOUR contention that propounding party's inspection practices for the location of the
9 INCIDENT fell below the standard of care prior to the INCIDENT.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 22:**

11 Objection. The interrogatory is overbroad, and in fact, is so overbroad as to include
12 privileged information, and specifically, the opinions of plaintiffs' expert consultants, which
13 information is privileged attorney work product. Without waiving any objections, and responding
14 as to non-privileged information, plaintiff responds:

15 Discovery and investigation are continuing.

16 **SPECIAL INTERROGATORY NO. 23:**

17 State in as much detail as possible why YOU contend that the alleged dangerous condition
18 of public property which YOU contend caused the INCIDENT was not apparent to a person
19 exercising ordinary care on their own behalf at the time of the INCIDENT.

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 23:**

21 Objection. The interrogatory is overbroad, and in fact, is so overbroad as to include
22 privileged information, and specifically, the opinions of plaintiffs' expert consultants, which
23 information is privileged attorney work product. Without waiving any objections, and responding
24 as to non-privileged information, plaintiff responds:

25 It would not be obvious to the average motorist that the recommended clear line of sight
26 does not exist at this intersection.

27 **SPECIAL INTERROGATORY NO. 24:**

28 State in as much detail as possible why YOU contend that the alleged dangerous condition

1 of public property which YOU contend caused the INCIDENT posed a hazard to a person
2 exercising ordinary care on their own behalf at the time of the INCIDENT.

3 **RESPONSE TO SPECIAL INTERROGATORY NO. 24:**

4 Objection. Asked and answered. See plaintiff's response to special interrogatory number
5 8 above.

6 **SPECIAL INTERROGATORY NO. 25:**

7 State in as much detail as possible what action(s) YOU contend propounding party should
8 have taken prior to the INCIDENT to correct the alleged dangerous condition of public property
9 which YOU contend caused the INCIDENT.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 25:**

11 Objection. The interrogatory is overbroad, and in fact, is so overbroad as to include
12 privileged information, and specifically, the opinions of plaintiffs' expert consultants, which
13 information is privileged attorney work product. Without waiving any objections, and responding
14 as to non-privileged information, plaintiff responds:

15 Reduce the speed limit on Canyons Crest Drive; limit or prohibit parking along the west
16 curb of Canyon Crest Drive from Via Zapata, and remove the trees in the parkway for a distance
17 of at least 495 feet from the north curb line prolongation of Via Zapata; and move the limit line
18 on Via Zapata where it intersects with Canyon Crest Drive forward by at least 3.75 feet.

19 **SPECIAL INTERROGATORY NO. 26:**

20 In regard to YOUR response to interrogatory no. 25, state in as much detail as possible the
21 costs attendant to the action(s) YOU contend propounding party should have taken prior to the
22 INCIDENT to correct the alleged dangerous condition or public property which YOU contend
23 caused the INCIDENT.

24 **RESPONSE TO SPECIAL INTERROGATORY NO. 26:**

25 Objection. The interrogatory is overbroad, and in fact, is so overbroad as to include
26 privileged information, and specifically, the opinions of plaintiffs' expert consultants, which
27 information is privileged attorney work product. Without waiving any objections, and responding
28 as to non-privileged information, plaintiff responds:

1 Plaintiff has no knowledge, other than what information her expert consultants have,
2 which information is privileged.

3 **SPECIAL INTERROGATORY NO. 27:**

4 If YOU contend that the dangerous condition of public property was a result of the City of
5 Riverside's failure to properly design, please state what YOU contend the City of Riverside
6 should have done differently to the public property to avoid the occurrence of the alleged
7 dangerous condition.

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 27:**

9 Plaintiff incorporates herein her objections and response to special interrogatory number
10 25 above.

11 **SPECIAL INTERROGATORY NO. 28:**

12 If YOU contend that the dangerous condition of public property was a result of the City of
13 Riverside's failure to maintain the property, please state what YOU contend the City of Riverside
14 should have done to maintain the public property to avoid the occurrence of the alleged dangerous
15 condition.

16 **RESPONSE TO SPECIAL INTERROGATORY NO. 28:**

17 Plaintiff incorporates herein her objections and response to special interrogatory number
18 25 above.

19 **SPECIAL INTERROGATORY NO. 29:**

20 IDENTIFY (as used in these interrogatories, the term "IDENTIFY" means to provide a
21 person or entity name, address and telephone number) every person known by YOU who has
22 knowledge of YOUR injuries being claimed in this lawsuit other than YOUR medical providers.

23 **RESPONSE TO SPECIAL INTERROGATORY NO. 29:**

24 Objection. The interrogatory is overbroad, and in fact, is so overbroad as to include
25 privileged information, and specifically, the opinions of plaintiffs' expert consultants, which
26 information is privileged attorney work product. Without waiving any objections, and responding
27 as to non-privileged information, plaintiff responds:

28 Charles Edward Downey: 20172 Sugar Gum Rd., Riverside, California, 92508

1 Kailee Perrill:

2 Charlie Downey: 20172 Sugar Gum Rd., Riverside, California, 92508

3 Nathan Downey: 20172 Sugar Gum Rd., Riverside, California, 92508

4 Julie Johnson: 115 Sur Tristram Drive, Riverside, 92507, 951-217-1603

5 **SPECIAL INTERROGATORY NO. 30:**

6 State each fact which supports YOUR contention that the City of Riverside was the legal
7 (proximate) cause of damages sustained by YOU as a result of alleged INCIDENT.

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 30:**

9 Plaintiff incorporates herein her objections and response to special interrogatory number 8
10 above.

11 **SPECIAL INTERROGATORY NO. 31:**

12 IDENTIFY all DOCUMENTS in support of YOUR contention that the City of Riverside
13 was the legal (proximate) cause of damages sustained by YOU as a result of alleged INCIDENT.

14 **RESPONSE TO SPECIAL INTERROGATORY NO. 33:**

15 Objection. The interrogatory is overbroad, and in fact, is so overbroad as to include
16 privileged information, and specifically, the opinions of plaintiffs' expert consultants, which
17 information is privileged attorney work product. Without waiving any objections, and responding
18 as to non-privileged information, plaintiff responds:

19 Plaintiff produces herewith, in response to defendant's Request for Production of
20 Documents, Set No. One, all non-privileged responsive documents in her possession. Reference is
21 also made to those documents heretofore produced by the other parties in this action.

22 **SPECIAL INTERROGATORY NO. 32:**

23 IDENTIFY any witness who supports of YOUR contention that the City of Riverside was
24 the legal (proximate) cause of damages sustained by YOU as a result of the alleged INCIDENT.

25 **RESPONSE TO SPECIAL INTERROGATORY NO. 32:**

26 Objection. The interrogatory is overbroad, and in fact, is so overbroad as to include
27 privileged information, and specifically, the opinions of plaintiffs' expert consultants, which
28 information is privileged attorney work product. Without waiving any objections, and responding

1 as to non-privileged information, plaintiff responds:

2 Discovery and investigation are continuing.

3 **SPECIAL INTERROGATORY NO. 33:**

4 State with specificity what traffic controls YOU contend should have been provided as
5 alleged in YOUR First Amended Complaint.

6 **RESPONSE TO SPECIAL INTERROGATORY NO. 33:**

7 Objection. Vague and ambiguous as to "traffic controls." Objection is further asserted on
8 the basis that the interrogatory is overbroad, and in fact, is so overbroad as to include privileged
9 information, and specifically, the opinions of plaintiffs' expert consultants, which information is
10 privileged attorney work product. Without waiving any objections, and responding as to non-
11 privileged information, plaintiff responds:

12 Plaintiff does not contend that the traffic controls at the intersection, or lack thereof, were
13 a contributing cause, other than the location of the limit line on Via Zapata.

14 **SPECIAL INTERROGATORY NO. 34:**

15 State YOUR WORK HISTORY in the ten (10) years preceding the alleged INCIDENT.

16 **RESPONSE TO SPECIAL INTERROGATORY NO. 34:**

17 Objection. Irrelevant, an invasion of plaintiff's privacy rights, overbroad as to time, and
18 asked and answered. Without waiving any objections, and responding subject thereto as to the
19 last five years, plaintiff responds:

20 See plaintiff's response to form interrogatory 2.6.

21

22 Dated: 10-16-20

RIZIO LIPINSKY LAW FIRM PC



By: Eric I. Ryanen
Attorneys for Plaintiffs

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION

I have read the foregoing:

1. PLAINTIFF MALYAH JANE VANCE'S RESPONSES TO DEMAND FOR PRODUCTION OF DOCUMENTS, SET NO. ONE, FROM DEFENDANT CITY OF RIVERSIDE;
 2. PLAINTIFF MALYAH JANE VANCE'S RESPONSES TO FORM INTERROGATORIES, SET NO. ONE, FROM DEFENDANT CITY OF RIVERSIDE;
- and
3. PLAINTIFF MALYAH JANE VANCE'S RESPONSES TO SPECIAL FORM INTERROGATORIES, SET NO. ONE, FROM DEFENDANT CITY OF RIVERSIDE

I am the plaintiff in the above captioned matter. I am familiar with the contents of the foregoing responses. The information supplied therein is based on my own personal knowledge and/or has been supplied by my attorneys or other agents and/or compiled from available documents and is therefore provided as required by law. The information contained in the foregoing documents is true, except as to the materials and information which were provided by my attorneys or other agents, or compiled from available documents, including all contentions and opinions and, as to those matters I believe that they are true.

Executed on Oct 15, 2020, at Riverside (city), California. I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Malyah Vance
Type or Print Name

Malyah Vance
Signature

1 **PROOF OF SERVICE**

2 I am employed in the County of Orange, State of California. I am over the age of 18 and
3 not a party to the within action; my business address is 2677 N. Main Street, Suite 225, Santa
4 Ana, California 92705.

5 On October 16, 2020, I served on all interested parties in this action the foregoing
6 document described as:

- 7 1. VERIFICATION
- 8 2. VERIFICATION
- 9 3. M. VANCE'S RESPONSE TO FORM INTERROGATORIES
- 10 4. M. VANCE'S RESPONSE TO SPECIAL INTERROGATORIES
- 11 5. M. VANCE'S RESPONSE TO REQUEST FOR PRODUCTION
- 12 6. J. DOWNEY'S RESPONSE TO FORM INTERROGATORIES
- 13 7. J. DOWNEY'S RESPONSE TO SPECIAL INTERROGATORIES
- 14 8. J. DOWNEY'S RESPONSE TO REQUEST FOR PRODUCTION

15 By placing the original; the original to propounding party and copies to all other
16 parties; a true copy thereof of the document(s):

17 **ATTORNEY FOR CITY OF RIVERSIDE:**
18 Michael A. Verska, Deputy City Attorney
19 City of Riverside, Office of the City Attorney
20 3750 University Avenue, Suite 350
21 Riverside, CA 92501
22 mverska@riversideca.gov
23 vbeauregard@riversideca.gov

24 **VIA FACSIMILE:** I transmitted, via facsimile, the document(s) listed above to the fax
25 number(s) set forth above on this date before 5:00 p.m.

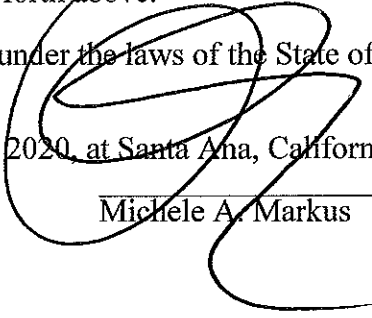
26 **VIA MAIL:** I placed the document(s) listed above in sealed envelope(s) addressed as set
27 forth above to be deposited in the mail at Santa Ana, California as follows: I am "readily
28 familiar" with the firm's practice of collection and processing correspondence for mailing.
Under that practice, it is deposited with U.S. Postal Service with postage thereon fully
prepaid on the same day in the ordinary course of business. I am aware that on motion of
party served, service is presumed invalid if postal cancellation date or postage meter date
is more than 1 day after date of deposit for mailing in affidavit.

VIA FEDERAL EXPRESS: I placed the document(s) listed above in a sealed FedEx
envelope(s) addressed as set forth above and affixing a pre-paid air bill, and caused the
envelope(s) to be delivered to a FedEx agent for overnight delivery.

VIA PERSONAL DELIVERY: I personally delivered the document(s) listed above to
the person(s) at the address(es) set forth above.

I declare under penalty of perjury, under the laws of the State of California, that the above
is true and correct.

Executed this 16th day of October, 2020, at Santa Ana, California.


Michele A. Markus

“Exhibit F”

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUPERIOR COURT OF CALIFORNIA

COUNTY OF RIVERSIDE

MALYAH JANE VANCE and JAYDE CASE NO. RIC1905830
DOWNEY,

Plaintiff,

v.

CITY OF RIVERSIDE, EVAN
THEODORE MARTIN, ARA
SEVACHERIAN; VAHRAM
SEVACHERIAN; DOES 1 through
100,

Defendants.

AND RELATED CROSS-ACTIONS.

REMOTE DEPOSITION OF

MALYAH VANCE

December 8, 2021

10:24 a.m.

Santa Ana, California

Susan L. Cleveland, CSR No. 10502

Job No.: J7667340

1 Q So it was either Charles Downey's plan or
2 Jayde's plan, but you don't know between the two of
3 them?

4 A I'm pretty sure it was my stepdad, but I
5 can't tell you for sure.

6 Q Okay. Do you remember anything from the day
7 of the accident?

8 A No.

9 Q Okay. All right. I've got to ask -- I'm
10 going to go through a couple things.

11 Do you recall if you had gone -- if you had
12 gone somewhere other than just the DMV, you know,
13 that morning?

14 A Not that I know of.

15 Q Okay. Do you know when your morning
16 started?

17 A No.

18 Q Do you remember when the accident happened?

19 A No.

20 Q Do you remember if you had food or drinks in
21 the car with you at the time of the accident?

22 A No.

23 Q Have you looked at the police report?

24 A I don't remember.

25 Q All right. To the best of your knowledge,

1 A Not that I remember.

2 Q Have you talked about the police report with
3 your mother at any time?

4 A Not that I remember.

5 Q Has your mother told you that you were on
6 your way to pay the rent at the time of the accident?

7 A I think so, but I'm not 100 percent sure.

8 Q Had you ever driven in the neighborhood
9 where the accident happened before the date of the
10 accident?

11 A What?

12 Q The accident happened near the intersection
13 of Canyon Crest Drive and Via Zapata in the city of
14 Riverside.

15 A Okay.

16 Q Did you ever drive at that intersection
17 before the date of the accident?

18 A Before, yeah, I would take Canyon Crest a
19 lot, to get to school, to get to my sister's school.
20 When I had to pick her up or drop her off, I would
21 take that. And then after my car accident, I've not
22 been able to go down that road.

23 Q Okay. So, before the accident, you drove on
24 Canyon Crest Drive in the city of Riverside numerous
25 times; correct?

1 A That I was in a bad car accident and broke
2 bones and I had internal --

3 Q What else have you told?

4 A I have internal problems with my organs as
5 well.

6 Q Have you told John Hamilton how the accident
7 happened?

8 A I don't remember.

9 Q Do you know if the reason the accident
10 happened was because you failed to stop for a stop
11 sign?

12 A Do I know that?

13 Q Yes.

14 A Yes.

15 Q Has John Hamilton taken you to any of your
16 doctors' appointments?

17 A No.

18 Q Where does John Hamilton live?

19 A Huh?

20 Q Where does John Hamilton live?

21 A In Redlands.

22 Q I'm sorry. Did you say Redlands?

23 A Redlands.

24 Q What's his address?

25 A I don't know.

1 Q All right. I just want to clarify. Again,
2 you don't remember what route you took before the
3 accident?

4 A Correct.

5 Q All right. You have no recollection of any
6 of the events, how you made your turn, or where you
7 turned from; correct?

8 A Correct.

9 Q All right. Do you recall whether or not
10 your vehicle registration was expired at the time?

11 A I don't remember.

12 Q Okay. Do you recall preparing and signing a
13 verification related to form interrogatory responses?
14 And just for purposes of the question, I don't think
15 that I'm going to necessarily attach these, but let
16 me show you what they look like, so at least you
17 can -- there it is.

18 Can you guys see it?

19 MR. RYANEN: Yeah, we can see it.

20 MR. VERSKA: Let me scroll down so you can see
21 it. There we go.

22 Q This is what form interrogatory responses
23 look like.

24 Did you ever see that before today?

25 A I think so.

1 Q And what did you do in San Francisco?

2 A We stayed at a hotel, and we just kind of
3 enjoyed the trip. There wasn't really much to do.

4 Q There wasn't much to do in San Francisco?

5 A No. We couldn't really do much for COVID
6 reasons.

7 Q Have you been diagnosed with COVID?

8 A No.

9 MR. KLEIN: I don't have any more questions.

10 MR. RYANEN: I've just got a couple points I
11 want to clean up, but if anybody else has anything.

12 You're muted, Mike.

13 MR. VERSKA: Oops, sorry, guys.

14 Yeah, anybody got -- you know, Mr. Duke or
15 Eric, whichever.

16 MR. RYANEN: Yeah, I've got a couple.

17 MR. VERSKA: All right.

18 MR. RYANEN: I just wanted to wait till you guys
19 were done.

20 MR. VERSKA: Yeah, go ahead.

21 MR. RYANEN: All right.

22

23 EXAMINATION

24 BY MR. RYANEN:

25 Q Malyah, you said that Michelle -- was it

1 Michelle that drove you home from the hospital?

2 A Yeah.

3 Q Do you remember that it was Michelle that
4 drove you home?

5 A Yes.

6 Q So you didn't have to be told that, that's
7 something that you have a recollection of?

8 A Yes.

9 Q All right. If I understand your earlier
10 testimony, you knew that the traffic collision
11 occurred because you didn't stop for a stop sign?

12 A That's what I was told, yeah.

13 Q Do you have an independent recollection of
14 stopping or not stopping for a stop sign at the scene
15 of this accident?

16 A No, not that I remember.

17 Q After you -- I'm just going to bounce around
18 because I just have a couple of questions.

19 After you were discharged from the hospital,
20 you recuperated at your parents' house for a time;
21 true?

22 A Yes.

23 Q Okay. And did you have a hospital bed at
24 that house?

25 A Yes.

“Exhibit G”

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF RIVERSIDE

MALYAH JANE VANCE, and JAYDE DOWNEY,

Plaintiffs,

vs.

Case No.: RIC1905830

CITY OF RIVERSIDE, EVAN THEODORE
MARTIN, ARA SEVACHERIAN, VAHRAM SEVACHERIAN,
and DOES 1 THROUGH 100, Inclusive,

Defendants.

AND RELATED ACTIONS

DEPOSITION

Jayde Downey

Volume 1

Friday, December 21, 2021

Riverside, California

Kathy L. Pa'u, CSR No. 5684

1 case?

2 MR. RYANEN: Are you asking her what she did?

3 MR. VERSKA: Yeah, in relation to discovery
4 responses. If she doesn't know what they are, that's
5 fine.

6 THE WITNESS: I'm pretty sure I had to fill
7 something out but this was a while ago. No, I did not
8 review it. I don't even know where it's at.

9 BY MR. VERSKA

10 Q Okay. All right. What is your current
11 residence?

12 A I'm sorry?

13 Q What is your current residence?

14 A 20172 Sugar Gum Road, Riverside, California
15 92508.

16 Q How long have you resided at that residence?

17 A Seven years, six years.

18 Q Okay. And do you own that home?

19 A No.

20 Q Do you rent or lease that home?

21 A Rent.

22 Q Okay. Who is your landlord?

23 A Mission Ranch Realty.

24 Q All right. And who is the person that you
25 contact at Mission Ranch Realty regarding any issues you

1 have with the home?

2 A Her name is Edith Gingrich.

3 Q Can you spell the last name for the court
4 reporter, please?

5 A I can guess it for you, G-I-N-G-R-I-C-H, maybe.

6 Q All right. That's how I phonetically spelled
7 it. Who are your rent payments made out to? Is it
8 Mission Ranch Realty as well?

9 A Yes.

10 Q All right. Where is Mission Ranch Realty
11 located?

12 A On Central, Canyon Crest. I could drive to it
13 but that probably doesn't help you.

14 Q All right. Let me back up. Has Mission Ranch
15 Realty been your landlord the entire six years that
16 you've been there?

17 A Yes.

18 Q All right. And when is rent due to Mission
19 Ranch Realty?

20 A On the first.

21 Q Okay. Is there a grace period or do fines
22 start accruing if rent isn't paid by the first?

23 A I think it starts on the third. It's late
24 after the third.

25 Q What is the penalty if you deliver your rent

1 Q That's okay. Maybe on a break.

2 Okay. So in relation to the shopping center
3 where is that -- you described, you said you can drive
4 there. If you're driving to that shopping center at the
5 corner of Central and Canyon Crest, is it before the
6 shopping center or after the shopping center?

7 A What shopping center?

8 Q The shopping center at the corner of Central
9 and Canyon Crest?

10 A If you are coming from like our area, it's
11 after the large shopping center.

12 Q Okay. So if guys are coming down El Sereno to
13 Canyon Crest, are you going to pass that shopping
14 center?

15 A I'm not sure El Sereno is not really -- so if
16 you are coming down Canyon Crest from Allesandro here,
17 going down Canyon Crest, you will pass the shopping
18 center on your left and it will be your next turn in.

19 Q Perfect.

20 Right after the shopping center?

21 A Yes.

22 Q Thank you.

23 Were you familiar with this area at the time of
24 Malyah's accident?

25 A Yes.

1 Q I'm going to mess up the pronunciation a few
2 more times before this is done. Say it again.

3 A Malyah.

4 Q Malyah, thank you.

5 A The "Y" sounds like an "E."

6 Q Okay. I need to stop doing it phonetically.
7 Thanks. All right. So were you familiar with
8 this area at the time of Malyah's accident.

9 A Yes.

10 Q Was Malyah familiar with this area at the time
11 of the accident?

12 A Yes.

13 Q All right. How many times had Malyah
14 personally dropped off the rent payment at the same
15 location at the time of the accident?

16 A I don't know, not more than a handful of times.

17 Q But she passed down this area of Canyon Crest
18 past the Mission Ranch Realty building often at or
19 around that time?

20 MR. RYANEN: I'm going to object; lacks
21 foundation.

22 You can answer if you know.

23 BY MR. VERSKA

24 Q All right. I'll go back and we will fill in a
25 little bit of detail.

1 call around 1:00 o'clock, 1:00 p.m. give or take; is
2 that correct?

3 A Yes.

4 Q You were just coming back from your lunch
5 break; correct?

6 A Correct.

7 Q What did Malyah tell you?

8 A She had put her address in the GPS system and
9 she was lost. There was one of the 5s in the address
10 that she put in got blocked, so it took her to like an
11 apartment complex on Via Zapata. And so I was trying to
12 have her explain to me where she was so I could
13 determine what street she was on so I could get her back
14 over to where the realty place was.

15 Q Were you familiar with the apartment complex
16 that she was talking about?

17 A Once I figured out where she was, yes.

18 Q Okay. And then do you know where around those
19 apartment complexes she drove before she called you?

20 A She was lost in there just driving around
21 trying to find the address.

22 Q Let me ask the question again. Before she
23 called you, do you know where she went around those
24 apartment complexes? Or do you know just generally that
25 she was driving around that area?

1 A I just know that she had driven all the way up
2 to -- Via Zapata curved around like this and that she
3 was closer to Canyon Crest. But how much driving she
4 did, I don't know before she called me.

5 Q Did she make any type of representations to you
6 during the phone call about where she drove in and
7 around those apartment complexes?

8 A No, I'm pretty sure her words were I've been
9 driving all around and I can't find it.

10 Q Next question I have is: When she called you
11 what was her emotional state? Was she calm, was she
12 excited, was she annoyed?

13 A We were laughing and joking about it. She was
14 calm.

15 Q So she wasn't frustrated at all by driving
16 around lost?

17 A No.

18 Q Okay. Do you know if she had food in the car
19 with her while she was driving?

20 A I don't know, but I didn't ask her if she had
21 food.

22 Q You actually anticipated my next question which
23 was: Did you ask her if she had stopped to purchase any
24 food and/or drinks?

25 A Not that I can remember.

JAYDE DOWNEY VOL. I
VANCE vs CITY OF RIVERSIDE
1 Malyah and she told you had she was lost, how did you
2 know -- how were you able to determine where she was?

3 A Based on her describing where she was, what
4 street she was at.

5 Q And what words did she use? Did she give you
6 the street names? Did she tell you cross streets or did
7 she just generally tell you where she turned and how she
8 was going?

9 A She described a couple of the apartment
10 buildings that she was by. She told me she could see a
11 golf course. Then she said, hold on a second, I'm
12 coming up to -- she goes I think this is Canyon Crest.
13 And so I pulled up Google maps to kind of orient where
14 she was and realized she was Via Zapata.

15 Q All right. Do you know as you sit here today
16 whether or not she stopped at the stop sign at Via
17 Zapata and Canyon Crest?

18 A I'm sorry, can you say that one more time?

19 Q Do you know if Malyah stopped at the top sign
20 at Via Zapata and Canyon Crest?

21 A Yeah, she told me, okay, I'm coming up to a
22 stop sign. Okay. Where are you at? So I know she was
23 stopped when she was talking to me.

24 Q Did she tell you that she stopped?

25 A She did not say I stopped right here, no.

JAYDE DOWNEY VOL. I

December 21, 2021

1 Q Did she tell you -- strike that.

2 She didn't tell you that she was stopped;
3 correct?

4 A Correct. She did not say I am stopped right
5 now.

6 Q Okay. Do you have anyway of knowing where she
7 was looking prior to the accident?

8 A Around -- I wasn't in the car with her, I don't
9 exactly know where she was looking.

10 MR. VERSKA: Madame Court Reporter, can you
11 please read that back?

12 (Record read.)

13 MR. VERSKA: Thank you.

14 Q If she -- strike that.

15 I think you testified earlier that you had been
16 -- you hadn't been a passenger in a vehicle while Malyah
17 was driving. Do you recall that when we talked about
18 the Accord and also the Kia any time in the two years
19 prior to, you don't recall any instances where you were
20 riding in the car while she was driving?

21 A Right.

22 Q So you don't know whether she generally stopped
23 after before -- well, A, you don't know that she
24 generally stopped for stop signs; correct?

25 A Right.

800.211.DEPO (3376)
EsquireSolutions.com

800.211.DEPO (3376)
EsquireSolutions.com

1 JAYDE DOWNEY VOL. I December 21, 2021
2 VANCE vs CITY OF RIVERSIDE
3 Q You don't know whether she stopped before limit

4 lines or after limit lines at signal lights?

5 A No, I don't know.

6 Q You don't know if she stopped before or after
7 limit lines for stop signs?

8 A Correct.

9 Q You don't know where she would look when coming
10 up to a cross street?

11 A No.

12 Q Did she at any point during your conversation
13 with you describe where she was looking? That's a
14 terrible question. Let me ask that again. I'm sorry.

15 You said that she said, I'm coming up to a stop
16 sign?

17 A Correct.

18 Q Did she at any point between that time when she
19 said I'm coming up to a stop sign and ultimately when
20 you heard the crash, did she verbalize to you that she
21 was looking at any particular direction?

22 A No, she did not verbalize that to me.

23 Q Okay. Do you have any way of knowing that?

24 A I would have no way of knowing that.

25 Q All right. Do you know of any videotape
footage of the accident?

A The accident happening?

1 Q At the time were you angry with the driver of
2 the JAYDE DOWNEY VOL. I December 21, 2021
VANCE vs CITY OF RIVERSIDE

3 A No.

4 Q At the time were you angry -- and when I say
5 "at the time," at the time when you are talking to
6 Mr. Pittman, at the time were you angry with the City of
7 Riverside?

8 A That intersection has always been a pain in the
9 ass. Angry with the City of Riverside, that's not the
10 correct terminology. But it is an intersection that I
11 feel they should have done something about years ago.

12 Q Okay. That's a great segue into discussing
13 this particular intersection. All right.

14 So I believe your complaint is that this
15 intersection you believe -- and I don't want to put
16 words in your mouth -- but I think you always said it
17 was always a pain, can you expand on that?

18 A Owning the pizza places, I used to do a lot of
19 delivery driving. That was in our delivery area. The
20 curb of that street and the way that the cars parked, it
21 was cause of concern enough that I would even tell my
22 drivers before they took a delivery, and if they were
23 going to be in the area of Via Zapata to be careful.
24 It's always been a very dangerous intersection.

25 Q Had any of your drivers ever been involved in a

800.211.DEPO (3376)
EsquireSolutions.com

1 traffic accident at that location?

2 JAYDE DOWNEY VOL. I
VANCE vs CITY OF RIVERSIDE

December 21, 2021

3 Q Had you ever been involved in a traffic
4 accident in that location?

5 A No.

6 Q When you say it was a pain what are you
7 referring to, that it's difficult to navigate?

8 MR. RYANEN: Objection; asked and answered.
9 You can answer if you want.

10 THE WITNESS: It's dangerous enough that you
11 would go out the other end instead of trying risk
12 turning left there.

13 BY MR. VERSKA

14 Q When you say "the other end," you are talking
15 about the end that has a signal light?

16 A Right.

17 Q So on Via Zapata you can go on Canyon Crest
18 that has a stop sign or you can go at the other end that
19 has a signal; correct?

20 A Correct.

21 Q When you guided Malyah on Via Zapata you were
22 aware of the signal light at the other end; correct?

23 A Correct.

24 Q All right. And at that time you already had
25 formed the understanding that that stop sign was

1 difficult to navigate; correct?

2 JAYDE DOWNEY VOL. I
VANCE vs CITY OF RIVERSIDE

December 21, 2021

3 Q Is there a reason why you directed her to use
4 that stop sign rather than the signal light at the other
5 end?

6 A You mean why didn't I tell her to turn around?

7 Q Right.

8 A She is already there. She is an adult. I had
9 hoped that she could make it through it. But I don't
10 need to baby my children.

11 Q You believe that at the time of the -- on the
12 day of the incident that she had sufficient skill to
13 navigate that corner and that stop sign; correct?

14 A Correct, and she did. If the other guy wasn't
15 speeding, she would have been fine.

16 Q All right. For clarification the other guy,
17 you are referring to Mr. Duke's client, Mr. Martin?

18 A I don't know the kid's name.

19 Q Whoever was driving the other car that hit
20 Malyah, you believe that that person was at fault
21 because they were speeding?

22 MR. RYANEN: I will object; the question calls
23 for a legal opinion.

24 You can go ahead and answer. 800.211.DEPO (3376)
EsquireSolutions.com

25 THE WITNESS: I believe there were a lot of

1 elements involved. He was young. He was speeding.
2 Malyah didn't see him coming. And all of that together
3 caused this very terrible accident.

4 BY MR. VERSKA

5 Q Okay. And you believe that her two years of
6 experience from age of 18 to age 20 at the time of this
7 incident were sufficient for her to navigate that
8 intersection?

9 A If I didn't think my daughter could drive, I
10 wouldn't have let her have a car. There is a fear about
11 all kids when they get old enough to drive. But at one
12 point you do have to trust them.

13 Q Okay. After putting this all into context, so
14 at the time of the incident -- and I'm just going over
15 my notes, so correct me if I've got any of this wrong --
16 at the time of the incident, Malyah had directions going
17 on her phone; correct?

18 MR. RYANEN: Hold it. Can I get that question?

19 BY MR. VERSKA

20 Q She had navigation on?

21 MR. RYANEN: Objection; foundation.

22 BY MR. VERSKA

23 Q Let me back up. Did she have navigation at the
24 time?

25 A She was using navigation. I don't know that it

800.211.DEPO (3376)
EsquireSolutions.com

1 was on the phone. It was obviously on something.

2 ~~JAYDE DOWNEY VOL. I~~ You actually anticipated the next ~~December 21, 2021~~
~~VANCE vs CITY OF RIVERSIDE~~
3 question. Which is it on the phone or is it on the car
4 if you know?

5 A She had it -- no, she didn't have navigation
6 built in her car. So it would have been on her phone or
7 her tablet or her iPad or something.

8 Q Now, during the time that you talked to Malyah,
9 could you hear navigation telling her to turn and trying
10 to guide her directionally?

11 A I don't recall that.

12 Q But you knew she had navigation on because she
13 told you that she had navigation on and it was telling
14 her to go to the wrong spot; correct?

15 A Correct.

16 Q Going back. At the time she had navigation, to
17 the best of your knowledge, she had navigation on
18 whether it was in the car or her personal phone;
19 correct?

20 A Correct.

21 Q All right. And at the time she was talking to
22 you; correct?

23 A Correct.

24 Q And at the time the two of you were joking
25 while she was driving trying to locate the destination,

1 the intended destination; correct?

2 JAYDE DOWNEY VOL. I
VANCE vs CITY OF RIVERSIDE

December 21, 2021

3 Q And it at the time of the incident she had
4 approximately two years of driving experience in total;
5 correct?

6 A Approximately, sure.

7 Q You don't know where she was looking just prior
8 to the accident; correct?

9 A Correct.

10 Q You don't know whether she actually came to a
11 complete stop before the stop sign; correct?

12 A Correct.

13 Q You don't know where she would have stopped
14 even if she had stopped; correct?

15 A Correct.

16 Q And you couldn't know what she saw when she
17 pulled up to the intersection because you weren't there;
18 correct?

19 A Correct.

20 Q But you knew that she was a young driver;
21 correct?

22 A Correct.

23 Q You knew that she was a distracted young
24 driver; correct?

25 A I don't know that.

800.211.DEPO (3376)
EsquireSolutions.com

1 A I don't know. But if you are talking about
2 indications that something was going to happen, no, I
3 didn't hear anything.

4 Q Before the impact did you hear any type of
5 indications that vehicles were passing in front of her?

6 A No.

7 Q Do you have any way of knowing what traffic
8 conditions were at the time of the incident?

9 A No.

10 Q For example, do you know whether it was heavy
11 traffic on Canyon Crest at that time or light traffic?

12 A I don't know.

13 Q All right. Now, let's go back to the incident.
14 You said she gasped and she said, oh. And what did you
15 hear after that?

16 A The crash.

17 Q Okay. What did it sound like? From your
18 perspective what, did it sound like?

19 A Extremely loud.

20 Q In that moment did you know for certain that
21 she had been involved in a traffic accident?

22 A Yes.

23 Q All right. And what did you think had happened
24 at that point?

25 A I thought she was dead.

1 A My Mini Cooper.

2 Q What color is your Mini Cooper?

3 A It was like a gray with black stripes on it.

4 Q Light gray or dark gray?

5 A It was like a light gray and it had a black
6 top.

7 Q Okay. And when you arrived at the scene where
8 did you park?

9 A I pulled up -- there wasn't like a really a
10 whole lot of parking and the street was blocked off. I
11 just stopped at the edge of where the police had
12 everything by the side of the road. That didn't make
13 any sense.

14 Q It makes absolute sense.

15 So the police stopped all the traffic on Canyon
16 Crest; correct?

17 A Correct.

18 Q And when you came to the accident scene you
19 were traveling south on Canyon Crest; correct? You are
20 coming down -- if we are coming from El Sereno down
21 toward Via Zapata --

22 A Yes.

23 Q Now, the police had not only Canyon Crest
24 blocked but they also had Via Zapata blocked off. When
25 you came to a stop you parked along the shoulder over

1 there on Canyon Crest; right?

2 A Right. And I believe I was before Via Zapata
3 that was all blocked.

4 Q Did you notice that you were the only car
5 parked over there off on that shoulder?

6 A I don't recall anything about what was around
7 me when I got there. I just wanted to go to Malyah.

8 Q All right. Because I believe your car is
9 actually visible in one of the photographs. But I want
10 to go through a couple of photographs and I will try to
11 keep this brief.

12 These were photographs provided to me by
13 counsel but I want to ask you about it. First document,
14 let me know when can you see the photograph?

15 A Yes.

16 Q Let me make it a little bit bigger. Did you
17 ever see the vehicle from this side?

18 A Just from pictures.

19 Q Do you recognize the vehicle as her Kia at the
20 time?

21 A Yes.

22 Q Over here on the passenger side, side window,
23 do you have any idea what that substance is?

24 A Yes.

25 Q Do you see what appears to be?

1 posted by I think the Riverside Fire Department.

2 Q Okay. How many photographs did you review of
3 the accident?

4 A I looked at them all.

5 Q Okay. All right. So do you remember
6 approximately how many photographs there were?

7 A I don't know, 12 or 15 probably.

8 Q All right. Let me mark that as Exhibit No. 4.
9 (Exhibit 4 was marked for
10 identification by the Certified Shorthand
11 Reporter and a copy is attached hereto.)

12 BY MR. VERSKA

13 Q All right. Did you see a copy -- a photograph
14 that showed from the driver's side of her vehicle on the
15 day of the accident?

16 A Yeah, she had pictures of the whole car in the
17 street and stuff.

18 Q Okay. Did you know that area that you pulled
19 over to the side? Did you know that was a parking area
20 for people on Canyon Crest?

21 A Yeah, I know that whole side of the street is
22 parking.

23 Q Okay. Again I want to clarify. Did you know
24 on that day at that time that you were the only vehicle
25 parked in that parking area at the time of the accident?

1 A I have no idea.

2 Q All right.

3 A I didn't look. If -- I was single mindedly
4 focused. I had no clue.

5 Q Understand. I understand. I just want to know
6 if you have any recollection that you were the only car
7 parked there?

8 A No, I'm sorry.

9 Q All right. That's fine.

10 Since the accident are you aware of Malyah
11 attending any type of mental health treatment?

12 A She has been in therapy. She had a followup
13 with the neurologist and then -- sorry, what was the
14 question?

15 Q Yeah, since the accident has Malyah been in any
16 type of mental health treatment or therapy?

17 A She has been in regular therapy as far as I
18 know. I haven't talked to her since April.

19 Q Okay. And for the two years prior to the
20 incident was she also on regular mental health therapy?

21 A It wasn't really regular. She -- we have a
22 family therapist that we send our kids to any time they
23 are going through something particularly rough to help
24 them. So off and on for all of their lives they have
25 seen therapists.

1 medication and I don't recall what it was. But it was
2 an antidepressant.

3 Q Specifically was that within the last two years
4 of the incident?

5 MR. RYANEN: Before the incident?

6 MR. VERSKA: Yeah, before the incident.

7 THE WITNESS: Before the incident, if it was,
8 it was right before -- right at that two-year mark.

9 BY MR. VERSKA

10 Q And where was that Canyon Crest Psychiatry
11 facility located?

12 A In the Canyon Crest shopping center.

13 Q All right. And how many times would you say
14 she had been --

15 A I didn't put that together. That was in the
16 Canyon Stress shopping center so she would have had an
17 appointment there.

18 Q And she would have been there a number of
19 times?

20 A For a short period of time, yeah. But she
21 always went back to Beverly.

22 Q Okay. Did you always drive her to Canyon Crest
23 Psychiatry or did she drive herself?

24 A She would drive herself. When she had a car
25 she would go herself.

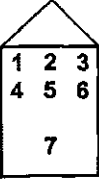
“Exhibit H”

STATE OF CALIFORNIA
TRAFFIC COLLISION REPORT

SPECIAL CONDITIONS		NUMBER INJURED 2	HIT & RUN FELONY <input type="checkbox"/>	CITY Riverside	JUDICIAL DISTRICT Riverside Superior Court		LOCAL REPORT NUMBER 180004149						
		NUMBER KILLED 0	HIT & RUN MISD. <input type="checkbox"/>	COUNTY Riverside	REPORTING DISTRICT 1	BEAT M12	DAY OF WEEK Tuesday	TOW AWAY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
LOCATION	COLLISION OCCURRED ON CANYON CREST DR			MO. DAY YEAR 12/4/2018	TIME (2400) 1323	NCIC # 3313	OFFICER I.D. 1575						
	MILEPOST INFORMATION OF _____			GPS COORDINATES LATITUDE 33.952187 LONGITUDE -117.32963		PHOTOGRAPHS BY: <input type="checkbox"/> NONE Cuevas # 1819							
	<input checked="" type="checkbox"/> AT INTERSECTION WITH _____			STATE HWY REL. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO									
	<input type="checkbox"/> OR _____ FEET OF VIA ZAPATA												
PARTY 1	DRIVER'S LICENSE NUMBER F7847790			STATE CA	CLASS C	AIR BAG L	SAFETY EQUIP. G	VEH. YR. 2006	KIA KIA	MAKE / MODEL / COLOR SPECTRA TAN	LICENSE NUMBER 6JMB167	STATE CA	
DRIVER <input checked="" type="checkbox"/>	NAME (FIRST, MIDDLE, LAST) MALYAH JANE VANCE			OWNER'S NAME <input checked="" type="checkbox"/> SAME AS DRIVER MALYAH JANE VANCE									
PEDESTRIAN <input type="checkbox"/>	STREET ADDRESS 20172 SUGAR GUM RD			OWNER'S ADDRESS <input checked="" type="checkbox"/> SAME AS DRIVER 20172 SUGAR GUM RD, RIVERSIDE, CA 92508									
PARKED VEHICLE <input type="checkbox"/>	CITY / STATE / ZIP RIVERSIDE CA 92508			DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input checked="" type="checkbox"/> DRIVER <input type="checkbox"/> OTHER Patriot Towing (951) 787-0393									
BICYCLIST <input type="checkbox"/>	SEX F	HAIR BLK	EYES BRO	HEIGHT 5'07"	WEIGHT 130	BIRTHDATE 7/26/1998	RACE B	PRIOR MECHANICAL DEFECTS: NONE APPARENT <input checked="" type="checkbox"/> REFER TO NARRATIVE <input type="checkbox"/>					
OTHER <input type="checkbox"/>	HOME PHONE (951) 836-7303			BUSINESS PHONE _____									
INSURANCE CARRIER GEICO		POLICY NUMBER 4362269591			VEHICLE TYPE 01		DESCRIBE VEHICLE DAMAGE <input type="checkbox"/> UNK <input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input type="checkbox"/> MOD <input checked="" type="checkbox"/> MAJOR <input type="checkbox"/> ROLL-OVER						
DIR. OF TRAVEL E		ON STREET OR HIGHWAY VIA ZAPATA			SPEED LIMIT 25		CA _____ DOT _____			CAL-T _____ TCP/PSC _____ MCMX _____			
PARTY 2	DRIVER'S LICENSE NUMBER A324847			STATE OR	CLASS C	AIR BAG L	SAFETY EQUIP. G	VEH. YR. 2010	FORD FORD	MAKE / MODEL / COLOR FUSION SIL	LICENSE NUMBER 8DQD296	STATE CA	
DRIVER <input checked="" type="checkbox"/>	NAME (FIRST, MIDDLE, LAST) EVAN THEODORE MARTIN			OWNER'S NAME <input checked="" type="checkbox"/> SAME AS DRIVER EVAN THEODORE MARTIN									
PEDESTRIAN <input type="checkbox"/>	STREET ADDRESS 7450 NORTHROP DRIVE #9			OWNER'S ADDRESS <input checked="" type="checkbox"/> SAME AS DRIVER 7450 NORTHROP DRIVE #9, RIVERSIDE, CA 92508									
PARKED VEHICLE <input type="checkbox"/>	CITY / STATE / ZIP RIVERSIDE CA 92508			DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input checked="" type="checkbox"/> DRIVER <input type="checkbox"/> OTHER Royal Towing (951) 369-7100									
BICYCLIST <input type="checkbox"/>	SEX M	HAIR BRO	EYES BRO	HEIGHT 5'09"	WEIGHT 229	BIRTHDATE 5/1/1998	RACE W	PRIOR MECHANICAL DEFECTS: NONE APPARENT <input checked="" type="checkbox"/> REFER TO NARRATIVE <input type="checkbox"/>					
OTHER <input type="checkbox"/>	HOME PHONE (951) 907-1583			BUSINESS PHONE _____									
INSURANCE CARRIER NONE		POLICY NUMBER _____			VEHICLE TYPE 01		DESCRIBE VEHICLE DAMAGE <input checked="" type="checkbox"/> MOD <input type="checkbox"/> MAJOR <input type="checkbox"/> ROLL-OVER						
DIR. OF TRAVEL S		ON STREET OR HIGHWAY CANYON CREST DR			SPEED LIMIT 45		CA _____ DOT _____			CAL-T _____ TCP/PSC _____ MCMX _____			
PARTY 3	DRIVER'S LICENSE NUMBER _____			STATE _____	CLASS _____	AIR BAG _____	SAFETY EQUIP. _____	VEH. YR. _____	MAKE / MODEL / COLOR _____			LICENSE NUMBER _____	STATE _____
DRIVER <input type="checkbox"/>	NAME (FIRST, MIDDLE, LAST) _____			OWNER'S NAME <input type="checkbox"/> SAME AS DRIVER _____									
PEDESTRIAN <input type="checkbox"/>	STREET ADDRESS _____			OWNER'S ADDRESS <input type="checkbox"/> SAME AS DRIVER _____									
PARKED VEHICLE <input type="checkbox"/>	CITY / STATE / ZIP _____			DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER _____									
BICYCLIST <input type="checkbox"/>	SEX _____	HAIR _____	EYES _____	HEIGHT _____	WEIGHT _____	BIRTHDATE _____	RACE _____	PRIOR MECHANICAL DEFECTS: NONE APPARENT <input type="checkbox"/> REFER TO NARRATIVE <input type="checkbox"/>					
OTHER <input type="checkbox"/>	HOME PHONE _____			BUSINESS PHONE _____									
INSURANCE CARRIER _____		POLICY NUMBER _____			VEHICLE TYPE _____		DESCRIBE VEHICLE DAMAGE <input type="checkbox"/> UNK <input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input type="checkbox"/> MOD <input type="checkbox"/> MAJOR <input type="checkbox"/> ROLL-OVER						
DIR. OF TRAVEL _____		ON STREET OR HIGHWAY _____			SPEED LIMIT _____		CA _____ DOT _____			CAL-T _____ TCP/PSC _____ MCMX _____			
PREPARER'S NAME Hirdler, G. 1575				DISPATCH NOTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		REVIEWER'S NAME Smith, B. 0614		DATE REVIEWED 12/5/2018					

TRAFFIC COLLISION CODING

DATE OF COLLISION (MO. DAY YEAR) 12/4/2018	TIME 1323	NCIC # 3313	OFFICER I.D. 1575	NUMBER 180004149
OWNER'S NAME		OWNER'S ADDRESS		NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO
PROPERTY DAMAGE	DESCRIPTION OF DAMAGE			

SEATING POSITION  <p>1 - DRIVER 2 TO 8 PASSENGERS 7 - STN. WAGON REAR 8 - RR. OCC. TRK OR VAN 9 - POSITION UNKNOWN 0 - OTHER</p>	OCCUPANTS A - NONE IN VEHICLE B - UNKNOWN C - LAP BELT USED D - LAP BELT NOT USED E - SHOULDER HARNESS USED F - SHOULDER HARNESS NOT USED G - LAP / SHOULDER HARNESS USED H - LAP / SHOULDER HARNESS NOT USED J - PASSIVE RESTRAINT USED K - PASSIVE RESTRAINT NOT USED	SAFETY EQUIPMENT L - AIR BAG DEPLOYED M - AIR BAG NOT DEPLOYED N - OTHER P - NOT REQUIRED CHILD RESTRAINT Q - IN VEHICLE USED R - IN VEHICLE NOT USED S - IN VEHICLE USE UNKNOWN T - IN VEHICLE IMPROPER USE U - NONE IN VEHICLE M/C BICYCLE - HELMET DRIVER PASSENGER V - NO X - NO W - YES Y - YES EJECTED FROM VEHICLE 0 - NOT EJECTED 1 - FULLY EJECTED 2 - PARTIALLY EJECTED 3 - UNKNOWN	INATTENTION CODES A - CELL PHONE HANDHELD B - CELL PHONE HANDSFREE C - ELECTRONIC EQUIPMENT D - RADIO / GD E - SMOKING F - EATING G - CHILDREN H - ANIMALS I - PERSONAL HYGIENE J - READING K - OTHER
--	--	--	---

ITEMS MARKED BELOW WHICH ARE FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE

PRIMARY COLLISION FACTOR LIST NUMBER OF PARTY AT FAULT	TRAFFIC CONTROL DEVICES	1			2			3			SPECIAL INFORMATION	1			2			3			MOVEMENT PRECEDING COLLISION	
		1	2	3	1	2	3	1	2	3		1	2	3	1	2	3					
1 A VC SECTION VIOLATED Cited No 21802 (a)	◆ A CONTROLS FUNCTIONING										A HAZARDOUS MATERIAL										A STOPPED	
B OTHER IMPROPER DRIVING:	B CONTROLS NOT FUNCTIONING ◆										B CELL PHONE HANDHELD IN USE				◆						B PROCEEDING STRAIGHT	
C OTHER THAN DRIVER	C CONTROLS OBSCURED										C CELL PHONE HANDSFREE IN USE										C RAN OFF ROAD	
D UNKNOWN	D NO CONTROLS PRESENT/FACTOR ◆										D CELL PHONE NOT IN USE										D MAKING RIGHT TURN	
	TYPE OF COLLISION																					
	A HEAD-ON										E SCHOOL BUS RELATED				◆						E MAKING LEFT TURN	
	B SIDESWIPE										F 75 FT MOTORTRUCK COMBO										F MAKING U TURN	
	C REAR END										G 32 FT TRAILER COMBO										G BACKING	
WEATHER (MARK 1 TO 2 ITEMS)	D BROADSIDE ◆										H										H SLOWING / STOPPING	
◆ A CLEAR	E HIT OBJECT										I										I PASSING OTHER VEHICLE	
B CLOUDY	F OVERTURNED										J										J CHANGING LANES	
C RAINING	G VEHICLE PEDESTRIAN										K										K PARKING MANEUVER	
D SNOWING	H OTHER:										L										L ENTERING TRAFFIC	
E FOG / VISIBILITY FT.	MOTOR VEHICLE INVOLVED WITH										M										M OTHER UNSAFE TURNING	
F OTHER*:	A NON-COLLISION										N										N XING INTO OPPOSING LANE	
G WIND	B PEDESTRIAN		1	2	3							O										O PARKED
LIGHTING	◆ C OTHER MOTOR VEHICLE										OTHER ASSOCIATED FACTOR (MARK 1 TO 2 ITEMS)										P MERGING	
◆ A DAYLIGHT	D MOTOR VEH ON OTHER ROADWAY										A VC SECTION VIOLATION: Cited										Q TRAVELING WRONG WAY	
B DUSK - DAWN	E PARKED MOTOR VEHICLE										B VC SECTION VIOLATION: Cited										R OTHER*:	
C DARK - STREET LIGHTS	F TRAIN										C VC SECTION VIOLATION: Cited											
D DARK - NO STREET LIGHTS	G BICYCLE																					
E DARK - STREET LIGHTS NOT FUNCTIONING	H ANIMAL:																					
ROADWAY SURFACE	I FIXED OBJECT:										D				◆	◆					SOBRIETY - DRUG PHYSICAL (MARK 1 TO 2 ITEMS)	
◆ A DRY	J OTHER OBJECT:										E VISION OBSCUREMENT										A HAD NOT BEEN DRINKING	
B WET											F INATTENTION*:										B HBD - UNDER INFLUENCE	
C SNOWY - ICY											G STOP & GO TRAFFIC										C HBD - NOT UNDER INFLU.*	
D SLIPPERY (MUDDY, OILY, ETC.)											H ENTERING / LEAVING RAMP										D HBD - IMPAIRMENT UNK.*	
ROADWAY CONDITIONS (MARK 1 TO 2 ITEMS)	PEDESTRIAN'S ACTION																			E UNDER DRUG INFLU.*		
A HOLES, DEEP RUTS	◆ A NO PEDESTRIAN INVOLVED										I PREVIOUS COLLISION										F IMPAIRMENT - PHYSICAL*	
B LOOSE MATERIAL ON ROWY	B CROSSING IN CROSSWALK AT INTERSECTION										J UNFAMILIAR WITH ROAD										G IMPAIRMENT NOT KNOWN	
C OBSTRUCTION ON ROADWAY	C CROSSING IN CROSSWALK NOT AT INTERSECTION										K DEFECTIVE VEH. EQUIP.: Cited										H NOT APPLICABLE	
D CONSTRUCTION-REPAIR ZONE	D CROSSING - NOT IN CROSSWALK																			I SLEEPY / FATIGUED		
E REDUCED ROADWAY WIDTH	E IN ROAD - INCLUDES SHOULDER										L UNINVOLVED VEHICLE											
F FLOODED	F NOT IN ROAD ◆ ◆										M OTHER*:											
G OTHER:	G APPROACH/LEAVING SCHOOL BUS										N NONE APPARENT											
◆ H NO UNUSUAL CONDITIONS											O RUNAWAY VEHICLE											

MISCELLANEOUS

AOI:

18' - E/W Canyon Crest

18' - S/N Via Zapata

See Attached Sketch

INJURED / WITNESSES / PASSENGERS

DATE OF COLLISION 12/4/2018		TIME 1323	NCIC NUMBER 3313	OFFICER ID 1575	NUMBER 180004149													
WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY ("X" ONE)				INJURED WAS ("X" ONE)					PARTY NUMBER	SEAT POS.	AIR BAG	SAFETY EQUIP.	EJECTED	
				FATAL INJURY	SEVERE INJURY	OTHER VISIBLE INJ	COMPLAINT OF PAIN	DRIVER	PASS.	PED.	BICYCLIST	OTHER						
<input type="checkbox"/> #	<input type="checkbox"/>	20	F	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1	1	L	G	0
NAME / D.O.B. / ADDRESS MALYAH JANE VANCE 7/26/1998, 20172 SUGAR GUM RD, RIVERSIDE, CA, 92508 (951) 836-7303															TELEPHONE			
(INJURED ONLY) TRANSPORTED BY: American Medical Response (AMR)										TAKEN TO: Riverside Community Hospital (RCH)								
DESCRIBE INJURIES Head/ Internal Injuries																		
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																		
<input type="checkbox"/> #	<input type="checkbox"/>	20	M	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2	1	L	G	0
NAME / D.O.B. / ADDRESS EVAN THEODORE MARTIN 5/1/1998, 7450 NORTHROP DRIVE #9, RIVERSIDE, CA, 92508 (951) 907-1583															TELEPHONE			
(INJURED ONLY) TRANSPORTED BY: American Medical Response (AMR)										TAKEN TO: Riverside Community Hospital (RCH)								
DESCRIBE INJURIES C/O Chest Pain, abrasion on Forehead																		
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																		
<input checked="" type="checkbox"/> #	1	<input type="checkbox"/>	<input type="checkbox"/>	F	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NAME / D.O.B. / ADDRESS CANDACE MARKS, 901 VIA ZAPATA #0, RIVERSIDE, CA, 92506 (951) 286-9115															TELEPHONE			
(INJURED ONLY) TRANSPORTED BY:										TAKEN TO:								
DESCRIBE INJURIES																		
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																		
<input type="checkbox"/> #	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NAME / D.O.B. / ADDRESS															TELEPHONE			
(INJURED ONLY) TRANSPORTED BY:										TAKEN TO:								
DESCRIBE INJURIES																		
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																		
<input type="checkbox"/> #	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NAME / D.O.B. / ADDRESS															TELEPHONE			
(INJURED ONLY) TRANSPORTED BY:										TAKEN TO:								
DESCRIBE INJURIES																		
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																		
PREPARER'S NAME Hrdler, G.			I.D. NUMBER 1575	MO.	DAY	YEAR	REVIEWER'S NAME Smith, B. 0614			MO.	DAY	YEAR						
					12/4/2018						12/5/2018							

CHP 555

DATE OF INCIDENT
12/4/2018

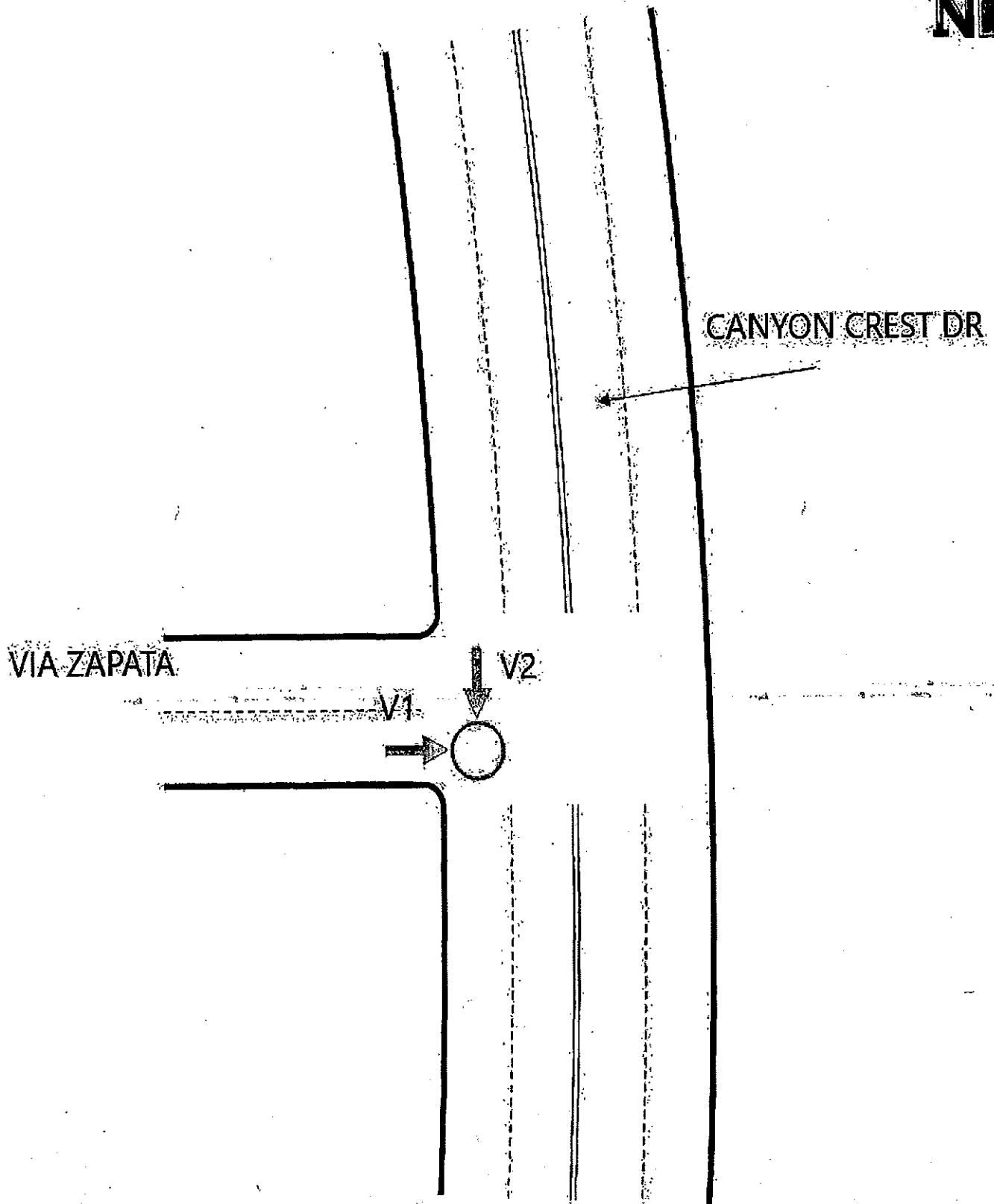
TIME
1323

NGIC NUMBER
3313

OFFICER I.D.
1575

NUMBER
180004149

ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)



PREPARED BY
Hidalgo

I.D. NUMBER
1575

DATE
12/4/2018

REVIEWER'S NAME

DATE

Date of Incident/Occurrence 12/4/2018	Time(2400) 1323	NCIC NUMBER 3313	OFFICER ID # 1575	NUMBER 180004149
--	--------------------	---------------------	----------------------	---------------------

1 **FACTS:**

2
3 **NOTIFICATION:** I was dispatched to a call of a major injury collision at 1323 hours. I
4 responded from Overlook Pkwy and arrived on scene at 1330 hours. All times, speeds and
5 measurements in this investigation are approximate. Measurements were taken by pacing, except
6 where otherwise indicated.

7
8 **SCENE:** At the scene of this collision, Canyon Crest Dr is a northbound/southbound city street
9 consisting of 4 lanes. The roadway is curved and has a negative grade southbound. The surface
10 is composed primarily of asphalt. Canyon Crest Dr is intersected by Via Zapata. Via Zapata is
11 an eastbound/westbound residential roadway consisting of 2 lanes. The roadway is straight. The
12 surface is composed primarily of asphalt. The intersection is controlled by stop sign on Via
13 Zapata only. See diagram.

14
15 **PARTIES:**

16
17 Party #1 (Vance) was located on scene. Party 1 was identified by a valid CA driver's license.

18
19 **Kia Spectra**, Driver #1's vehicle, was located on its wheels, facing east with major intrusion on
20 the driver side.

21
22 Party #2 (Martin) was located on scene. Party 2 was identified by a valid Oregon driver's license.
23 Martin told me he was the driver.

24
25 **Ford Fusion**, Driver #2's vehicle, was located on its wheels, facing south with moderate front end
26 damage.

27
28
29
30 **PHYSICAL EVIDENCE:**

31
32 The AOI was determined with tire marks and gouges on the roadway. Officer Cuevas#1819 took
33 digital photograph of the scene and the vehicles.

34
35 **STATEMENTS:**

36
37 Party-1 (Vance, Malyah) did not provide a statement. She was conscious and responsive to
38 medical personnel but did not make a statement.

39
40 Party-1's mother (Jade) arrived at the scene of the collision. She told me she was talking to her
41 daughter on the phone when the collision occurred. Her daughter was on her way to pay rent, but
42 was lost and talking to her Mom for directions.

43
44 Party-2 (Martin, Evan) stated he was driving south on Canyon Crest in the #2 lane. Martin
45 estimated his speed at 50 M.P.H. when V-1 suddenly drove into the path of his vehicle. Martin

PREPARER'S NAME AND I.D. NUMBER Hirdler, G. 1575	DATE 12/04/2018	REVIEWER'S NAME Smith, B. 0614	DATE 12/05/2018
---	--------------------	-----------------------------------	--------------------

Date of Incident/Occurrence 12/4/2018	Time(2400) 1323	NCIC NUMBER 3313	OFFICER ID # 1575	NUMBER 180004149
--	--------------------	---------------------	----------------------	---------------------

46 tried to stop, but was unable to avoid the collision. Martin said he was not on his phone and was
47 not distracted.

48
49 A by-stander told me her daughter saw the collision occur but had to leave for work. She
50 provided me with a name and phone number. I attempted to call the Witness (Marks, C) several
51 times, but there was no answer.

52
53
54

55 OPINIONS AND CONCLUSIONS

56

57 SUMMARY: V-1 was traveling east on Via Zapata and entered the intersection with Canyon
58 Crest. V-1 drove into the path of V-2. The primary collision factor was noted as Auto R/W
59 Violation.

60

61 AREA OF IMPACT: The approximate area of impact was 18' E/WCL of Canyon Crest Dr and
62 18' S/NCL of Via Zapata.

63

64 CAUSE: Based on the evidence observed, it is my opinion that Party-1 caused the collision by
65 being in violation of VC 21802, section (a) - FAILURE TO YIELD / STOP SIGN.

66

67 RECOMMENDATIONS

68

69 None.

70

PREPARER'S NAME AND I.D. NUMBER Hirdler, G. 1575	DATE 12/04/2018	REVIEWER'S NAME Smith, B. 0614	DATE 12/05/2018
---	--------------------	-----------------------------------	--------------------

“Exhibit I”

CITY OF RIVERSIDE

FILE WITH:

City Clerk's Office
City of Riverside
3900 Main Street
Riverside, CA 92522

CLAIM FOR DAMAGES
TO PERSON OR PROPERTY

RESERVE FOR FILING STAMP

RECEIVED

MAY 23 2019

City of Riverside
City Clerk's Office

INSTRUCTIONS

1. Claims for death, injury to person or to personal property must be filed not later than six (6) months after the occurrence. (Gov. Code Sec. 911.2.)
2. Claims for damages to real property and claims for monies purportedly owed by the City such as refunds and contract damages (Loss) must be filed not later than one (1) year after the occurrence. (Gov. Code Sec. 911.2; Chapter 1.05, Riverside Municipal Code.)
3. Read entire claim form before filing.
4. See page 2 for diagram upon which to locate place of accident.
5. This claim form must be signed on page 2 at bottom.
6. Attach separate sheets, if necessary, to give full details. SIGN EACH SHEET

TO: CITY OF RIVERSIDE

Date of Birth of Claimant

7/26/93

Name of Claimant

Malyah Jane Vance

Occupation of Claimant

Home Address of Claimant

20172 Sugar Gum Rd Riverside 92508

Home Phone Number

(951) 218-7010

Business Address of Claimant

City, State, and Zip

Business Phone Number

Give address and telephone number to which you desire notices or communications to be sent regarding this claim:

Rizzolaw Firm PC, 2677 N. Main St # 225, Santa Ana 92705

Email

When did DAMAGE, INJURY, or LOSS occur?

Date 12-4-18 Time 1:23

Names of any City employees involved in DAMAGE, INJURY, or LOSS

If claim is for Equitable Indemnity, give date claimant served with the complaint.

Date:

See attachment

Where did DAMAGE, INJURY, or LOSS occur? Describe fully, and locate on diagram on reverse side of this sheet. Where appropriate, give street names and addresses and measurements from landmarks:

See attachment

Describe in detail how the DAMAGE, INJURY, or LOSS occurred.

See attachment

Why do you claim the City is responsible?

see attachment

Describe in detail each DAMAGE, INJURY, or LOSS

see attachment

SEE PAGE 2 (OVER)

THIS CLAIM MUST BE SIGNED ON REVERSE SIDE

The amount claimed, as of the date of presentation of this claim, is computed as follows:

DAMAGES or LOSS incurred to date (exact):

Damage to property \$ _____
 Expenses for medical and hospital care \$ _____
 Loss of earnings \$ _____
 Special damages for \$ _____
 General damages \$ _____
 Total damages incurred to date \$ _____

Estimated prospective DAMAGES or LOSS as far as known:

Future medical and hospital expenses \$ _____
 Future loss of earnings \$ _____
 Other prospective special damages \$ _____
 Prospective general damages \$ _____
 Total estimated prospective damages \$ _____

See attachment

Total amount claimed as of date of presentation of this claim: \$ _____

Was DAMAGE, INJURY, and/or LOSS investigated by police? Yes If so, what agency? Riverside Report # 180004149
 Were paramedics or ambulance called? Yes If so, name agency or ambulance. AMR
 If injured, state date, time, name and address of doctor of your first visit Riv. Comm Hosp

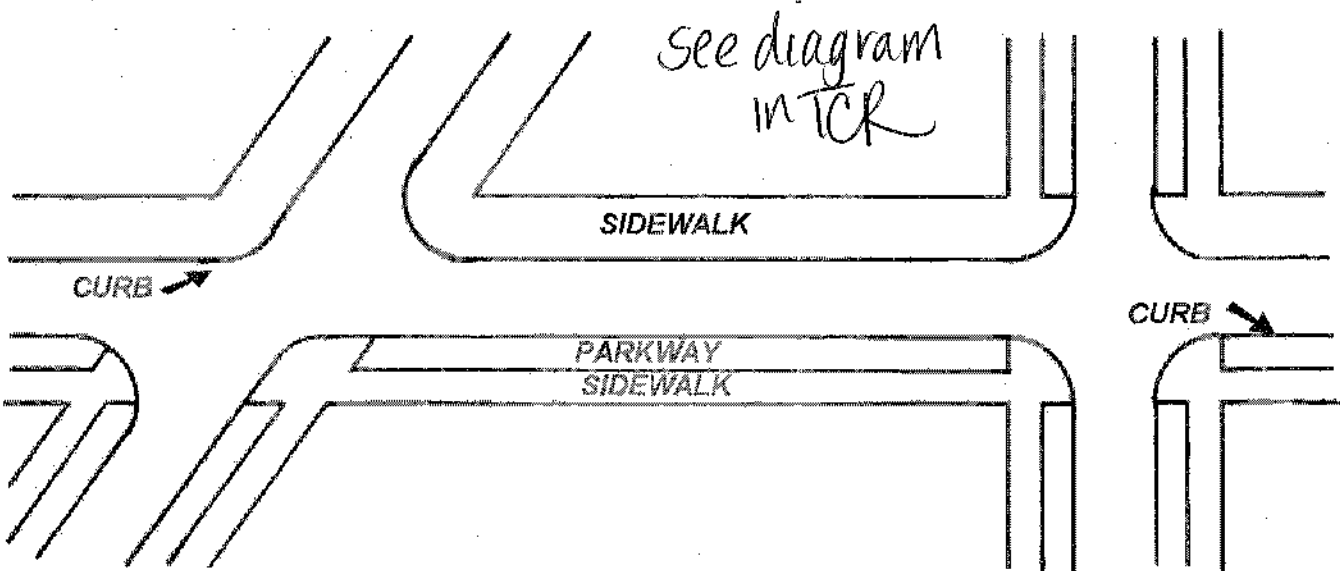
WITNESSES to DAMAGE, INJURY, and/or LOSS: List all persons and addresses of persons known to have information: See attachment
 Name _____ Address _____ Phone _____
 Name _____ Address _____ Phone _____
 Name _____ Address _____ Phone _____

DOCTORS and HOSPITALS: See attachment
 Hospital _____ Address _____ Date(s) Hospitalized _____
 Doctor _____ Address _____ Date(s) of Treatment _____
 Doctor _____ Address _____ Date(s) of Treatment _____

READ CAREFULLY

For all accident claims, place on following diagram names of streets, including North, East, south, and West; indicate place of accident by "X" and by showing house numbers or distances to street corners. If City vehicle was involved, designate by letter "A" location of City Vehicle when you first saw it, and by "B" location of yourself or your vehicle when you

first saw City vehicle; location of City vehicle at time of accident by "A-1" and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X".
 NOTE: If diagrams below do not fit the situation, attach hereto a proper diagram signed by claimant.



Signature of Claimant or person filing on his/her behalf giving relationship to Claimant: [Signature] Type or Print Name: Aaron T. Hicks, Atty Date: 5-20-19

NOTE: CLAIMS MUST BE FILED WITH CITY CLERK (GOV. CODE SEC. 915a). Presentation of a false claim is a felony (Pen. Code Sec. 72)

City Claim Attachment
Malyah Jane Vance

Names of any City employees involved in DAMAGE, INJURY or LOSS.

Unknown. Claimant's investigation is ongoing and claimant reserves the right to supplement this claim at a later date.

Describe in detail how the DAMAGE, INJURY, or LOSS occurred.

See attached Traffic Collision Report.

On or about December 4, 2018, Claimant was driving eastbound on Via Zapata and entered the intersection of Canyon Crest drive when she was struck by a vehicle driving southbound on Canyon Crest Drive. Claimant suffered injuries and damages in the accident.

Claimant's investigation is ongoing and claimant reserves the right to supplement this claim at a later date.

Why do you claim the City is responsible?

Respondent created, or permitted to exist, a dangerous condition of public property; and/or its employees negligently and carelessly committed, or omitted, acts, so as to cause injury and damage to claimant, as follows:

The traffic markings, signals, warnings, medians, and fixtures thereon (or lack thereof), were so located constructed, placed, designed, repaired, maintained, used, and otherwise defective in design, manufacture and warning that they constituted a dangerous condition of public property, in that, among other things, they created an unreasonable and foreseeable risk of injury and harm to occupants of vehicles in the intersection.

All of these conditions, combined with the condition of the pavement, road design and the speed limit, created a dangerous condition of public property. Claimant further contends that the road itself and the surrounding area was so constructed, placed, designed, repaired, maintained, used, and otherwise defective in design, manufacture and warning that the involved section of road constituted a dangerous condition of public property, in that, among other things, it created an unreasonable and foreseeable risk of injury and harm to occupants of vehicles in the intersection.

Before this event occurred, the Respondent knew that there had been numerous other collisions in or about this area and intersection and that some of those collisions caused injuries to occupants of motor vehicles. Respondent had sufficient time, notice and resources to warn, advise and correct the dangerous conditions and take preventative measures such as providing sufficient warnings, signals, traffic markings, etc. In addition, or in the alternative, before this

event occurred, the Respondent's agent(s) and employee(s) had sufficient notice of, among other things, other similar events that caused other injuries to other drivers of other vehicles near the area where this incident occurred and resulting from this same dangerous condition of public property.

Claimant's investigation is ongoing and claimant reserves the right to supplement this claim at a later date.

Describe in detail each DAMAGE, INJURY or LOSS.

Claimant suffered significant physical injuries which include, but are not limited to pelvic fractures, multiple fractured ribs, fractured scapula, ruptured bladder, heart damage, heart damage, and traumatic brain injury. Claimant's damages, including but not limited to Medical Expenses, Estimated Future Medical Care, Loss of Earnings and Earning Capacity, Pain & Suffering/General Damages, and all other damages falling within the unlimited jurisdiction of the Superior Court.

Claimant's treatment, recovery and investigation are ongoing and Claimant reserves the right to supplement this response at a later date.

The amount claimed, as of the date of the presentation of this claim is computed as follows:

Total Damages to Date:	Approximately \$1,000,000.00 to date/falls within unlimited jurisdiction
Total Estimated Prospective Damages:	Approximately \$3,000,000.00 / falls within the unlimited jurisdiction

Claimant's treatment, recovery and investigation are ongoing and Claimant reserves the right to supplement this response at a later date.

WITNESSES to DAMAGE, INJURY OR LOSS:

All those listed in the Traffic Collision Report, Claimant's treating physicians and Claimant's family. Claimant's investigation is ongoing and Claimant reserve the right to supplement this claim at a later date.

DOCTORS and HOSPITALS:

Riverside Community Hospital
AMR
Kaiser Permanente


Claimant's treatment, recovery and investigation are ongoing and Claimant reserves the right to supplement this response at a later date.

STATE OF CALIFORNIA
TRAFFIC COLLISION REPORT

SPECIAL CONDITIONS		NUMBER INJURED 2	HIT & RUN FELONY <input type="checkbox"/>	CITY Riverside	JUDICIAL DISTRICT Riverside Superior Court		LOCAL REPORT NUMBER 180004149	
		NUMBER KILLED 0	HIT & RUN Misd. <input type="checkbox"/>	COUNTY Riverside	REPORTING DISTRICT 1	BEAT M12	DAY OF WEEK Tuesday	TOW AWAY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
LOCATION	COLLISION OCCURRED ON CANYON CREST DR				MO. DAY YEAR 12/4/2018	TIME (2400) 1323	NCIC # 3313	OFFICER I.D. 1575
	MILEPOST INFORMATION OF				GPS COORDINATES LATITUDE 33.952187 LONGITUDE -117.32963		PHOTOGRAPHS BY Cuevas # 1819	
	<input checked="" type="checkbox"/> AT INTERSECTION WITH				STATE HWY REL. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
	<input type="checkbox"/> OR FEET OF VIA ZAPATA							
PARTY 1	DRIVER'S LICENSE NUMBER F7847790	STATE CA	CLASS C	AIR BAG L	SAFETY EQUIP. G	VEH. YR. 2006	MAKE / MODEL / COLOR KIA SPECTRA	LICENSE NUMBER STATE 6JMB167 CA
DRIVER <input checked="" type="checkbox"/>	NAME (FIRST, MIDDLE, LAST) MALYAH JANE VANCE				OWNER'S NAME <input checked="" type="checkbox"/> SAME AS DRIVER MALYAH JANE VANCE			
PEDESTRIAN <input type="checkbox"/>	STREET ADDRESS 20172 SUGAR GUM RD				OWNER'S ADDRESS <input checked="" type="checkbox"/> SAME AS DRIVER 20172 SUGAR GUM RD, RIVERSIDE, CA 92508			
PARKED VEHICLE <input type="checkbox"/>	CITY / STATE / ZIP RIVERSIDE CA 92508				DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input checked="" type="checkbox"/> DRIVER <input type="checkbox"/> OTHER Patriot Towing (951) 787-0393			
BICYCLIST <input type="checkbox"/>	SEX F	HAIR BLK	EYES BRO	HEIGHT 5'07"	WEIGHT 130	BIRTHDATE 7/26/1998	RACE B	PRIOR MECHANICAL DEFECTS: <input type="checkbox"/> NONE APPARENT <input checked="" type="checkbox"/> REFER TO NARRATIVE <input type="checkbox"/>
OTHER <input type="checkbox"/>	HOME PHONE (951) 836-7303		BUSINESS PHONE					
INSURANCE CARRIER GEICO		POLICY NUMBER 4362269591						
DIR. OF TRAVEL E		ON STREET OR HIGHWAY VIA ZAPATA				SPEED LIMIT 25		
PARTY 2	DRIVER'S LICENSE NUMBER A324847	STATE OR	CLASS C	AIR BAG L	SAFETY EQUIP. G	VEH. YR. 2010	MAKE / MODEL / COLOR FORD FUSION	LICENSE NUMBER STATE 8DQD296 CA
DRIVER <input checked="" type="checkbox"/>	NAME (FIRST, MIDDLE, LAST) EVAN THEODORE MARTIN				OWNER'S NAME <input checked="" type="checkbox"/> SAME AS DRIVER EVAN THEODORE MARTIN			
PEDESTRIAN <input type="checkbox"/>	STREET ADDRESS 7450 NORTHROP DRIVE #9				OWNER'S ADDRESS <input checked="" type="checkbox"/> SAME AS DRIVER 7450 NORTHROP DRIVE #9, RIVERSIDE, CA 92508			
PARKED VEHICLE <input type="checkbox"/>	CITY / STATE / ZIP RIVERSIDE CA 92508				DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input checked="" type="checkbox"/> DRIVER <input type="checkbox"/> OTHER Royal Towing (951) 389-7100			
BICYCLIST <input type="checkbox"/>	SEX M	HAIR BRO	EYES BRO	HEIGHT 5'09"	WEIGHT 229	BIRTHDATE 5/1/1998	RACE W	PRIOR MECHANICAL DEFECTS: <input type="checkbox"/> NONE APPARENT <input checked="" type="checkbox"/> REFER TO NARRATIVE <input type="checkbox"/>
OTHER <input type="checkbox"/>	HOME PHONE (951) 907-1583		BUSINESS PHONE					
INSURANCE CARRIER NONE		POLICY NUMBER						
DIR. OF TRAVEL S		ON STREET OR HIGHWAY CANYON CREST DR				SPEED LIMIT 45		
PARTY 3	DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.	VEH. YR.	MAKE / MODEL / COLOR	LICENSE NUMBER STATE
DRIVER <input type="checkbox"/>	NAME (FIRST, MIDDLE, LAST)				OWNER'S NAME <input type="checkbox"/> SAME AS DRIVER			
PEDESTRIAN <input type="checkbox"/>	STREET ADDRESS				OWNER'S ADDRESS <input type="checkbox"/> SAME AS DRIVER			
PARKED VEHICLE <input type="checkbox"/>	CITY / STATE / ZIP				DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER			
BICYCLIST <input type="checkbox"/>	SEX	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE	RACE	PRIOR MECHANICAL DEFECTS: <input type="checkbox"/> NONE APPARENT <input type="checkbox"/> REFER TO NARRATIVE <input type="checkbox"/>
OTHER <input type="checkbox"/>	HOME PHONE		BUSINESS PHONE					
INSURANCE CARRIER		POLICY NUMBER						
DIR. OF TRAVEL		ON STREET OR HIGHWAY				SPEED LIMIT		
PREPARER'S NAME Hirdler, G. 1575		DISPATCH NOTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		REVIEWER'S NAME Smith, B. 0614		DATE REVIEWED 12/6/2018		

TRAFFIC COLLISION CODING

DATE OF COLLISION (MO. DAY YEAR) 12/4/2018	TIME 1323	NCIC # 3313	OFFICER I.D. 1675	NUMBER 180004149
OWNER'S NAME		OWNER'S ADDRESS		
PROPERTY DAMAGE	DESCRIPTION OF DAMAGE			
				NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO

<p>SEATING POSITION</p>  <p>1 - DRIVER 2 TO 6 PASSENGERS 7 - 3RD WAGON REAR 8 - RR. OCC. TRK OR VAN 9 - POSITION UNKNOWN 0 - OTHER</p>	<p>OCCUPANTS</p> <p>A - NONE IN VEHICLE B - UNKNOWN C - LAP BELT USED D - LAP BELT NOT USED E - SHOULDER HARNESS USED F - SHOULDER HARNESS NOT USED G - LAP / SHOULDER HARNESS USED H - LAP / SHOULDER HARNESS NOT USED J - PASSIVE RESTRAINT USED K - PASSIVE RESTRAINT NOT USED</p>	<p>SAFETY EQUIPMENT</p> <p>L - AIR BAG DEPLOYED M - AIR BAG NOT DEPLOYED N - OTHER P - NOT REQUIRED CHILD RESTRAINT Q - IN VEHICLE USED R - IN VEHICLE NOT USED S - IN VEHICLE USE UNKNOWN T - IN VEHICLE IMPROPER USE U - NONE IN VEHICLE</p>	<p>M/C BICYCLE - HELMET</p> <p>DRIVER PASSENGER V - NO X - NO W - YES Y - YES</p> <p>EJECTED FROM VEHICLE</p> <p>0 - NOT EJECTED 1 - FULLY EJECTED 2 - PARTIALLY EJECTED 3 - UNKNOWN</p>	<p>INATTENTION CODES</p> <p>A - CELL PHONE HANDHELD B - CELL PHONE HANDSFREE C - ELECTRONIC EQUIPMENT D - RADIO / CD E - SMOKING F - EATING G - CHILDREN H - ANIMALS I - PERSONAL HYGIENE J - READING K - OTHER</p>
--	--	--	--	--

ITEMS MARKED BELOW WHICH ARE FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE

PRIMARY COLLISION FACTOR LIST NUMBER OF PARTY AT FAULT	TRAFFIC CONTROL DEVICES			SPECIAL INFORMATION			MOVEMENT PRECEDING COLLISION		
	1	2	3	1	2	3	1	2	3
1 A VC SECTION VIOLATED 21802 (a)	<input checked="" type="checkbox"/>			A HAZARDOUS MATERIAL			A STOPPED		
B OTHER IMPROPER DRIVING:	<input checked="" type="checkbox"/>			B CELL PHONE HANDHELD IN USE			B PROCEEDING STRAIGHT		
C OTHER THAN DRIVER				C CELL PHONE HANDSFREE IN USE			C RAN OFF ROAD		
D UNKNOWN				D CELL PHONE NOT IN USE			D MAKING RIGHT TURN		
WEATHER (MARK 1 TO 2 ITEMS)				E SCHOOL BUS RELATED			E MAKING LEFT TURN		
<input checked="" type="checkbox"/> A CLEAR				F 75 FT MOTORTRUCK COMBO			F MAKING U TURN		
B CLOUDY				G 32 FT TRAILER COMBO			G BACKING		
C RAINING				H			H SLOWING / STOPPING		
D SNOWING				I			I PASSING OTHER VEHICLE		
E FOG / VISIBILITY FT.				J			J CHANGING LANES		
F OTHER:				K			K PARKING MANEUVER		
G WIND				L			L ENTERING TRAFFIC		
LIGHTING				M			M OTHER UNSAFE TURNING		
<input checked="" type="checkbox"/> A DAYLIGHT				N			N XING INTO OPPOSING LANE		
B DUSK - DAWN				O			O PARKED		
C DARK - STREET LIGHTS				OTHER ASSOCIATED FACTOR (MARK 1 TO 2 ITEMS)			P MERGING		
D DARK - NO STREET LIGHTS				A VC SECTION VIOLATION: Cited			Q TRAVELING WRONG WAY		
E DARK - STREET LIGHTS NOT FUNCTIONING				B VC SECTION VIOLATION: Cited			R OTHER:		
ROADWAY SURFACE				C VC SECTION VIOLATION: Cited					
<input checked="" type="checkbox"/> A DRY				D			SOBRIETY - DRUG PHYSICAL (MARK 1 TO 2 ITEMS)		
B WET				E VISION OBSCUREMENT			A HAD NOT BEEN DRINKING		
C SNOWY - ICY				F INATTENTION:			B HBD - UNDER INFLUENCE		
D SLIPPERY (MUDDY, OILY, ETC.)				G STOP & GO TRAFFIC			C HBD - NOT UNDER INFLU.*		
ROADWAY CONDITIONS (MARK 1 TO 2 ITEMS)				H ENTERING / LEAVING RAMP			D HBD - IMPAIRMENT UNK.*		
A HOLES, DEEP RUTS				I PREVIOUS COLLISION			E UNDER DRUG INFLU.*		
B LOOSE MATERIAL ON RDWY				J UNFAMILIAR WITH ROAD			F IMPAIRMENT - PHYSICAL*		
C OBSTRUCTION ON ROADWAY				K DEFECTIVE VEH. EQUIP.: Cited			G IMPAIRMENT NOT KNOWN		
D CONSTRUCTION-REPAIR ZONE				L UNINVOLVED VEHICLE			H NOT APPLICABLE		
E REDUCED ROADWAY WIDTH				M OTHER:			I SLEEPY / FATIGUED		
F FLOODED				N NONE APPARENT					
G OTHER:				O RUNAWAY VEHICLE					
<input checked="" type="checkbox"/> H NO UNUSUAL CONDITIONS									

MISCELLANEOUS

AOI:
18' - E/W Canyon Crest
18' - S/N Via Zapala

See Attached Sketch

INJURED / WITNESSES / PASSENGERS

DATE OF COLLISION 12/4/2018		TIME 1323	NO. NUMBER 3313	OFFICER ID 1575	NUMBER 180004149												
WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY ("X" ONE)				INJURED WAS ("X" ONE)					PARTY NUMBER	BEAT POS.	AIR BAG	SAFETY EQUIP.	EJECTED
				FATAL INJURY	SEVERE INJURY	OTHER VISIBLE INJ.	COMPLAINT OF PAIN	DRIVER	PASS.	PED.	BICYCLIST	OTHER					
<input type="checkbox"/>	<input type="checkbox"/>	20	F	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1	1	L	G	0

NAME / D.O.B. / ADDRESS
MALYAH JANE VANCE 7/26/1998, 20172 SUGAR GUM RD, RIVERSIDE, CA, 92508 (951) 836-7303 TELEPHONE

(INJURED ONLY) TRANSPORTED BY: **American Medical Response (AMR)** TAKEN TO: **Riverside Community Hospital (RCH)**

DESCRIBE INJURIES
Head/ Internal Injuries VICTIM OF VIOLENT CRIME NOTIFIED

<input type="checkbox"/>	<input type="checkbox"/>	20	M	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2	1	L	G	0
--------------------------	--------------------------	-----------	----------	--------------------------	--------------------------	-------------------------------------	--------------------------	-------------------------------------	--------------------------	--------------------------	--------------------------	--------------------------	----------	----------	----------	----------	----------

NAME / D.O.B. / ADDRESS
EVAN THEODORE MARTIN 5/1/1998, 7450 NORTHRUP DRIVE #8, RIVERSIDE, CA, 92508 (951) 907-1583 TELEPHONE

(INJURED ONLY) TRANSPORTED BY: **American Medical Response (AMR)** TAKEN TO: **Riverside Community Hospital (RCH)**

DESCRIBE INJURIES
G/O Chest Pain, abrasion on Forehead VICTIM OF VIOLENT CRIME NOTIFIED

<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	F	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
-------------------------------------	--------------------------	----------	----------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--	--	--	--	--

NAME / D.O.B. / ADDRESS
CANDACE MARKS, 881 VIA ZAPATA #0, RIVERSIDE, CA, 92506 (951) 286-9115 TELEPHONE

(INJURED ONLY) TRANSPORTED BY: TAKEN TO:

DESCRIBE INJURIES VICTIM OF VIOLENT CRIME NOTIFIED

<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
--------------------------	--------------------------	--	--	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--	--	--	--	--

NAME / D.O.B. / ADDRESS TELEPHONE

(INJURED ONLY) TRANSPORTED BY: TAKEN TO:

DESCRIBE INJURIES VICTIM OF VIOLENT CRIME NOTIFIED

<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
--------------------------	--------------------------	--	--	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--	--	--	--	--

NAME / D.O.B. / ADDRESS TELEPHONE

(INJURED ONLY) TRANSPORTED BY: TAKEN TO:

DESCRIBE INJURIES VICTIM OF VIOLENT CRIME NOTIFIED

<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
--------------------------	--------------------------	--	--	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--	--	--	--	--

NAME / D.O.B. / ADDRESS TELEPHONE

(INJURED ONLY) TRANSPORTED BY: TAKEN TO:

DESCRIBE INJURIES VICTIM OF VIOLENT CRIME NOTIFIED

PREPARER'S NAME: **Hirdler, G.** I.D. NUMBER: **1575** MO. DAY YEAR: **12/4/2018** REVIEWER'S NAME: **Smith, B. 0614** MO. DAY YEAR: **12/5/2018**

Date of Incident/Occurrence 12/4/2018	Time(2400) 1323	NCIC NUMBER 3313	OFFICER ID # 1575	NUMBER 180004149
--	--------------------	---------------------	----------------------	---------------------

1 **FACTS:**

2
3 **NOTIFICATION:** I was dispatched to a call of a major injury collision at 1323 hours. I
4 responded from Overlook Pkwy and arrived on scene at 1330 hours. All times, speeds and
5 measurements in this investigation are approximate. Measurements were taken by pacing, except
6 where otherwise indicated.

7
8 **SCENE:** At the scene of this collision, Canyon Crest Dr is a northbound/southbound city street
9 consisting of 4 lanes. The roadway is curved and has a negative grade southbound. The surface
10 is composed primarily of asphalt. Canyon Crest Dr is intersected by Via Zapata. Via Zapata is
11 an eastbound/westbound residential roadway consisting of 2 lanes. The roadway is straight. The
12 surface is composed primarily of asphalt. The intersection is controlled by stop sign on Via
13 Zapata only. See diagram.

14
15 **PARTIES:**

16
17 Party #1 (Vance) was located on scene. Party 1 was identified by a valid CA driver's license.

18
19 **Kia Spectra.** Driver #1's vehicle, was located on its wheels, facing east with major intrusion on
20 the driver side.

21
22 Party #2 (Martin) was located on scene. Party 2 was identified by a valid Oregon driver's license.
23 Martin told me he was the driver.

24
25 **Ford Fusion.** Driver #2's vehicle, was located on its wheels, facing south with moderate front end
26 damage.

27
28
29
30 **PHYSICAL EVIDENCE:**

31
32 The AOI was determined with tire marks and gouges on the roadway. Officer Cuevas#1819 took
33 digital photograph of the scene and the vehicles.

34
35 **STATEMENTS:**

36
37 Party-1 (Vance, Malyah) did not provide a statement. She was conscious and responsive to
38 medical personnel but did not make a statement.

39
40 Party-1's mother (Jade) arrived at the scene of the collision. She told me she was talking to her
41 daughter on the phone when the collision occurred. Her daughter was on her way to pay rent, but
42 was lost and talking to her Mom for directions.

43
44 Party-2 (Martin, Evan) stated he was driving south on Canyon Crest in the #2 lane. Martin
45 estimated his speed at 50 M.P.H. when V-1 suddenly drove into the path of his vehicle. Martin

PREPARER'S NAME AND I.D. NUMBER Hrdler, G. 1575	DATE 12/04/2018	REVIEWER'S NAME Smith, B. 0614	DATE 12/05/2018
--	--------------------	-----------------------------------	--------------------

Date of Incident/Occurrence 12/4/2018	Time(2400) 1323	NCIC NUMBER 3313	OFFICER ID # 1575	NUMBER 180004149
--	--------------------	---------------------	----------------------	---------------------

46 tried to stop, but was unable to avoid the collision. Martin said he was not on his phone and was
47 not distracted.

48
49 A by-stander told me her daughter saw the collision occur but had to leave for work. She
50 provided me with a name and phone number. I attempted to call the Witness (Marks, C) several
51 times, but there was no answer.

52
53
54

55 **OPINIONS AND CONCLUSIONS**

56

57 **SUMMARY:** V-1 was traveling east on Via Zapata and entered the intersection with Canyon
58 Crest. V-1 drove into the path of V-2. The primary collision factor was noted as Auto R/W
59 Violation.

60

61 **AREA OF IMPACT:** The approximate area of impact was 18' E/WCL of Canyon Crest Dr and
62 18' S/NCL of Via Zapata.

63

64 **CAUSE:** Based on the evidence observed, it is my opinion that Party-1 caused the collision by
65 being in violation of VC 21802, section (a) - FAILURE TO YIELD / STOP SIGN.

66

67 **RECOMMENDATIONS**

68

69 None.

70

PREPARER'S NAME AND I.D. NUMBER Hirdler, G. 1575	DATE 12/04/2018	REVIEWER'S NAME Smith, B. 0614	DATE 12/05/2018
---	--------------------	-----------------------------------	--------------------

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 2677 N. Main Street, Suite 225, Santa Ana, California 92705.

On May 20, 2019, I served on all interested parties in this action the foregoing document described as: **CLAIM FOR DAMAGES**

By placing the original a true copy thereof enclosed in (a) sealed envelope(s) addressed to:

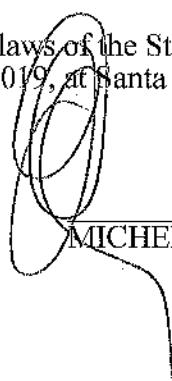
**City Clerk's Office
City of Riverside
3900 Main Street
Riverside, CA 92522**

VIA MAIL:

I caused the envelope addressed to be deposited in the mail at Santa Ana, California as follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it is deposited with U.S. Postal Service with postage thereon fully prepaid on the same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

BY CERTIFIED MAIL. I caused a true copy to be mailed via certified mail tot he addressee.

I declare under penalty of perjury, under the laws of the State of California, that the above is true and correct. Executed this 20th day of May, 2019, at Santa Ana, California.



MICHELE A. MARKUS



RIZIO LAW FIRM
PERSONAL INJURY ATTORNEYS

2677 NORTH MAIN STREET, SUITE 225
SANTA ANA, CA 92705

CERTIFIED MAIL®



7018 0680 0002 2041 6924

City Clerk's Office
City of Riverside
3900 Main Street
Riverside, CA 92522

MAY 23 2019

RECEIVED

City of Riverside
City Clerk's Office

stamps!®

B15382.07

\$7.60

US POSTAGE
FIRST-CLASS
062S0005313054
FROM 92705

Stamps.com



Date: 5-23-19

Claim #: 19-05-41

City of Arts & Innovation

Rizio Law Firm

Dear Aaron T. Hicks - ATHy

Thank you for your recent contact with the City Clerk's Office.

Your claim for damages was received in the City Clerk's Office on 5-23-19, assigned the above claim number, and forwarded to the Risk Management Division for handling. The claim will be reviewed according to City policy and notification of the City's decision will be mailed within 45 days.

For further information on the status of your claim, please contact the Risk Management Division at 951-826-5896.

Thank you,

COLLEEN J. NICOL, MMC
City Clerk



City of Arts & Innovation

Office of the City Clerk
City of Riverside
3900 Main Street
Riverside, CA 92522

Rizio Law Firm
2677 N. Main St #225
Santa Ana, CA 92705

“Exhibit J”

2009

WorkOrder

WorkOrderID

2946

Work Completed Date

City of Riverside

Traffic Engineering

Phone: 826-5366

RUSH

See Attachment

Contact To Meet In Field

ServiceRequest No

6732



LOCATION	ACTION	INSTRUCTION	SPECIAL INSTRUCTION
FNBT & FSBT Canyon Crest btwn Country Club and Via Zapata	Paint/Sign	Install bike lanes and signage per plan	See attached plan
FNBT & FSBT Canyon Crest btwn Via Zapata and Central	Paint/Sign	Install parking lanes and red curb per plan	See attached plan

WO Prepared By: **D. Chapman**


Date Prepared: **1/27/2009**

Work Completed/Date _____

WorkOrder Reviewed/Date _____

Work Reviewed/Date _____

WorkOrder Approved/Date _____


1/27/09

City Traffic Engineer

“Exhibit K”

ServReq
6732

Entered by
Dale

SERVICE REQUEST

Request Date
1/27/2009

Primary Street Canyon Crest

Secondary Street Country Club

First Name	
Last Name	CTE
Title	
Organization	

Address	
City	
State	Zip

Home Phone	
Work Phone	
Mobile Phone	

Assigned: D. Chapman

Disposition: Granted

Request
Install prkg/bike lanes.

Findings
WO #2946 processed

Processed By: Dale Chapman

DATES
1/27/2009

Reviewed By:

Approved by TE: 

1/27/09

ACTION	
Click the one that best applies	
<input type="radio"/>	Stop Sign
<input type="radio"/>	Speed Limit Sign
<input type="radio"/>	Red Curb
<input type="radio"/>	Weight Restriction
<input type="radio"/>	School Sign
<input type="radio"/>	Curve Warning
<input type="radio"/>	Crossing Guard Study
<input type="radio"/>	Speed Humps
<input type="radio"/>	Sight Restriction
<input type="radio"/>	Parking
<input checked="" type="radio"/>	Striping Marking
<input type="radio"/>	Other
<input type="radio"/>	Signal
<input type="radio"/>	Sidewalks

“Exhibit L”





INSTALL DETAIL 39,
6' FROM CURB FACE

INSTALL DETAIL 39,
6' FROM CURB FACE

INSTALL R81 AND R266B MOD.
ON STREET LIGHT STANDARD
INSTALL "BIKE LANE" LEGEND

INSTALL 200' DETAIL 39A

INSTALL R81 AND
R81B ON A NEW POST

VIA ZAPATA

VIA ZAPATA

REFRESH RED CURB

INSTALL 4" WHITE STRIPE
8' FROM CURB FACE

INSTALL 25' RED CURB
8' FROM CURB FACE

TED CT.

INSTALL 4" WHITE STRIPE
8' FROM CURB FACE

JILL DR.

CANYON CREST DR.

INSTALL 4" WHITE STRIPE
8' FROM CURB FACE

INSTALL 25' RED CURB
8' FROM CURB FACE

ACE DR.

INSTALL 30' RED CURB IN
FRONT OF FIRE HYDRANT

REFRESH RED CURB

REFRESH RED CURB

CENTRAL AVE.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I am employed in the county aforesaid; I am over the age of 18 years and not a party to the within above-entitled action; my business address is 3750 University Avenue, Suite 250, Riverside, California 92501.

On July 7, 2023, I served the within **DECLARATION OF EDWARD J. REID IN SUPPORT OF CITY OF RIVERSIDE’S MOTION FOR SUMMARY JUDGMENT** on the interested parties in said action addressed as follows:

(XX) **VIA ELECTRONIC SERVICE**– Based on court order or an agreement of the parties to accept service by email, I caused the documents to be electronically served to the email addresses of the interested parties as listed below. Said documents were transmitted from my electronic address of cperez-cota@riversideca.gov . I did not receive, within reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Evan Theodore Martin 1009 NE Elm Street Grant’s Pass, OR 97526 Tel: 541-630-6601	Pro Per Defendant/Cross-Defendant EVAN THEODORE MARTIN
Shelby Kennick, Esq. CP LAW GROUP 655 North Central Avenue, Suite 1125 Glendale, CA 91203 skennick@cplawgrp.com Tel: 818-853-5131; Fax: 818-638-8549 Assistant: Amy Chikuami Tel: 818-853-5151 achikuami@cplawgrp.com	Attorney for Defendants/Cross-Defendants ARA SEVACHARIAN and VAHRAM SEVACHERIAN
(X) PERSONAL - I have caused such document to be delivered by hand to the office of the listed addressee via courier service - pursuant to Code Civ. Proc. § 1011.	
Gregory G. Rizio Eric Ryanen Lynn Whitlock RIZIO LIPINSKY LAW FIRM, PC 2677 N. Main Street, Suite 225 Santa Ana, CA 92705 grizio@riziolawfirm.com eryanen@riziolawfirm.com lwhitlock@riziolawfirm.com Tel: 714-547-1234; Fax: 714-547-1245 Assistant: Michele A. Markus markus@riziolawfirm.com	Attorney for Plaintiffs MALYAH JANE VANCE and JAYDE DOWNEY

I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

Executed on July 7, 2023, Riverside, California.

Christina Perez-Cota
Christina Perez-Cota

1 PHAEDRA A. NORTON, City Attorney, SBN 200271
2 REBECCA L. MCKEE-REIMBOLD, Assistant City Attorney, SBN 279485
3 MICHAEL A. VERSKA, Sr. Deputy City Attorney, SBN 207213
4 EDWARD J. REID, Deputy City Attorney, SBN 276872
5 MARY J. HANNA, Deputy City Attorney, SBN 304074
6 SEAN B. MUPRHY Deputy City Attorney, SBN 320066
7 **OFFICE OF THE CITY ATTORNEY – City of Riverside**
8 3750 University Avenue, Suite 250
9 Riverside, California 92501
10 Tel (951) 826-5567; Fax (951) 826-5540
11 mverska@riversideca.gov
12 mhanna@riversideca.gov
13 smurphy@riversideca.gov

*Fee Exempt Per
Govt. Code § 6103*

14 Attorneys for Defendant/Cross-Complainant/Cross-Defendant,
15 City of Riverside, a California charter city and municipal corporation

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 FOR THE COUNTY OF RIVERSIDE

18 MALYAH JANE VANCE and JAYDE
19 DOWNEY,

20 Plaintiffs,

21 v.

22 CITY OF RIVERSIDE, EVAN THEODORE
23 MARTIN, ARA SEVACHERIAN; VAHRAM
24 SEVACHERIAN; DOES 1 through 100,

25 Defendants.

26 _____
27 AND ALL CROSS-ACTIONS

) CASE NO. RIC 1905830

)
) Assigned to the Hon. Judge Hopp
) Dept. 10

) **DECLARATION OF STEVE**
) **LIBRING IN SUPPORT OF CITY**
) **OF RIVERSIDE’S MOTION FOR**
) **SUMMARY JUDGMENT**

) **Date:** September 21, 2023
) **Time:** 8:30 a.m.
) **Dept.:** 10

) **Reservation ID:** 416381796705

) Complaint Filed: 11/22/2019
) Trial Date: 10/20/2023

28 I, Steve Libring, T.E., do declare that:

29 1. I am a resident of the State of California. I am over the age of 18 years and have
30 been employed in the field of traffic engineering for a period of 50 years, including 30 years as a
31 Traffic Engineer. If called to testify, I could and would competently do so, based upon my own
32 personal knowledge, training, and experience.

1 2. In 1978, I received a Bachelor of Science Degree in Civil Engineering from
2 California State University, Los Angeles. In 1995, I earned my TR 1801 California Traffic
3 Engineer License, a license I have maintained consistently to present day.

4 3. Throughout my career as a Traffic Engineer, I have worked full or part-time for
5 seventeen (17) cities in five different counties, exposing me to a variety of complex traffic
6 problems and situations. From 2005-2014, I was employed as a City Traffic Engineer for the City
7 of Riverside. While at this position, I was duly authorized to make decisions on behalf of the City
8 of Riverside including the authorization of City approved traffic designs and plans including the
9 redesign and improvement of intersections and roadways and the addition of striping, signage,
10 parking, certain parking restrictions, and lanes of travel. I also was responsible for supervising
11 thirty-four staff members and all day-to-day operations. Also, I oversaw the preparation of all
12 budgets, applied for grants, and responded to litigation and testified in court. I reviewed traffic
13 studies and prepared mitigation measures or conditions of approval. I also reviewed and,
14 secondary to my discretion, signed all in-house signals designs, including traffic signals and stop
15 signs, as well as any striping, signing and detour plans. I regularly corresponded with Council
16 Members, City Manager and other Departments to coordinate the implementation of neighborhood
17 traffic solutions. I staffed two different Commissions – the Downtown Parking Committee, and
18 the Parking, Traffic and Streets Commission, as well as designed and implemented the Riverside
19 Traffic Management Center (TMC) which oversees all signal coordination. Additionally, through
20 the use of CCTV cameras, my staff and I were able to make adjustments to traffic plans as incidents
21 and congestion occurred.

22 4. In addition to my time with the City of Riverside, I also was employed as a City
23 Traffic Engineer for the City of Buena Park from 2002 to 2005. During this time, my duties were
24 essentially the same as at Riverside, except for the responsibility for the Red Light Program and
25 the Parking Officers. Here, I was also responsible for the design of the Buena Park Traffic
26 Management Center (TMC), as well as, the Buena Park Metrolink Station, which included
27 securing millions of dollars in grants. While employed for the City of Buena Park, I also worked
28 for several years coordinating with Caltrans and OCTA on the widening of Interstate 5 through

1 Buena Park, and negotiated millions of dollars in improvements, upgrades and resurfacing for city
2 streets that would be utilized for detour routes during construction.

3 5. From 1991 to 2002 I was employed by the City of Corona as a Traffic Engineer.
4 During this time, I was the initiator of the design of the Corona TMC and helped lay the
5 groundwork for securing \$1.7 million in funding for CCTV cameras, fiber optics, and TMC
6 construction. I worked closely with the Riverside County Transportation Commission on the
7 designs of both of Corona's Metrolink stations for proper circulation and parking. I testified in
8 Federal Court as a witness for Caltrans to help facilitate the approval of the 91 / 15 Freeway
9 Interchange amidst opposition from Norco residents. I introduced groundbreaking LED signal
10 lamp technology to the City and made Corona the 1st city in the nation to fully use LED's back in
11 the early 1990's, long before this technology was ultimately adopted by the Institute of Traffic
12 Engineers (ITE).

13 6. From 1979 to 1991 I was employed by the City of Irvine as a Senior Traffic
14 Engineer. While there, I was involved with the design of the Irvine TMC and the Irvine
15 Multimodal Station located in the Spectrum. Additionally, I presented all City Council and Traffic
16 Commission reports and was the staff liaison for the Bicycle Trails Committee. With over 110
17 homeowner associations citywide, I was the primary contact for over 1500 calls and requests per
18 year.

19 7. In addition to the above-referenced City employment positions, I also was
20 employed by the cities of Orange, Claremont, and Covina. Further, during my 50-year career as a
21 Traffic Engineer, I provide consulting services to the following California public entities: the City
22 of La Quinta, the De Luz Community Service District, the City of Temecula, the City of Menifee,
23 the City of Lake Elsinore, the City of La Canada, the County of Sacramento, the City of Elk Grove,
24 and the City of Rialto.

25 8. In preparation for providing the instant declaration, I reviewed Plaintiffs' operative
26 Complaint for Damages (Exhibit "D"), the Riverside Police Department's Traffic Collision Report
27 (Exhibit "H"), portions of the depositions of Plaintiffs Malyah Vance and Jayde Downey (Exhibits
28 "F" and "G"), the Work Order for Work Order ID No. 2946 (Exhibit "J"), Service Request 6732

1 for Work Order ID No. 2946 (Exhibit “K”), the Plan Attachments to Work Order ID No. 2946
2 (Exhibit “L”) and the 1992 Plan for XL-272 (Exhibit “A”). Exhibits “J”, “K”, and “L”, referenced
3 above, were all part of the City approved plan for improvements to Canyon Crest Drive including
4 improvements at or near the intersection located at Canyon Crest Drive and Via Zapata. I approved
5 the above-referenced Work Order in my capacity as City Traffic Engineer with the City of
6 Riverside. In addition, I reviewed the original City approved design of the intersection located at
7 Canyon Crest Drive and Via Zapata for striping and signage from 1992. Also, in June 2023, I
8 personally visited the intersection located at Canyon Crest Drive and Via Zapata in order to
9 confirm the conditions of the traffic improvement plan implemented in 2009, which I discuss
10 below, are the same or substantially similar to the conditions that currently exist.

11 9. In 2009, during the time I was employed as City Traffic Engineer with the City of
12 Riverside, I was assigned a traffic project involving the intersection located at Canyon Crest Drive
13 and Via Zapata. Specifically, this traffic improvement plan (Work Order ID No. 2946) involved
14 the installation of bike lanes, the addition of street parking stripes along Canyon Crest, and
15 appropriate signage adjacent to the second lanes of travel along north and south Canyon Crest
16 Drive. The addition of the bicycle lanes and striped parking lanes and appropriate signage included
17 the area where Canyon Crest Drive intersects with Via Zapata. Further, I was duly authorized as
18 City Traffic Engineer by the City of Riverside to make any and all improvements in the area of
19 Canyon Crest Drive referenced in Work Order ID No. 2946, including the intersection of Canyon
20 Crest and Via Zapata. The main purpose for the adding of bicycle lanes included efforts by the
21 City to make its roadways more accessible for bicycle traffic. The main purpose for adding street
22 parking strips along Canyon Crest was to accommodate local residents and the ongoing need for
23 additional parking near their homes. Further, based on my review of Plaintiffs’ Third Amended
24 Complaint and the Traffic Collision Report, I was able to determine that this intersection was
25 where the traffic collision in this matter occurred.

26 10. When working on a project such as this, it is appropriate for a City Traffic Engineer
27 to exercise his or her discretion and evaluate the existing signage in order to determine its overall
28 reasonableness and whether said existing signage is appropriate in light of the new improvement

1 plan. When making this evaluation at an intersection, such as the intersection of Canyon Crest
2 Drive and Via Zapata, a City Traffic Engineer must evaluate whether the existing signage
3 accommodates the needs of all those using the intersection in question and reasonably comports
4 with the overall traffic design. With respect to the intersection of southbound Canyon Crest Drive
5 and eastbound Via Zapata (where the collision in this matter occurred), this analysis includes the
6 accommodation of both vehicles traveling north and south on Canyon Crest Drive and the vehicles
7 traveling east on Via Zapata attempting to turn onto Canyon Crest. In addition, given the newly
8 added bicycle lanes, bicycles traveling in the roadway must be accommodated in the analysis.
9 Further, pedestrians walking along Canyon Crest Drive and who must cross the intersection are a
10 necessary consideration. Moreover, the availability of street parking and the existence of
11 vegetation surrounding the intersection must also be considered. Finally, immediately adjacent to
12 the southbound lanes of travel on Canyon Crest, is an access road, which runs between the
13 intersection of Via Zapata and just past the intersection of Via Cartago. The signage must also
14 accommodate vehicles, bicycles, and pedestrians using the access road. All of the above, was
15 considered in my determination as to whether the existing signage located at the intersection of
16 Canyon Crest Drive and Via Zapata need to be altered to accommodate for the traffic improvement
17 plan prescribed by Work Order ID No. 2946.

18 11. After considering all the above factors, and in exercising my discretion as a City
19 Traffic Engineer employed by the City of Riverside, I determined based on my knowledge,
20 training, and experience that the existing signage adequate as designed in 1992, including the
21 location of the stop sign which controls the intersection of Canyon Crest and Via Zapata where the
22 collision in this matter occurred. Specifically, with respect to the stop at the intersection, I
23 examined the location of the stop sign and the corresponding limit line for vehicles traveling east
24 of Via Zapata turning onto Canyon Crest Drive. The stop sign in question is set directly on the
25 south side of the intersection past access road adjacent to Canyon Crest. Further, the limit line,
26 which corresponds with the stop sign at the intersection, is set forward as far forward as possible
27 in order to accommodate maximum visibility for vehicles traveling eastbound on Via Zapata
28 wishing to make a left hand turn onto northbound Canyon Crest Drive, while still accommodating

1 pedestrians crossing Via Zapata and bicycles traveling in the newly added bicycle lane. This stop
2 sign location also in my opinion accommodates traffic using the access road adjacent to Canyon
3 Crest. Moreover, the existing stop sign and limit line locations account for nearby vegetation, and
4 accommodates for pedestrians and bicycles (and possibly golf carts) traveling in the southbound
5 direction on Canyon Crest.

6 12. Ultimately, in implementing the City approved improvements to Canyon Crest
7 Drive, I determined that the stop sign at the intersection of southbound Canyon Crest and
8 eastbound Via Zapata is set as far forward as reasonably possible in order to accommodate drivers
9 making a left hand turn from Via Zapata onto northbound Canyon Crest Drive. Further, should an
10 individual driver feel additional visibility is necessary to successfully make the left hand turn onto
11 northbound Canyon Crest, the intersection is designed in such a way that the driver may inch/creep
12 forward to attain additional desired visibility, which is a reasonable consideration amongst Traffic
13 Engineers when contemplating and approving the placement of stop signs at all intersections.

14 13. In addition to the adding of the bicycle lanes, as referenced above, the redesign
15 improvement plan including the addition street parking stripes along Canyon Crest Drive. Like
16 the bicycle lanes, these provisions were duly authorized by me in accordance with my duties as
17 City Traffic Engineer. In reaching the decision to authorize street parking stripes along Canyon
18 Crest Drive, the need for clear identification of parking lanes for local residents were weighed with
19 the needs of vehicles traveling on Canyon Crest and intersecting roads (including Via Zapata) and
20 the effect parked vehicles on said vehicles as well as pedestrians and cyclists.

21 14. Further, part of the redesign plan included determining where the additional parking
22 on Canyon Crest would be located and where it would be restricted. Specifically, based on my
23 knowledge, training, and experience, I determined that parking be restricted along a portion of
24 southbound Canyon Crest near the intersection of Via Zapata vehicles making a right hand turn
25 onto Via Zapata. As is my custom and practice, in reaching this decision I balanced the numerous
26 competing interests of vehicles turning onto Via Zapata from Canyon Crest, vehicles turning onto
27 Canyon Crest from Via Zapata, vehicles and bicycles traveling in both directions on Canyon
28 Canyon Crest, pedestrians on both streets, and the need for parking stripes along Canyon Crest.

1 15. Ultimately, after conducting the above analysis and reasonably balancing all the
2 factors listed above, I determined that the redesign improvement plan (Work Order ID No. 2946),
3 including the addition of the parking stripes and implementation of reasonable parking restrictions,
4 was reasonable and met with standard of traffic design of the City of Riverside. Further, in
5 implementing the redesign improvement plan, I determined that the design of the existing
6 intersections, including the of the placement of the stop sign at the intersection of Canyon Crest
7 and Via Zapata, were adequate and reasonable despite the additional changes implemented under
8 the redesign improvement plan.

9 16. Based on the foregoing, and subject to my discretion as a City Traffic Engineer
10 employed by the City of Riverside, in adopting the 2009 City approved improvement plan to
11 Canyon Crest Drive set forth in Work Order ID No. 2946, it was my determination that all of the
12 actions I took in implementing said Word Order, including the addition of parking stripes and
13 reasonable parking restrictions and allowing the location of the stop sign controlling the
14 intersection at Canyon Crest and Via Zapata to remain as it existed previously, were appropriate
15 and reasonable under the circumstances. Further, based on my knowledge, training, experience,
16 and review of the case material provided to me, it is my opinion that the City approved redesign
17 improvement plan Canyon Crest Drive was not responsible for causing the collision in this matter
18 nor was the addition of parking and reasonable parking restrictions.

19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct. Executed July 3, 2023, in Riverside, California.

21
22
23
24
25
26
27
28



Steve Libring, Declarant

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I am employed in the county aforesaid; I am over the age of 18 years and not a party to the within above-entitled action; my business address is 3750 University Avenue, Suite 250, Riverside, California 92501.

On July 7, 2023, I served the within **DECLARATION OF STEVE LIBRING IN SUPPORT OF CITY OF RIVERSIDE’S MOTION FOR SUMMARY JUDGMENT** on the interested parties in said action addressed as follows:

(**XX**) **VIA ELECTRONIC SERVICE**– Based on court order or an agreement of the parties to accept service by email, I caused the documents to be electronically served to the email addresses of the interested parties as listed below. Said documents were transmitted from my electronic address of esummers@riversideca.gov . I did not receive, within reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Evan Theodore Martin 1009 NE Elm Street Grant’s Pass, OR 97526 Tel: 541-630-6601	Pro Per Defendant/Cross-Defendant EVAN THEODORE MARTIN
Shelby Kennick, Esq. CP LAW GROUP 655 North Central Avenue, Suite 1125 Glendale, CA 91203 skennick@cplawgrp.com Tel: 818-853-5131; Fax: 818-638-8549 Assistant: Amy Chikuami Tel: 818-853-5151 achikuami@cplawgrp.com	Attorney for Defendants/Cross-Defendants ARA SEVACHARIAN and VAHRAM SEVACHERIAN
(X) PERSONAL - I have caused such document to be delivered by hand to the office of the listed addressee via courier service - pursuant to Code Civ. Proc. § 1011.	
Gregory G. Rizio Eric Ryanen Lynn Whitlock RIZIO LIPINSKY LAW FIRM, PC 2677 N. Main Street, Suite 225 Santa Ana, CA 92705 grizio@riziolawfirm.com eryanen@riziolawfirm.com lwhitlock@riziolawfirm.com Tel: 714-547-1234; Fax: 714-547-1245 Assistant: Michele A. Markus markus@riziolawfirm.com	Attorney for Plaintiffs MALYAH JANE VANCE and JAYDE DOWNEY

I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

Executed on July 7, 2023, Riverside, California.


Christina Perez-Cota

1 PHAEDRA A. NORTON, City Attorney, SBN 200271
2 REBECCA L. MCKEE-REIMBOLD, Assistant City Attorney, SBN 279485
3 MICHAEL A. VERSKA, Sr. Deputy City Attorney, SBN 207213
4 EDWARD J. REID, Deputy City Attorney, SBN 276872
5 **OFFICE OF THE CITY ATTORNEY – City of Riverside**
6 3750 University Avenue, Suite 250
Riverside, California 92501
Tel (951) 826-5567; Fax (951) 826-5540
mverska@riversideca.gov
mhanna@riversideca.gov
smurphy@riversideca.gov

*Fee Exempt Per
Govt. Code § 6103*

7 Attorneys for Defendant/Cross-Complainant/Cross-Defendant,
8 City of Riverside, a California charter city and municipal corporation

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 FOR THE COUNTY OF RIVERSIDE

11
12 MALYAH JANE VANCE and JAYDE
13 DOWNEY,

14 Plaintiffs,

15 v.

16 CITY OF RIVERSIDE, EVAN THEODORE
17 MARTIN, ARA SEVACHERIAN; VAHRAM
18 SEVACHERIAN; DOES 1 through 100,

19 Defendants.

20
21
22
23
24
25
26
27
28

AND ALL CROSS-ACTIONS

) CASE NO. RIC 1905830

)
) Assigned to the Hon. Judge Hopp
) Dept. 10

)
) **DECLARATION OF NATHAN
) MUSTAFA IN SUPPORT OF CITY
) OF RIVERSIDE’S MOTION FOR
) SUMMARY JUDGMENT**

) **Date: September 21, 2023**

) **Time: 8:30 a.m.**

) **Dept.: 10**

) **Reservation ID: 416381796705**

) Complaint Filed: 11/22/2019

) Trial Date: 10/20/2023

I, Nathan Mustafa, P.E., T.E., do declare that:

1. I am a resident of the State of California. I have been employed by the City of Riverside continuously since September 2013. I am over the age of 18 years and have personal knowledge of the following facts and if called as a witness, I could and would competently testify as follows.

1 2. Since December 17, 2014, I have been continually licensed as a Civil Engineer in
2 the State of California, license no. 83654. Since December 20, 2016, I have been continually
3 licensed as a Traffic Engineer in the State of California, license no. 2816.

4 3. I am currently employed as the Deputy Director of Public Works for the City of
5 Riverside and, in this position, I supervise the City Traffic Engineer. I have held this position since
6 November 13, 2020. Prior to that, I was the City of Riverside's City Traffic Engineer from
7 February 22, 2019 to November 12, 2020. Prior to becoming the City Traffic Engineer, I was
8 employed as the Principal Engineer with the City of Riverside Traffic Engineering Division of the
9 Public Works Department from November 2, 2018 to February 21, 2019. Prior to becoming the
10 Principal Engineer, I was employed as a Senior Traffic Engineer with the City of Riverside's
11 Traffic Engineering Division from July 17, 2015 to November 1, 2018. Before that, I was initially
12 hired as an Assistant Engineer and was promoted to Associate Traffic Engineer. As one of the
13 City's Traffic Engineers, I have discretionary authority to approve plans and designs for City
14 streets and improvements thereto.

15 4. As the current Deputy Director of Public Works, I have access to all documents
16 maintained by the City of Riverside's Traffic Engineering Division, including the City's blueprint
17 repository. A true and correct copy of Plan XL-272, "Rehabilitation of Major City Streets 1990-
18 1991 Canyon Crest Drive County Club Drive to Central Avenue" is attached hereto as **Exhibit**
19 **"A."** Plan XL-272 indicates that the City's former Traffic Engineer, Barry Beck, signed and
20 approved the design and placement of the limit line where Plaintiff should have stopped her car
21 before making her turn onto Canyon Crest Drive on the day of the subject accident. Specifically,
22 Item #24 on **Exhibit "A"** under the Striping & Marking Legend indicates to install a solid white
23 "stop marking" as drawn on Via Zapata Drive. The Department of Consumer Affairs Board for
24 Professional Engineers maintains a database that provides public access to look up the status of
25 CA-licensed professional engineers. Mr. Beck has been a licensed Civil Engineer in the State of
26 California, License # 20900 since 1971, including when he approved Plan XL-272 in 1992. There
27 were no substantive changes to the limit line since Plan XL-272 was approved in 1992 to the time
28 of Plaintiff's accident in 2018.

1 5. In my professional opinion, the design of the subject intersection was reasonable
2 from an engineering standpoint. The stop sign at the subject intersection provided adequate
3 visibility for a driver on Via Zapata to safely turn onto Canyon Crest Drive. In addition, drivers on
4 Via Zapata could creep forward from the limit line at the stop sign toward the edge of the lane of
5 oncoming traffic on Canyon Crest Drive. It is custom and practice in the City of Riverside to design
6 limit line locations to allow for drivers to creep forward to obtain a better view of oncoming traffic
7 before making turning movements. At this particular location, there was marked parking along the
8 curb that provides additional space for vehicles to creep forward to encroach into that parking lane
9 before making a turn onto Canyon Crest. Drivers who are driving along Via Zapata also have an
10 alternative option available to them: the other end of Via Zapata terminates at a signal light at
11 Central Avenue, so it provides drivers with the option to proceed to the signalized intersection of
12 Via Zapata and Central (who could then turn onto Canyon Crest Drive from Central Avenue).

13 6. On June 20, 2017, the City’s Traffic Engineering Division performed a “Traffic
14 and Engineering Survey for Speed Zoning” (hereinafter, “traffic survey”) of Canyon Crest Drive
15 between Martin Luther King Blvd. and Alessandro Blvd., which encompassed the location of the
16 intersection of Canyon Crest Drive and Via Zapata where the subject accident occurred. A true
17 and correct copy of the 2017 “Traffic and Engineering Survey for Speed Zoning” is attached hereto
18 as **Exhibit “B”**, which established the 85th percentile speed as 50 MPH. The 85th percentile speed
19 is, by law, the speed that establishes the enforceable speed limit. As the Traffic Engineer who
20 approved the speed limit on Canyon Crest Drive, I was able to exercise my discretion to lower the
21 posted speed limit the maximum amount allowable under California law, 5 MPH. My signature
22 approving the 45 MPH speed limit is found on pg. 2 of **Exhibit “B.”** A speed limit on Canyon
23 Crest Drive lower than 45 MPH would not have been enforceable because the speed limit may
24 only be set 5 MPH lower than the 85th percentile speed per law. (See California Manual for Setting
25 Speed Limits Section 3.4.3).

26 7. As the Deputy Director of Public Works supervising the Traffic Engineering
27 Division, I also have access to the City of Riverside Police Department “Collision Summary
28 Report” database and I have reviewed the “Collision Summary Report” for the period of May 25,

1 2014 to May 25, 2019 for intersection of Canyon Crest Drive and Via Zapata: a true and correct
2 copy of this "Collision Summary Report" is attached hereto as **Exhibit "C."** My review of this
3 "Collision Summary Report" revealed that there is no allegations that any of these prior collisions
4 were caused by obstructed views. In addition, none of the at-fault drivers involved in these prior
5 collisions were found to be distracted using a cell phone at the time of the collision, like Plaintiff
6 Vance in this case.

7 I declare under penalty of perjury under the laws of the State of California that the
8 foregoing is true and correct. Executed July 06, 2023, in Riverside, California.

9
10 
11 _____
12 Nathan Mustafa, Declarant
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

“Exhibit A”

“Exhibit B”

CITY OF RIVERSIDE

Department of Public Works, Traffic Engineering Division

TRAFFIC AND ENGINEERING SURVEY FOR SPEED ZONING

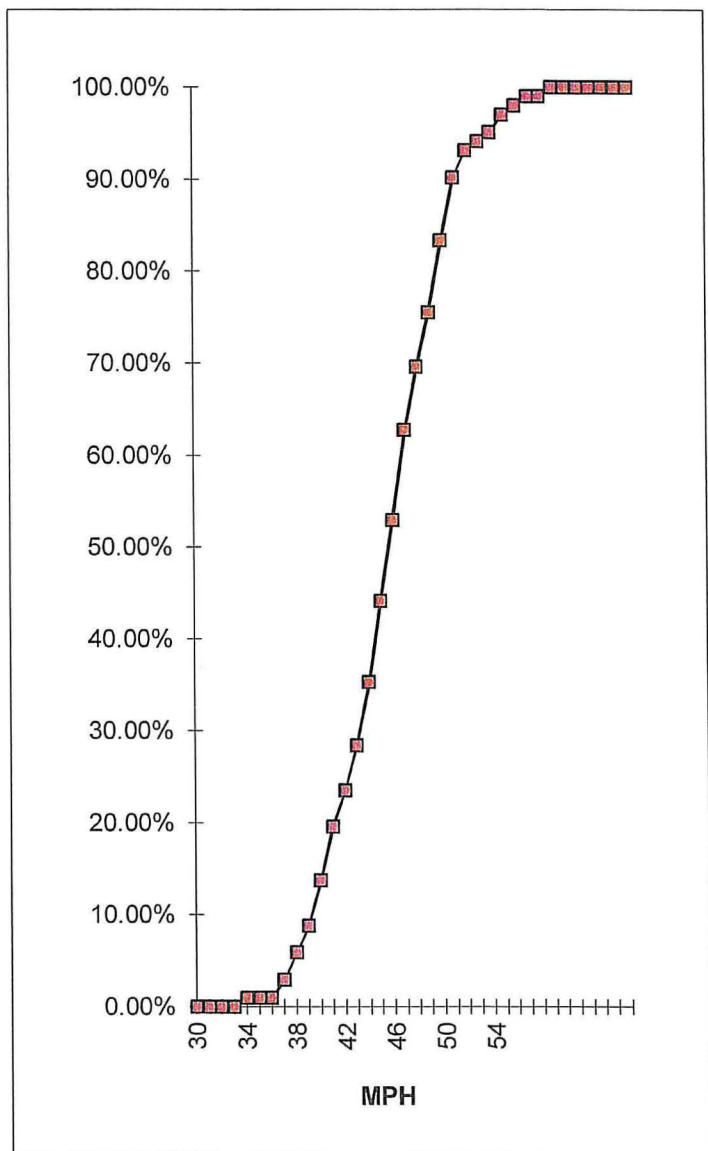
STREET CANYON CREST DRIVE LOC. N/O CHECKOV DR.

SPEED SURVEY LIMITS: Between MARTIN LUTHER KING and ALESSANDRO BLVD.
BLVD.

Date: 6/20/2017 Posted Speed: 45 Critical Speed (85th percentile speed) 50 MPH

50th Percentile speed 46 MPH 10 MPH Pace 42-51 Percent in Pace 70.6%

SPEED	NO. OBSERV.	PCT.	ACC. PCT.
30			
31			
32			
33			
34	1	0.98%	0.98%
35			0.98%
36			0.98%
37	2	1.96%	2.94%
38	3	2.94%	5.88%
39	3	2.94%	8.82%
40	5	4.90%	13.73%
41	6	5.88%	19.61%
42	4	3.92%	23.53%
43	5	4.90%	28.43%
44	7	6.86%	35.29%
45	9	8.82%	44.12%
46	9	8.82%	52.94%
47	10	9.80%	62.75%
48	7	6.86%	69.61%
49	6	5.88%	75.49%
50	8	7.84%	83.33%
51	7	6.86%	90.20%
52	3	2.94%	93.14%
53	1	0.98%	94.12%
54	1	0.98%	95.10%
55	2	1.96%	97.06%
56	1	0.98%	98.04%
57	1	0.98%	99.02%
58			99.02%
59	1	0.98%	100.00%
60			100.00%
61			100.00%
62			100.00%
63			100.00%
64			100.00%
65			100.00%



OBSERV. 102

CITY OF RIVERSIDE

Department of Public Works, Traffic Engineering Division

TRAFFIC AND ENGINEERING SURVEY FOR SPEED ZONING

CANYON CREST DRIVE Between MARTIN LUTHER KING and ALESSANDRO BLVD.
BLVD.

Date: 6/20/2017 Time: 10:51 AM Weather: CLEAR, DRY Prepared By: DFULLER
TO 11:05 AM

Posted Speed: 45 MPH Critical Speed: (85th percentile speed) 50 MPH

OTHER CONSIDERATIONS

ACCIDENT RECORD REVIEW:

Does not warrant speed limit less than critical speed.
 Warrants speed limit less than critical speed.

UNUSUAL CONDITIONS:

Warrants speed limit less than critical speed because of unusual conditions not readily
apparent to the motorists:
Roadway slope, pedestrian and golf cart activity.

RADAR ENFORCEABLE SPEED

This traffic and engineering survey indicates that the appropriate speed limit for this location is:

45 MPH [Signature] 6/21/17
City Traffic Engineer Date

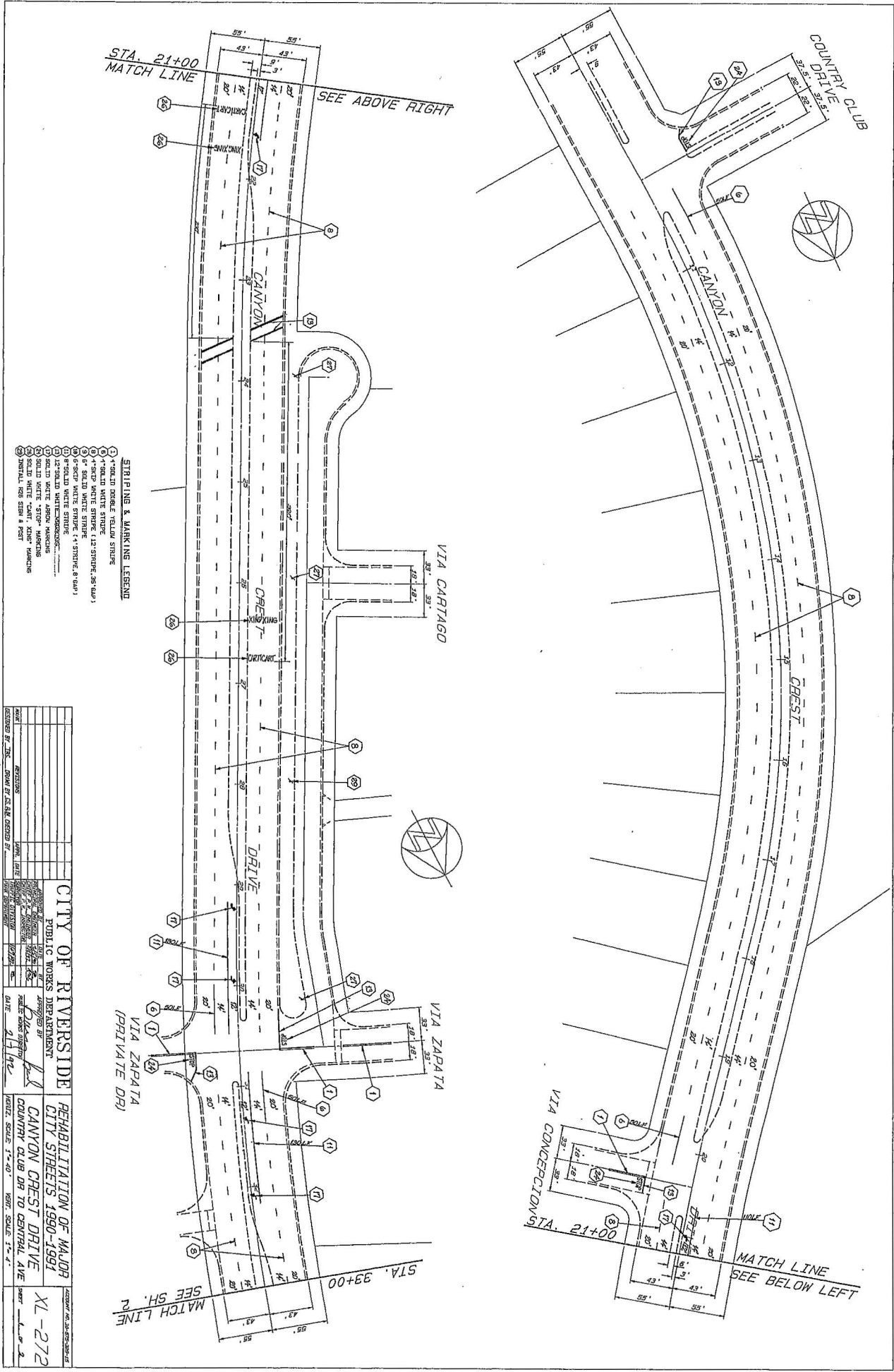
CERTIFICATION

I, _____ declare:
That I am employed by the City of Riverside, State of California, in the Traffic Engineering Division
of the Public Works Department.
That the attached traffic and engineering survey is a true copy of the traffic and engineering survey
present in the Traffic Engineering files.
That the traffic and engineering survey was prepared in the ordinary course of Traffic and Engineering
Division business, for and by the Division to determine the appropriate speed limits.
I declare under the penalty of perjury that the foregoing is true.

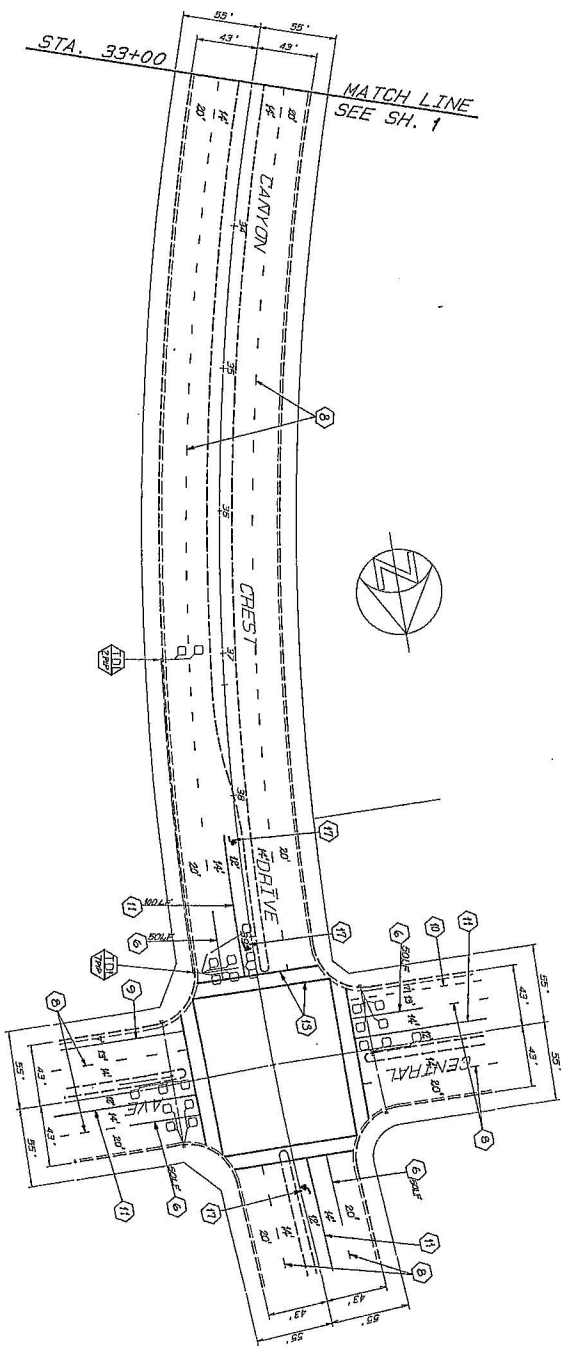
Executed at Riverside, California, on this _____ day of _____ 20 _____

declarant

“Exhibit C”



DESIGNED BY: J.C. GONZALEZ	CHECKED BY: J.C. GONZALEZ	DATE: 11/17/91
DRAWN BY: J.C. GONZALEZ	CHECKED BY: J.C. GONZALEZ	DATE: 11/17/91
SCALE: 1"=40'	SCALE: 1"=40'	SCALE: 1"=40'
CITY OF RIVERSIDE		
PUBLIC WORKS DEPARTMENT		
REHABILITATION OF MAJOR		
CITY STREETS 1990-1991		
CANYON CREST DRIVE		
COUNTRY CLUB DR TO CENTRAL AVE		
XL-272		



DATE	REVISION	BY	CHKD	DATE	REVISION	BY	CHKD
CITY OF RIVERSIDE PUBLIC WORKS DEPARTMENT							
PROJECT NO. 100-100-100-100 PROJECT NAME: REHABILITATION OF MAJOR CITY STREETS 1990-1991				SHEET NO. 272 OF 272 TOTAL SHEETS: 272			
DRAWN BY: [Signature] CHECKED BY: [Signature]				DATE: 2/7/92			
PROJECT TITLE: REHABILITATION OF MAJOR CITY STREETS 1990-1991				SHEET TITLE: CANYON CREST DRIVE			
PROJECT LOCATION: COUNTRY CLUB DR TO CENTRAL AVE				SHEET SCALE: 1"=40'			
PROJECT NO. 100-100-100-100				SHEET NO. 272 OF 272			

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I am employed in the county aforesaid; I am over the age of 18 years and not a party to the within above-entitled action; my business address is 3750 University Avenue, Suite 250, Riverside, California 92501.

On July 7, 2023, I served the within **DECLARATION OF NATHAN MUSTAFA IN SUPPORT OF CITY OF RIVERSIDE’S MOTION FOR SUMMARY JUDGMENT** on the interested parties in said action addressed as follows:

(**XX**) **VIA ELECTRONIC SERVICE**– Based on court order or an agreement of the parties to accept service by email, I caused the documents to be electronically served to the email addresses of the interested parties as listed below. Said documents were transmitted from my electronic address of cperez-cota@riversideca.gov . I did not receive, within reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Evan Theodore Martin 1009 NE Elm Street Grant’s Pass, OR 97526 Tel: 541-630-6601	Pro Per Defendant/Cross-Defendant EVAN THEODORE MARTIN
Shelby Kennick, Esq. CP LAW GROUP 655 North Central Avenue, Suite 1125 Glendale, CA 91203 skennick@cplawgrp.com Tel: 818-853-5131; Fax: 818-638-8549 Assistant: Amy Chikuami Tel: 818-853-5151 achikuami@cplawgrp.com	Attorney for Defendants/Cross-Defendants ARA SEVACHARIAN and VAHRAM SEVACHERIAN
(X) PERSONAL - I have caused such document to be delivered by hand to the office of the listed addressee via courier service - pursuant to Code Civ. Proc. § 1011.	
Gregory G. Rizio Eric Ryanen Lynn Whitlock RIZIO LIPINSKY LAW FIRM, PC 2677 N. Main Street, Suite 225 Santa Ana, CA 92705 grizio@riziolawfirm.com eryanen@riziolawfirm.com lwhitlock@riziolawfirm.com Tel: 714-547-1234; Fax: 714-547-1245 Assistant: Michele A. Markus markus@riziolawfirm.com	Attorney for Plaintiffs MALYAH JANE VANCE and JAYDE DOWNEY

I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

Executed on July 7, 2023, Riverside, California


Christina Perez-Cota

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I am employed in the County of Riverside; I am over the age of 18 years and not a party to the within above-entitled action; my business address is 3750 University Avenue, Suite 250, Riverside, California 92501.

On November 17, 2023, I served the foregoing document described as:

MOTION FOR JUDICIAL NOTICE

on the parties in this action by serving:

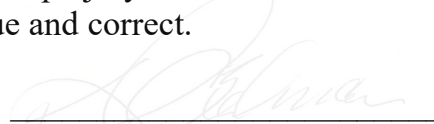
SEE ATTACHED SERVICE LIST

(X) By Mail: I am “readily familiar” with this firm’s practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with United States Postal Service on that same day with postage thereon fully prepaid at Riverside, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

(X) I electronically filed the document(s) with the Clerk of the Court by using the TrueFiling system. Participants in the case who are registered TrueFiling users will be served by the TrueFiling system. Participants in the case who are not registered TrueFiling users will be served by mail or by other means permitted by the court rules.

Executed on November 17, 2023, at Riverside, California.

(X) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Dorothy C. Zolman

SERVICE LIST

Counsel for Jayde Downey

Gregory G. Rizio, Esq.
Eric Ryanen, Esq.
Rizio Lipinsky Law Firm, PC
2677 N. Main Street, Suite 225
Santa Ana, CA 92705
Tel: 714-547-1234
Fax: 714-547-1245
eryanen@riziolawfirm.com
mmarkus@riziolawfirm.com

Service via First Class Mail

Counsel for Severacherian Respondents

Shelby Kennick, Esq.
CP Law Group
655 North Central Avenue, Suite 1125
Glendale, CA 91203
Tel: 818-853-5131
Fax: 818-638-8549
skennick@cplawgrp.com
achikuami@cplawgrp.com

**Service Via First Class
Mail**

Evan Theodore Martin
1009 NE Elm Street
Grants Pass, Oregon 97526

**Service Via First Class
Mail**

California Court of Appeals
4th Appellate District Division One
750 B Street, Suite 300
San Diego, California 92101

**Service Via First Class
Mail**

Superior Court of the County of Riverside
Honorable Harold W. Hopp, Judge
Department 10
4050 Main Street
Riverside, CA 92501

**Service Via First Class
Mail**

S280322

In the Supreme Court of California

Jayde Downey,
Plaintiff and Appellant

v.

City of Riverside, et. al.,
Defendants and Respondents.

After a Decision by the Court of Appeal Fourth Appellate District, Division One, Case No. D080377 Appealing from a Judgment Entered in Favor of Defendants Riverside, Ara Sevacherian and Vahram Sevacherian, County Superior Court Case No. RIC 1905830 Honorable Harold W. Hopp, Judge.

[PROPOSED] ORDER

Pursuant to Rule 8.252 of the California Rules of Court and California Evidence Code Sections 452 and 459, the Motion for Judicial Notice filed by Respondent in support of their Answer Brief on the Merits is GRANTED.

The Court therefore takes judicial notice of the following documents:

Exhibit A: CITY OF RIVERSIDE'S NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT; POINTS AND AUTHORITIES; DECLARATION OF STEVE LIBRING; DECLARATION OF NATHAN MUSTAFA; DECLARATION OF EDWARD REID; SUPPORTING EXHIBITS

IT IS SO ORDERED.

Dated: _____

Justice of the Supreme Court

PROPOSED ORDER

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I am employed in the County of Riverside; I am over the age of 18 years and not a party to the within above-entitled action; my business address is 3750 University Avenue, Suite 250, Riverside, California 92501.

On November 17, 2023, I served the foregoing document described as:

PROPOSED ORDER

on the parties in this action by serving:

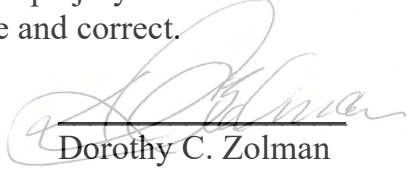
SEE ATTACHED SERVICE LIST

(X) By Mail: I am “readily familiar” with this firm’s practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with United States Postal Service on that same day with postage thereon fully prepaid at Santa Ana, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

(X) I electronically filed the document(s) with the Clerk of the Court by using the TrueFiling system. Participants in the case who are registered TrueFiling users will be served by the TrueFiling system. Participants in the case who are not registered TrueFiling users will be served by mail or by other means permitted by the court rules.

Executed on November 17, 2023, at Riverside, California.

(X) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Dorothy C. Zolman

PROPOSED ORDER

SERVICE LIST

Counsel for Jayde Downey

Gregory G. Rizio, Esq.
Eric Ryanen, Esq.
Rizio Lipinsky Law Firm, PC
2677 N. Main Street, Suite 225
Santa Ana, CA 92705
Tel: 714-547-1234
Fax: 714-547-1245
eryanen@riziolawfirm.com
mmarkus@riziolawfirm.com

Service via First Class Mail

Counsel for Severacherian Respondents

Shelby Kennick, Esq.
CP Law Group
655 North Central Avenue, Suite 1125
Glendale, CA 91203
Tel: 818-853-5131
Fax: 818-638-8549
skennick@cplawgrp.com
achikuami@cplawgrp.com

**Service Via First Class
Mail**

Evan Theodore Martin
1009 NE Elm Street
Grants Pass, Oregon 97526

**Service Via First Class
Mail**

California Court of Appeals
4th Appellate District Division One
750 B Street, Suite 300
San Diego, California 92101

**Service Via First Class
Mail**

Superior Court of the County of Riverside
Honorable Harold W. Hopp, Judge
Department 10
4050 Main Street
Riverside, CA 92501

**Service Via First Class
Mail**

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **DOWNEY v. CITY OF RIVERSIDE**

Case Number: **S280322**

Lower Court Case Number: **D080377**

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **esummers@riversideca.gov**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
ADDITIONAL DOCUMENTS	Proposed Order
ANSWER TO PETITION FOR REVIEW (FEE PREVIOUSLY PAID)	Supreme Court - Answer Brief on the Merits
REQUEST FOR JUDICIAL NOTICE	Motion for Judicial Notice Answer Brief

Service Recipients:

Person Served	Email Address	Type	Date / Time
Shelby Kennick Cp Law Group	skennick@cplawgrp.com	e-Serve	11/17/2023 10:17:01 AM
Eric Ryanen Rizio Law Firm 146559	eryanen@riziolawfirm.com	e-Serve	11/17/2023 10:17:01 AM
Pro Per Attorney Nationwide Legal, LLC 273361	sfcourt@nationwideasap.com	e-Serve	11/17/2023 10:17:01 AM
Michael Verska Riverside City Attorney 207213	mverska@riversideca.gov	e-Serve	11/17/2023 10:17:01 AM
Dorothy Zolman	dzolman@riversideca.gov	e-Serve	11/17/2023 10:17:01 AM

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

11/17/2023

Date

/s/Dorothy Zolman

Signature

Summers, Erin (Other)

Last Name, First Name (PNum)

Riverside City Attorney

Law Firm
