



GBW | OUR METHOD FOR SUCCESS

HOW DID YOU
WIN THAT CASE?

\$3.5 MILLION SETTLEMENT

for Pedestrian Struck by School Bus

*How to Hold a School District Responsible
for School Bus Related Injuries*

PRESENTERS



Geoffrey Wells

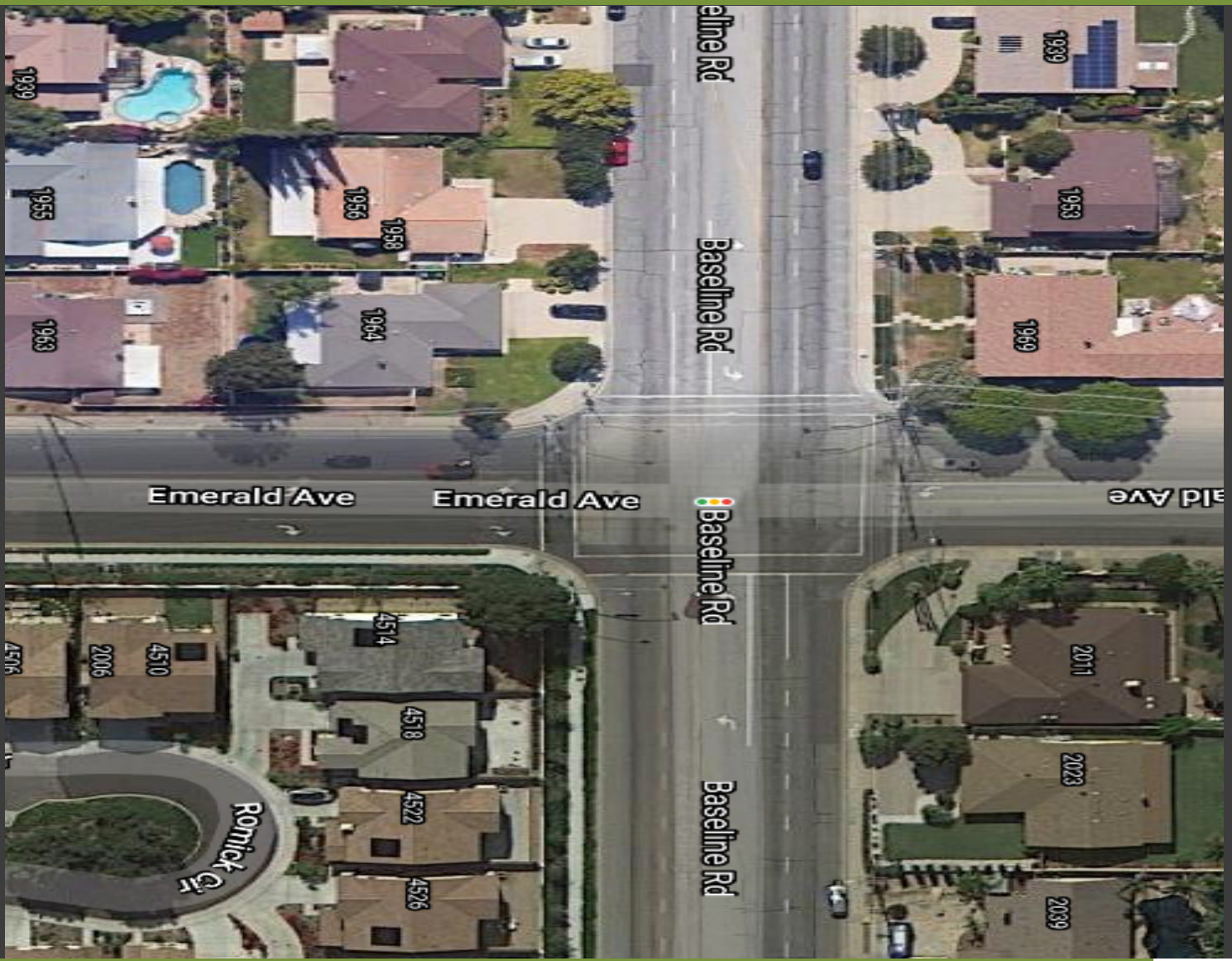
As one of the leading trial lawyers in the state, Geoff Wells has obtained more than 250 multimillion-dollar verdicts and settlements in complex legal actions. Geoff's practice focuses on personal injury, wrongful death, motor vehicle accidents, product liability, premises liability, motor vehicle accidents and product defect cases. Geoff was named a Finalist for CAOC's Consumer Attorney of The Year Award in 2018 and also named a CAALA Trial Lawyer of the Year Finalist.



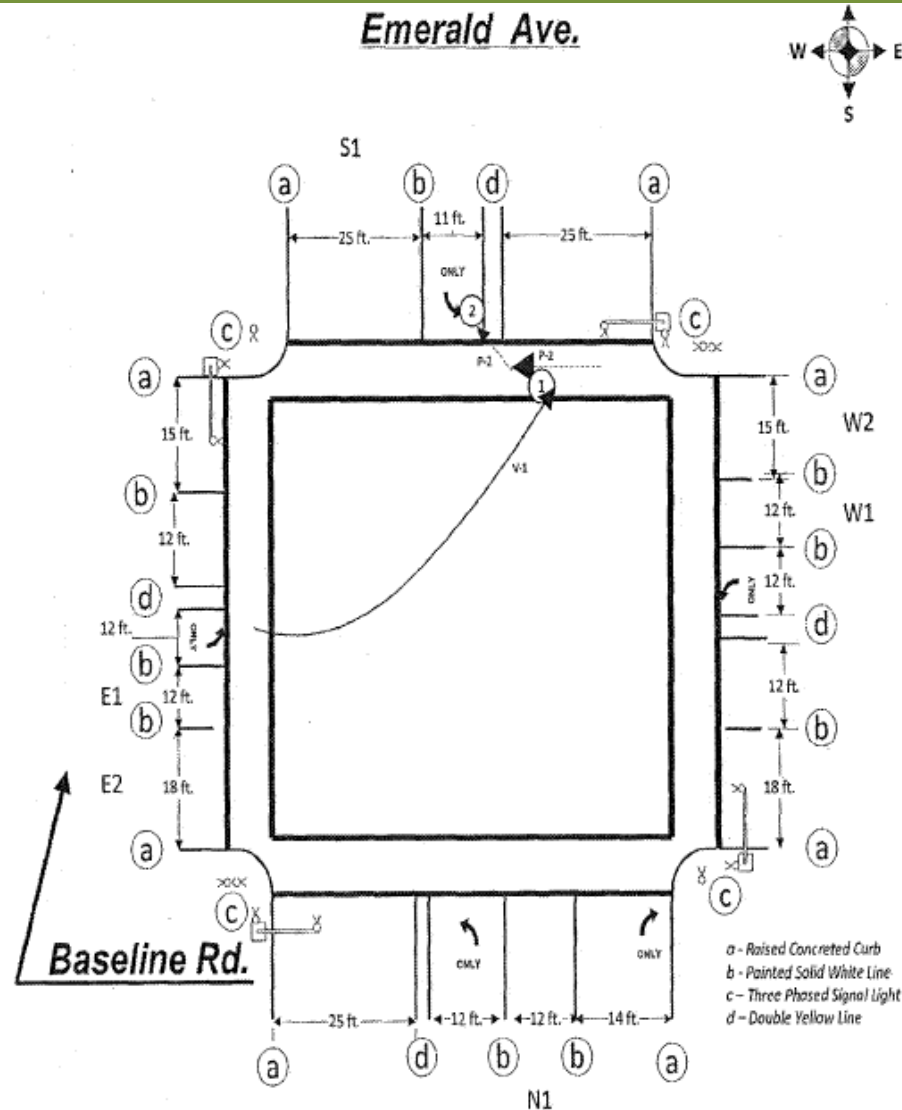
Christian Nickerson

is a trial attorney specializing in employment litigation, business litigation, catastrophic personal injury, and wrongful death cases. He has achieved over \$160 million in jury verdicts and negotiated settlements on behalf of clients, and is a two-time finalist for CAOC's Consumer Attorney of the Year Award. Christian was named Top 40 under 40 by the National Trial Lawyers and recognized as a Southern California Rising Star, 2015 - 2020.

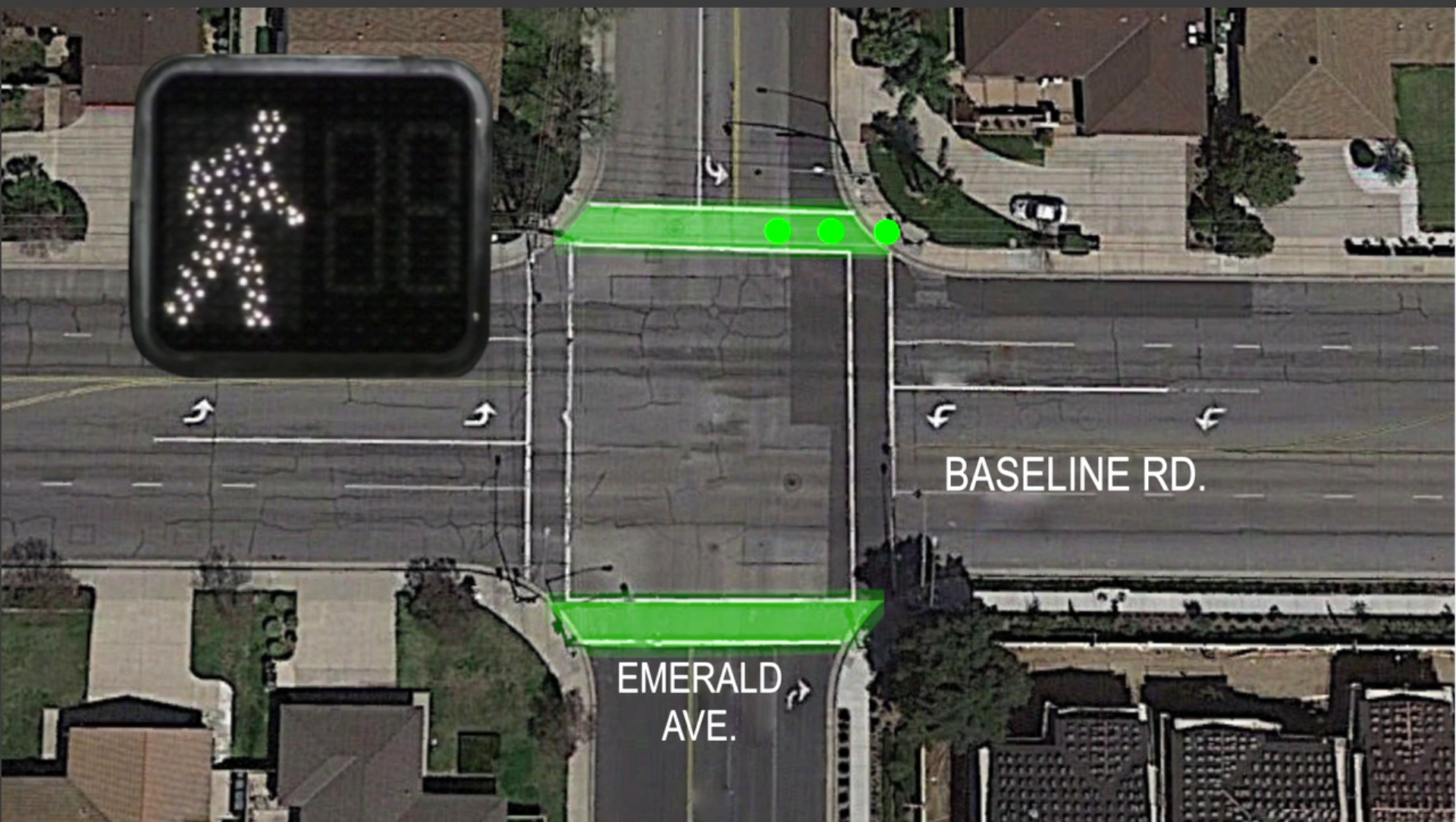
THE INCIDENT



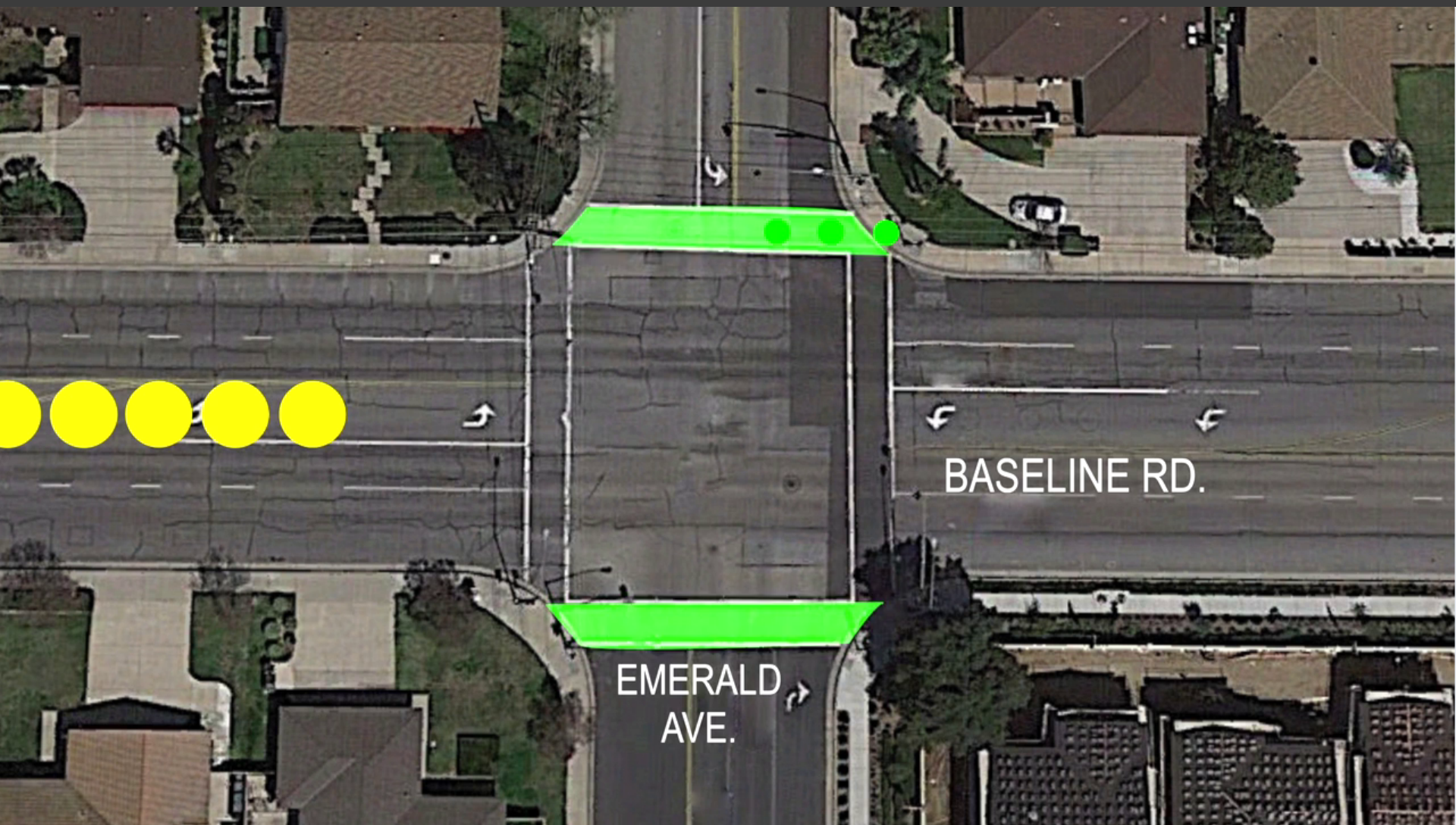
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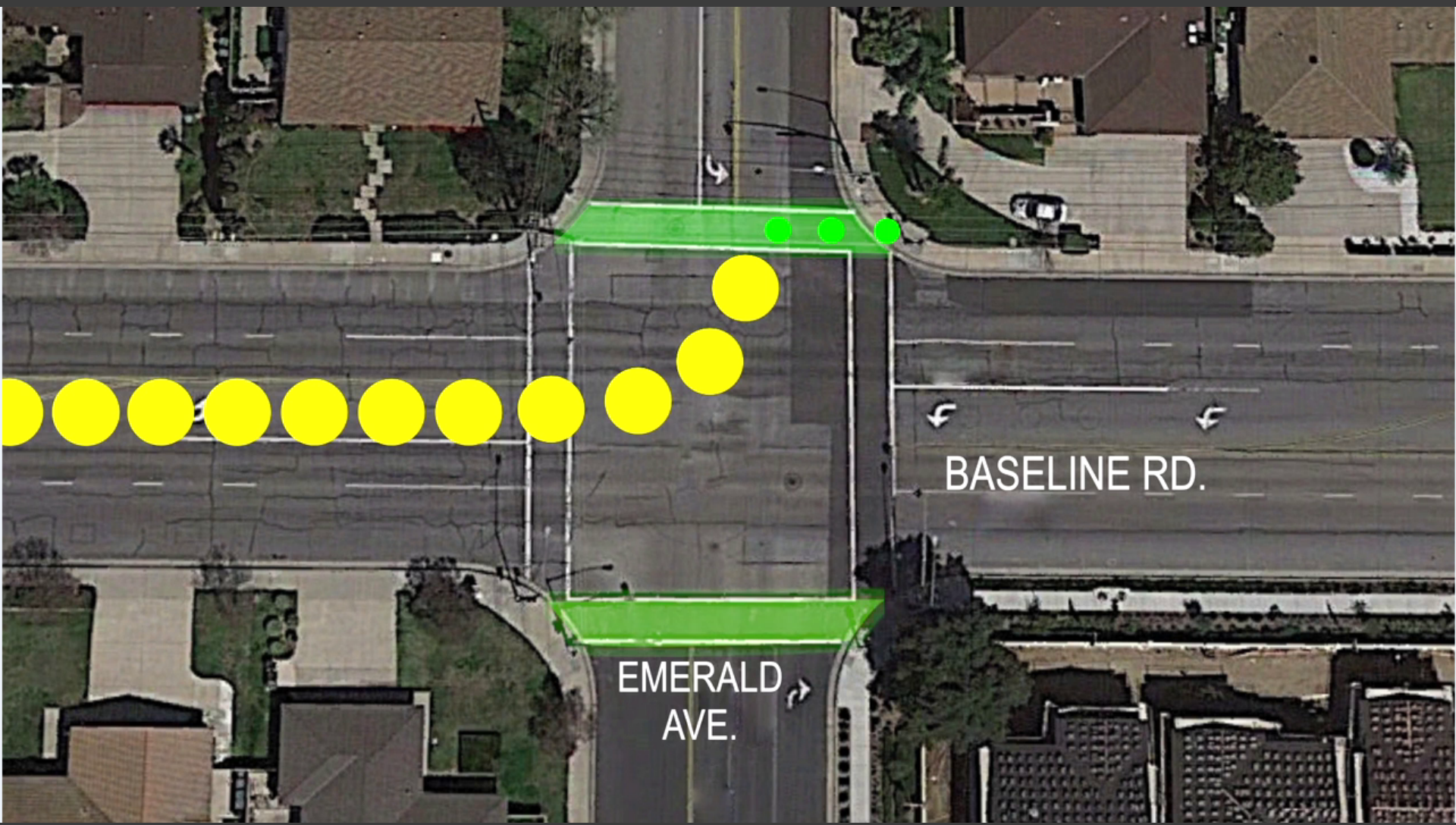
THE INCIDENT



THE INCIDENT



THE INCIDENT



THE INCIDENT

STATE OF CALIFORNIA

NARRATIVE/SUPPLEMENTAL

PAGE 9 OF 11

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
09/19/2017	1405	9525	018366	9525-2017-20037

1

2 **Area's of Impact (AOI's):**

3

4 AOI #1, (V-1 vs. P-2), was located, approximately 5 ft. north of the north roadway edge prolongation of Baseline Rd.
5 and 23 ft. west of the east roadway edge of Emerald Ave.

6 AOI #2, (P-2 vs. Roadway), was located, approximately 17 ft. north of the north roadway edge prolongation of
7 Baseline Rd. and 30 ft. west of the east roadway edge of Emerald Ave.

8

9

10 **Cause:**

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12 P-1 (Orozcomedina) caused this collision by failing to yield to P-2 (Reh) who was a pedestrian within a marked
13 crosswalk and was in violation of 21950 (a) VC

14

15 All Opinions and Conclusions were established by vehicle damage, observations, and statements.

16

17

18 **Recommendations:**

19

20 None.

THE INJURIES

MARY

- Left hip fracture;
- Left pelvis fracture;
- Left knee/tibia fractures requiring 5 surgeries;
- Left foot/ankle injury requiring surgery;
- Facial lacerations requiring 10-20 stitches;
- and emotional distress/depression

KIM

- Loss of consortium

THE INJURIES



THE INJURIES



THE INJURIES



THE INJURIES



THE DEFENDANTS

- **BONITA UNIFIED SCHOOL DISTRICT**
- **INDIVIDUAL BUS DRIVER (Why name the individual?)**
- **CITY OF LA VERNE / SAN DIMAS / GLENDORA**
- **COUNTY OF LOS ANGELES**

THE GOVERNMENT CLAIM

BONITA UNIFIED SCHOOL DISTRICT CLAIM FOR DAMAGES FORM

DIRECTIONS: Complete and send an original and one copy to: Business Office, 115 W Allen Avenue, San Dimas, CA 91773

Name of Claimant: MARY ELAINE REH and KIM REH (injured or damaged party)

Date of Birth: _____ Social Security No. _____ Driver's License No. _____

Home Address: c/o Greene Broillet & Wheeler, LLP, P.O. Box 2131, Santa Monica, CA 90407-2131 Phone No. (310) 576-1200
(Number/Street) (City/State/Zip Code) (Area Code & Number)

Business Address: _____ Phone No. _____
(Number/Street) (City/State/Zip Code) (Area Code & Number)

Claimant receives or is eligible for SSDI or Medicare* _____ Yes _____ No

Directions: Indicate to which address you wish notices sent: SEE ABOVE.

When Did Injury or Damage Occur? SEE ATTACHED
(Month/Day/Year) (Day of Week) (Time of Day)

Where Did Injury or Damage Occur? SEE ATTACHED
(School site, street address, intersecting streets, or other locations)

How Did Injury or Damage Occur? SEE ATTACHED
(Describe accident or occurrence in complete detail/attach additional pages if needed)

Names, Addresses and Phone Numbers of Witnesses, Doctors, Hospitals or persons who may have information regarding your injury or damages:

SEE ATTACHED

Names of School Employees Involved: SEE ATTACHED

Police Report Number (if applicable) _____

What Action or Inaction of District Employee(s) Caused Your Injury or Damage? SEE ATTACHED

What Injuries or Damage Did You Suffer? SEE ATTACHED

State the Amount of the Claim if it is less than \$10,000: SEE ATTACHED

Include the estimated amount of any prospective injury, damage or loss insofar as it may be known at the time the claim is presented and list the basis for the computation of the amount claimed:

SEE ATTACHED

If the dollar amount of the claim is more than \$10,000, no dollar amount will be stated but please indicate whether the claim is a limited civil claim (total dollar amount less than \$25,000): Limited Civil Case: _____ Yes XX No

Directions: Sign and date this form below. If the signer is not the Claimant, indicate the relationship of the signer to the Claimant (parent, attorney, etc.) and address

MARY ELAINE REH 11/1/17

THE GOVERNMENT CLAIM

6
7
8 GOVERNMENT TORT CLAIM
9
10 MARY ELAINE REH, an individual; KIM
11 REH, an individual;
12 Claimants,
13 vs.
14 BONITA UNIFIED SCHOOL DISTRICT, a
15 government entity; ROSE MARIE
16 OROZCOMEDINA, an individual; CITY OF
17 LA VERNE, a government entity; COUNTY
18 OF LOS ANGELES, a government entity;
19 CITY OF SAN DIMAS, a government entity;
20 CITY OF GLENDORA, a government entity;
21 Respondents.
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28

Attorneys for _____

GOVERNMENT CLAIM PURSUANT TO GOVERNMENT CODE SECTIONS 905 AND 910, ET SEQ.

Pursuant to the provisions of §§ 905 and 910 et seq. of the California Government Code, demand is hereby made against the BONITA UNIFIED SCHOOL DISTRICT, a public entity, ROSE MARIE OROZCOMEDINA, an individual, CITY OF LA VERNE, a government entity, COUNTY OF LOS ANGELES, a government entity; CITY OF SAN DIMAS, a government entity; CITY OF GLENDORA, a government entity; and DOES 1 through 100 inclusive, in an amount in excess of the jurisdictional limits of the Superior Court of the State of California.

In support of said claim, the following information is submitted:

THE GOVERNMENT CLAIM

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P.O. BOX 2131
SANTA MONICA, CA 90407-2131

1 1. Claimants/ Names of Injured Parties: MARY ELAINE REH, an individual; KIM
2 REH, an individual.

3 2. Address to which claimants wish correspondence to be mailed: c/o Geoffrey S.
4 Wells, Esq., GREENE, BROILLET, & WHEELER, P.O. Box 2131, Santa Monica, California
5 90407-2131; (310) 576-1200.

6 3. Nature of Injuries: As a result of the subject incident, MARY ELAINE REH
7 sustained severe and permanent physical injuries including, but not limited to, traumatic brain
8 injuries, a concussion, broken/crushed knee and leg requiring surgery/pins/rods, fractured hip, a
9 fractured pelvis, cuts, contusions, and stitches. Further, MARY ELAINE REH and KIM REH (the
10 husband of MARY ELAINE REH) sustained severe emotional distress, loss earning capacity, loss
11 of earnings, loss of earning potential, loss of consortium, the loss of love, companionship,
12 comfort, care, assistance, protection, affection, society, moral support, and services, and the loss of
13 enjoyment of sexual relations as a result of the subject incident.

14 4. Amount of claimed damages: Based on the severe and permanent nature of their
15 injuries, Claimants demand damages in excess of the jurisdictional limits of Superior Court. The
16 exact amount of said losses will be stated according to proof, pursuant to Code of Civil Procedure
17 Section 425.10.

18 5. Date damage occurred: September 19, 2017

19 6. Place Where Damage Occurred: The subject incident occurred at or near
20 crosswalk and intersection of Baseline Rd. and Emerald Avenue in La Verne, CA (hereinafter
21 referred to at times as the "SUBJECT LOCATION". See Traffic Collision Report, attached
22 hereto.

23 7. Governmental Entities Alleged to Be at Fault: BONITA UNIFIED SCHOOL
24 DISTRICT, ROSE MARIE OROZCOMEDINA, CITY OF LA VERNE, COUNTY OF LOS
25 ANGELES, CITY OF SAN DIMAS, CITY OF GLENDORA, and DOES 1-100, inclusive.

26 8. Names, Addresses and Telephone Numbers of Witnesses: Known witnesses at
27 this time include, but are not limited to, Mary Elaine Reh (may be contacted through counsel
28 above); Kim Reh (may be contacted through counsel above); other family members and friends of

THE GOVERNMENT CLAIM

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1 Claimants (may be contacted through counsel above); Claimants' treating physicians and medical
2 personnel; First Responders; Rose Marie Orozcomedina; Officer J. Moniz, Officer M. Van
3 Valkenburgh; Xavier Garcia; Raquel Madikians; Michelle Tibbetts; For witness contact
4 information please see Traffic Collision Report, attached hereto.

5 9. **Nature of the Case:** On or about September 19, 2017, at approximately 2:05 p.m.,
6 Claimant Mary Elaine Reh was lawfully walking westbound in a marked crosswalk at or near the
7 SUBJECT LOCATION. At or around the same time and location, school bus operator ROSE
8 MARIE OROZCOMEDINA, while in the course and scope of her employment with BONITA
9 UNIFIED SCHOOL DISTRICT, CITY OF LA VERNE, COUNTY OF LOS ANGELES, CITY
10 OF SAN DIMAS, CITY OF GLENDORA, and/or DOES 1-100, inclusive, and each of them,
11 operated the subject school bus in a negligent, reckless, and/or careless manner, turning left onto
12 northbound Emerald Ave. into the crosswalk area without yielding to Claimant Mary Elaine Reh.
13 As a result of this negligent, reckless and/or careless conduct, the subject school bus hit Claimant
14 Mary Elaine Reh as she was lawfully crossing in the marked crosswalk, thereby causing severe
15 and permanent injuries to Claimants. Discovery and investigation continue.

16 Claimants are informed and believe and thereupon allege that respondents BONITA
17 UNIFIED SCHOOL DISTRICT, ROSE MARIE OROZCOMEDINA, CITY OF LA VERNE,
18 COUNTY OF LOS ANGELES, CITY OF SAN DIMAS, CITY OF GLENDORA, and/or DOES
19 1-100, inclusive, and each of them, and their employees, agents, servants and independent
20 contractors, breached their duty of care that was owed to Claimants, and negligently, carelessly,
21 recklessly, or in some other actionable manner operated the subject school bus and/or caused it to
22 be operated in such a manner which created a foreseeable risk of harm and injury as complained of
23 herein. Said negligent, careless and reckless conduct was a cause of above described incident and
24 consequential injuries and damages to Claimants.

25 Claimants are informed and believe and thereupon allege that such negligent, careless,
26 and/or reckless conduct includes, but is not limited to: negligently, carelessly, and/or recklessly
27 operating the subject school bus; negligently hiring, supervising, training and/or controlling their
28 employees, agents, servants and independent contractors; negligently entrusting the subject school

THE GOVERNMENT CLAIM

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1 bus to their employees, agents, servants and independent contractors; failing to properly control,
2 supervise, maintain, operate, inspect, and/or repair the subject school bus so as to cause a
3 foreseeable dangerous condition to exist capable of producing the nature and extent of injuries as
4 complained of herein.

5 Claimants are informed and believe and thereupon allege that Respondents and DOES 1
6 through 100, inclusive, inspected, designed, maintained, managed, allowed, controlled, operated,
7 oversaw, equipped, instructed, permitted, regulated, constructed, supervised and/or were otherwise
8 responsible for conducting, regulating and maintaining safety at or near the Subject Location,
9 where pedestrians were lawfully permitted to cross, and frequently did cross. Claimants are
10 informed and believe, and thereupon allege that said Respondents were also responsible for taking
11 reasonable precautions to ensure the safe operation of school buses and vehicles at the Subject
12 Location, and to prevent and minimize the risk of vehicle vs. pedestrian collisions at the Subject
13 Location.

14 The Subject Location was in a dangerous condition, including, but not limited to, vision
15 obstruction and inadequate, non-existent and/or deficient warning signals, traffic/pedestrian signal
16 timing, signs, designs, pavement markings and texturing, pedestrian crosswalk and sidewalk areas;
17 warning systems, light systems, and/or traffic signal controls to ensure the safety of those people
18 upon public property. Claimants are informed and believe and thereupon allege that Respondents
19 were and are responsible for operating, monitoring, regulating, timing, controlling, designing,
20 installing, maintaining, constructing, inspecting, and/or repairing the pedestrian safety and traffic
21 control devices, timing and systems at the Subject Location. Respondents' failure to inspect,
22 operate design, maintain, manage, allow, control, operate, oversee, equip, instruct, permit,
23 regulate, construct, supervise, and/or install the aforementioned warning systems, light systems,
24 pedestrian safety devices and traffic control devices at the Subject Location, caused the dangerous
25 condition to exist at the Subject Location.

26 Claimants contend that as a result of the above-mentioned acts and omissions of
27 Respondents, a dangerous condition was created and Respondents had actual and/or constructive
28 notice of the dangerous condition at a sufficient time prior to the injury to have taken measures to

THE GOVERNMENT CLAIM

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1 protect against said dangerous condition. Respondents therefore negligently, carelessly, and/or
2 recklessly, failed to install, monitor, regulate, control, time, change, inspect, and/or repair the
3 warning systems, light systems, pedestrian and traffic control devices at the Subject Location
4 despite actual or constructive notice that it was unsafe for pedestrians in the area.

5 The Subject Location was a concealed trap, due to vision obstruction, and inadequate, non-
6 existent and/or deficient warning signals, traffic signal timing, signs, designs, pavement markings
7 and texturing, pedestrian crosswalk and sidewalk areas; warning systems, light systems, flashers
8 and/or traffic signal controls to ensure the safety of those people at the Subject Location,
9 Claimants allege that the actions set forth above by Respondents were negligent, careless, and
10 reckless acts or failures to act which proximately caused the injuries and damages to Claimants, as
11 alleged herein.

12 For the reasons set forth above, said public property herein described was in a dangerous
13 condition, creating a substantial risk of injury to persons such as Claimants, when such property
14 was used in a manner in which it was reasonably foreseeable that it would be used. This creation
15 of and/or failure to warn of the dangerous conditions, combined with the illusion and perception of
16 safety, constituted a concealed trap and was a cause Claimants' severe and permanent injuries.

17 Claimants further allege that as a result of as a result of the subject incident, MARY
18 ELAINE REH sustained severe and permanent physical injuries including, but not limited to,
19 traumatic brain injuries, a concussion, broken/crushed knee and leg requiring surgery/pins/rods,
20 fractured hip, a fractured pelvis, cuts, contusions, and stitches. Further, MARY ELAINE REH
21 and KIM REH (the husband of MARY ELAINE REH) sustained severe emotional distress, loss
22 earning capacity, loss of earnings, loss of earning potential, loss of consortium, the loss of love,
23 companionship, comfort, care, assistance, protection, affection, society, moral support, and
24 services, and the loss of enjoyment of sexual relations as a result of the subject incident.

25 Please also see information contained in the attached Traffic Collision Report, which is
26 hereby incorporated by reference.

27

THE GOVERNMENT CLAIM

1 10. **Reservation of right to amend and/or supplement claim:** Claimants reserve the
2 right to amend and/or supplement this Claim for Damages, including asserting new theories of
3 liability or causes of action, upon discovery of new or additional information or facts.
4

5 DATED: October 27, 2017

GREENE BROILLET & WHEELER, LLP

7 _____
8 Geoffrey S. Wells
9 Tobin M. Lanzetta
10 Christian T.F. Nickerson
11 Attorneys for Claimants

12 GREENE BROILLET & WHEELER, LLP
13 GREENE BROILLET & WHEELER, LLP
14 GREENE BROILLET & WHEELER, LLP
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THE GOVERNMENT CLAIM

- **Must be submitted within 6 months**
- **What do I do if the 6 month period has expired or the Government Claim is defective and past the 6 months?**

THE GOVERNMENT CLAIM

- **Application for Leave to Present a Late Claim**

911.4.

(a) When a claim that is required by Section 911.2 to be presented not later than six months after the accrual of the cause of action is not presented within that time, a written application may be made to the public entity for leave to present that claim.

(b) The application shall be presented to the public entity as provided in Article 2 (commencing with Section 915) within a reasonable time not to exceed one year after the accrual of the cause of action and shall state the reason for the delay in presenting the claim. The proposed claim shall be attached to the application.

THE GOVERNMENT CLAIM

- **Application for Leave to Present a Late Claim**

911.6.

(a) The board shall grant or deny the application within 45 days...

(b) The board shall grant the application where one or more of the following is applicable:

(1) The failure to present the claim was through mistake, inadvertence, surprise or excusable neglect and the public entity was not prejudiced in its defense....

(2) The person who sustained the alleged injury, damage or loss was a minor during all of the time specified in Section 911.2 for the presentation of the claim.

(3) The person who sustained the alleged injury, damage or loss was physically or mentally incapacitated during all of the time specified in Section 911.2 for the presentation of the claim and by reason of such disability failed to present a claim during such time.

(4) The person who sustained the alleged injury, damage or loss died before the expiration of the time specified in Section 911.2 for the presentation of the claim.

(c) If the board fails or refuses to act on an application within the time prescribed by this section, the application shall be deemed to have been denied on the 45th day...

THE GOVERNMENT CLAIM

• Petition for Leave to Present a Late Claim

(a) If an application for leave to present a claim is denied or deemed to be denied pursuant to [Section 911.6](#), a petition may be made to the court for an order relieving the petitioner from [Section 945.4](#). The proper court for filing the petition is a superior court that would be a proper court for the trial of an action on the cause of action to which the claim relates. If the petition is filed in a court which is not a proper court for the determination of the matter, the court, on motion of any party, shall transfer the proceeding to a proper court. If an action on the cause of action to which the claim relates would be a limited civil case, a proceeding pursuant to this section is a limited civil case.

(b) The petition shall show each of the following:

(1) That application was made to the board under [Section 911.4](#) and was denied or deemed denied.

(2) The reason for failure to present the claim within the time limit specified in [Section 911.2](#).

(3) The information required by [Section 910](#).

The petition shall be filed within six months after the application to the board is denied or deemed to be denied pursuant to [Section 911.6](#).

NEGLIGENCE AGAINST GOV. ENTITIES

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GREENE BROILLET & WHEELER, LLP

LAWYERS
100 WILSHIRE BOULEVARD, SUITE 2100
P.O. BOX 2131
SANTA MONICA, CALIFORNIA 90407-2131
TEL. (310) 576-1200
FAX: (310) 576-1220

(SPACE BELOW FOR FILING STAMP ONLY)

GEOFFREY S. WELLS, State Bar No. 126498
CHRISTIAN T. F. NICKERSON, State Bar No. 281084

Attorneys for Plaintiffs

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

MARY ELAINE REH, an individual; and KIM
REH, an individual,

Plaintiffs,

vs.

BONITA UNIFIED SCHOOL DISTRICT, a
government entity; ROSE MARIE
OROZCOMEDINA; an individual; CITY OF
LA VERNE, a government entity; COUNTY
OF LOS ANGELES, a government entity;
CITY OF SAN DIMAS, a government entity;
and DOES 1-100, inclusive,

Defendants.

CASE NO.

COMPLAINT FOR DAMAGES

(Amount in Controversy Exceeds 25,000.00)

1. NEGLIGENCE (GOVERNMENT CODE §§ 820(a), 815.2(a) and 815.4)
2. VICARIOUS LIABILITY (GOVERNMENT CODE 815.2(a) and 815.4)
3. DANGEROUS CONDITION OF PUBLIC PROPERTY (GOVERNMENT CODE § 835)
4. LOSS OF CONSORTIUM

DEMAND FOR JURY TRIAL

COME NOW the Plaintiffs MARY ELAINE REH, an individual, and KIM REH, an individual; and for causes of action against Defendants, and each of them, allege:

GENERAL ALLEGATIONS

1. The true names and/or capacities, whether individual, corporate, associate or otherwise of Defendants DOES 1 through 100, inclusive, and each of them, are unknown to Plaintiffs, who therefore sue said Defendants by such fictitious names. Plaintiffs are informed and

- 1 -

COMPLAINT FOR DAMAGES / DEMAND FOR JURY TRIAL

[803659]

NEGLIGENCE AGAINST GOV. ENTITIES

815: Except as otherwise provided by statute:

(a) A public entity is not liable for an injury, whether such injury arises out of an act or omission of the public entity or a public employee or any other person.

- **SO HOW DO YOU ALLEGE NEGLIGENCE AGAINST A GOVERNMENT ENTITY?**

NEGLIGENCE AGAINST GOV. ENTITIES

820 (a): Except as otherwise provided by statute (including Section 820.2), a public employee is liable for injury caused by his act or omission to the same extent as a private person.

815.2 : (a) A public entity is liable for injury proximately caused by an act or omission of an employee of the public entity within the scope of his employment if the act or omission would, apart from this section, have given rise to a cause of action against that employee or his personal representative.

815.4 : A public entity is liable for injury proximately caused by a tortious act or omission of an independent contractor of the public entity to the same extent that the public entity would be subject to such liability if it were a private person

NEGLIGENCE AGAINST GOV. ENTITIES

820 (a): Except as otherwise provided by statute (including Section 820.2), a public employee is liable for injury caused by his act or omission to the same extent as a private person.

815.2 : (a) A public entity is liable for injury proximately caused by an act or omission of an employee of the public entity within the scope of his employment if the act or omission would, apart from this section, have given rise to a cause of action against that employee or his personal representative.

815.4 : A public entity is liable for injury proximately caused by a tortious act or omission of an independent contractor of the public entity to the same extent that the public entity would be subject to such liability if it were a private person

NEGLIGENCE AGAINST GOV. ENTITIES

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P.O. BOX 213
SANTA MONICA, CA 90

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FIRST CAUSE OF ACTION

(Negligence under Government Code §§ 815.2(a), 815.4, and 820(a) as Against Defendants
BONITA UNIFIED SCHOOL DISTRICT, ROSE MARIE OROZCOMEDINA, and DOES
1 through 100, inclusive)

15. Plaintiffs reallege as though fully set forth at length, and incorporate herein by reference, the preceding paragraphs above.

16. Plaintiffs are informed and believe, and thereupon allege that Defendants BONITA UNIFIED SCHOOL DISTRICT, ROSE MARIE OROZCOMEDINA, and DOES 1 through 100, inclusive, and each of them had a nondelegable duty to take reasonable precautions to ensure the safe operation of school buses at the SUBJECT LOCATION, to provide a reasonably safe transportation system, and to prevent and/or minimize the risk of vehicle vs. pedestrian collisions at the SUBJECT LOCATION.

17. Plaintiffs are informed and believe, and thereupon allege that at all times mentioned herein, said Defendants and DOES 1 through 100, inclusive, and each of them, as well as their

NEGLIGENCE AGAINST GOV. ENTITIES

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[803669]

1 agents, employees and independent contractors inspected, designed, maintained, allowed,
2 permitted, regulated, constructed, supervised and/or were otherwise responsible for conducting,
3 regulating and maintaining safety at or near the scene of the subject incident, and for conducting,
4 regulating, and maintaining the safe operation of the SUBJECT SCHOOL BUS.

5 18. Plaintiffs are informed and believe and thereupon allege that Defendants BONITA
6 UNIFIED SCHOOL DISTRICT, ROSE MARIE OROZCOMEDINA, and DOES 1 through 100,
7 inclusive, and their employees, agents, servants and independent contractors breached their duty of
8 care by negligently, carelessly, recklessly, or in some other actionable manner operating the
9 SUBJECT SCHOOL BUS and/or causing it to be operated in such a manner which created a
10 foreseeable risk of harm and injury as complained of herein. Said negligent, careless and reckless
11 conduct was a cause of above described incident and consequential injuries and damages to
12 Plaintiffs. As a result of this negligent, reckless and/or careless conduct, the SUBJECT SCHOOL
13 BUS hit Plaintiff MARY ELAINE REH as she was lawfully crossing in the marked crosswalk,
14 thereby causing severe and permanent injuries to Plaintiffs.

15 19. Plaintiffs are informed and believe and thereupon allege that such negligent,
16 careless, and/or reckless conduct includes, but is not limited to: negligently, carelessly, and/or
17 recklessly operating the SUBJECT SCHOOL BUS; negligently hiring, supervising, training
18 and/or controlling their employees, agents, servants and independent contractors; negligently
19 entrusting the SUBJECT SCHOOL BUS to their employees, agents, servants and independent
20 contractors; failing to properly control, supervise, maintain, operate, inspect, and/or repair the
21 SUBJECT SCHOOL BUS so as to cause a foreseeable dangerous condition to exist capable of
22 producing the nature and extent of injuries as complained of herein.

23 20. Plaintiffs are informed and believe, and thereupon allege, that as a result of the
24 above described conduct, said Defendants, and DOES 1 through 100, inclusive, and each of them,
25 breached their duty to act in a reasonable manner.

26 21. As a direct and proximate result of the conduct of the Defendants, and each of
27 them, as aforesaid, Plaintiffs were injured and hurt in their health, strength and activity, sustaining
28 injuries to their bodies, and shock and injury to their nervous systems and persons, all of which

DANGEROUS CONDITION

1100. Dangerous Condition on Public Property - Essential Factual Elements (Gov. Code, § 835)

[Name of plaintiff] claims that *[he/she/nonbinary pronoun]* was harmed by a dangerous condition of *[name of defendant]*'s property. To establish this claim, *[name of plaintiff]* must prove all of the following:

1. That *[name of defendant]* owned *[or controlled]* the property;
2. That the property was in a dangerous condition at the time of the injury;
3. That the dangerous condition created a reasonably foreseeable risk of the kind of injury that occurred;
4. [That negligent or wrongful conduct of *[name of defendant]*'s employee acting within the scope of employment created the dangerous condition;]

[or]

[That *[name of defendant]* had notice of the dangerous condition for a long enough time to have protected against it;]
5. That *[name of plaintiff]* was harmed; and
6. That the dangerous condition was a substantial factor in causing *[name of plaintiff]*'s harm.

DANGEROUS CONDITION

1102. Definition of “Dangerous Condition” (Gov. Code, § 830(a))

A “dangerous condition” is a condition of public property that creates a substantial risk of injury to members of the general public when the property [or adjacent property] is used with reasonable care and in a reasonably foreseeable manner. A condition that creates only a minor risk of injury is not a dangerous condition. [Whether the property is in a dangerous condition is to be determined without regard to whether [[*name of plaintiff*]/ [or] [*name of third party*]] exercised or failed to exercise reasonable care in [his/her/nonbinary pronoun] use of the property.]

DANGEROUS CONDITION

- “The status of a condition as ‘dangerous’ for purposes of the statutory definition does *not* depend on whether the plaintiff or other persons were actually exercising due care but on whether the condition of the property posed a substantial risk of injury to persons who were exercising due care.” (*Cole v. Town of Los Gatos* (2012) 205 Cal.App.4th 749, 768 [140 Cal.Rptr.3d 722], original italics.)
- “[T]he fact the particular plaintiff may not have used due care is relevant only to his [or her] comparative fault and not to the issue of the presence of a dangerous condition.” (*Castro v. City of Thousand Oaks* (2015) 239 Cal.App.4th 1451, 1459 [192 Cal.Rptr.3d 376].)
- “The negligence of a plaintiff-user of public property . . . is a defense which may be asserted by a public entity; it has no bearing upon the determination of a ‘dangerous condition’ in the first instance. . . . If, however, it can be shown that the property is safe when used with due care and that a risk of harm is created only when foreseeable users fail to exercise due care, then such property is not ‘dangerous’ within the meaning of section 830, subdivision (a).” (*Fredette, supra*, 187 Cal.App.3d at p. 131, internal citation omitted.)

SCHOOL DISTRICT DEFENSES

- **BLAME THE PEDESTRIAN**

- Cell Phone, Distracted Walking, Not crossing at the proper time

- **BLAME THE CROSSWALK**

- Signal malfunction, vision obstruction, dangerous condition

Discovery – Scene Inspection



Discovery – Scene Inspection



DISCOVERY – VEHICLE INSPECTION



DISCOVERY – VEHICLE INSPECTION

What did the Scene / Vehicle Inspection tell us?

- **No Dangerous Condition of Public Property case**
- **No vision obstruction**
- **The crosswalk was safe and the signals were in working order**
- **Straight Negligence case against Bonita Unified School District**

REMAINING DEFENDANTS

- **BONITA UNIFIED SCHOOL DISTRICT**
- **INDIVIDUAL BUS DRIVER**

School District Discovery

What to ask for? (CONTACT US FOR SAMPLES)

- Incident Reports
- Photographs
- Video
- Onboard Data Recorders / SmartDrive Video
- Maintenance Records
- Driver Training Materials
- Safety Materials
- Policies and Procedures
- Driver file
- Records re: Route / Timing

School District Discovery

Compelling incident reports:

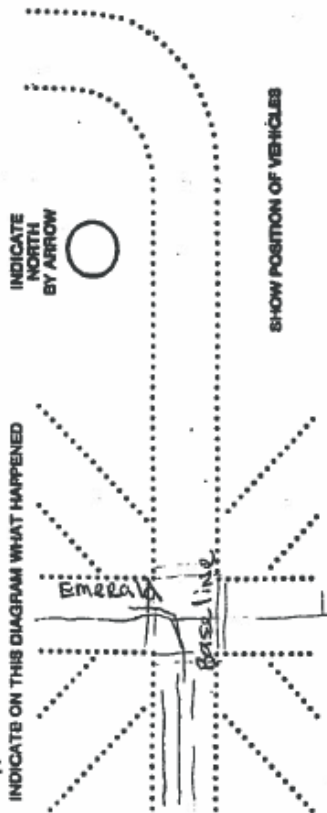
- The “attorney-client privilege does not embrace matters otherwise unprivileged merely because the client has communicated those matters to his attorney.” *Green & Shinee v. Superior Court*, (2001) 88 Cal.App.4th 53.
- Internal documents do not become privileged because the documents are subsequently transmitted to an attorney. *See San Francisco United School District v. Superior Court* (1961) 55 Cal.2d 451, 456. *See also Suezaki v. Superior Court* (1962) 58 Cal. 2d 166.
- Take depositions re: the context of the incident report. Not made in anticipation of litigation but normal course of business.

School District Discovery

DISTRICT VEHICLE

DRIVER Rosa Ordoñez-Medina
 LICENSE # N8901638
 VEHICLE YR. & MAKE 2000 Blue Bird Bus
 VEHICLE LICENSE # _____
 VEHICLE # 7
 AREA OF DAMAGE _____

DIAGRAM OR ADDITIONAL NOTES:



Alliance of Schools for Cooperative Insurance Programs
 16350 Bloomfield Avenue
 Cerritos, CA 90703
 (562) 404-8029

ACCIDENT REPORT FORM

Submit To
 CorVel Corp.
 12621 166th Street
 Cerritos, CA 90703
 Telephone: (562) 404-8372
 Facsimile: (562) 404-4515

Exhibit 3 For ID
 Deponent Rosa Ordoñez-Medina
 Date 7/23/2019
 Total page(s) 2
 Jennifer Jones, CSR 13144

DESCRIBE HOW ACCIDENT OCCURRED
I had just picked up my LVH students on my way to Oak Mesa making a left from Baseline ^{at the} Emerald I saw something in my CROSS VIEW MIRROR I was still moving a little looked into my Lt. Flat mirror when I saw someone on the ground by my front Lt. tire I pulled the bus over and secured it. I lost control after I saw that I had hit someone. I lost emotional control after the incident.

This vehicle is owned/leased by **Bonita Unified School District** a public entity, as defined in Section 811.2 of the Government Code and is permissibly self-insured through the Alliance of Schools for Cooperative Insurance Programs (ASCIP), a Joint Powers Authority. Pursuant to Section 16020(b)(2) and (b)(4) of the California Vehicle Code (CVC), evidence of financial responsibility is established through public agency status and qualification as a self-insurer.

3

School District Discovery

Driver: Michael Williams Day: S M T W T F S
 (Print Name)
 Route: 3 Date: 11/11/14

AM NOON PM TRIP

SIGN OFF: 8:45 _____
 SIGN ON: 6:21 _____ 1:40 _____
 HOURS: 2.56 _____

AM School	Start Time	End Time	Total Time	End Odom	Start Odom	Total Miles	# of Pupils	# SpEd Pupils
WHS	6:41	7:15	34	200311	200311	0	26	
WHS	7:15	7:30	15	200323	200311	12	3	
WHS	7:30	8:11	41	200327	200323	4	13	
WHS	8:11	8:45	34	200337	200327	10		

PM School	Start Time	End Time	Total Time	End Odom	Start Odom	Total Miles	# of Pupils	# SpEd Pupils
WHS/CM	1:40			200343	200337	6	1	
SDH	Accident							
Komena								

Total AM & PM Miles Total # of Pupils

Field Trip School	Team / Group	Destination	Start Time	End Time	Total Time	End Odom	Start Odom	Total Miles	# Pupils

School District Discovery

Depositions

- **Driver deposition**
- **PMQ re: Training**
- **PMQ re: Bus Schedule**
- **PMQ re: Safety**

School District Discovery

Beware *Diaz*:

Defendant may claim that plaintiffs are barred from conducting discovery on safety and training under *Diaz v. Carcamo*, (2011) 51 Cal.4th 1148, if the Defendant admits that the bus driver was acting in the course and scope of his/her employment at the time of the incident.

However, Diaz merely states that upon concession of vicarious liability, evidence regarding negligent hiring, entrustment or retention is inadmissible at trial. Diaz says absolutely nothing about the admissibility or discoverability of evidence regarding safety policies and procedures and training.

School District Discovery

Beware *Diaz*:

Additionally, California courts have held that evidence of an employer's safety rules/bulletins is admissible to show negligence of an employee.

Employer safety rules may be introduced on the ground that the employee's failure to follow safety rules promulgated by the employer, regardless of its substance, serves as evidence of negligence, and jury is entitled to conclude that the mere fact of a violation of a safety rule promulgated by the employer is evidence that employee conducted himself carelessly. *Dillenbeck v. City of Los Angeles*, (1968) 69 Cal. 2d 472, 477-82.

School District Discovery

Beware *Diaz*:

Just as safety rules may serve as evidence demonstrating an employee's negligence – so too does training provided by the employer. Such evidence helps to set up the appropriate standard of care.

THE LIABILITY PICTURE

MORAL OF THE STORY: USE
THE DEFENDANT'S OWN
TRAINING AND SAFETY
DOCUMENTATION AND
POLICIES AND PROCEDURES TO
SET STANDARD OF CARE AND
ESTABLISH FORESEEABILITY

Other Discovery

What to ask for?

- **Depose Police**
- **Use client's own cell phone records to prove no distraction – Potential PMQ from cell phone provider to explain records**
- **Subpoena signal timing / maintenance records to establish signal working properly**
- **SWITRS reports – No prior incidents**

THE LIABILITY PICTURE

ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.												
PRIMARY COLLISION FACTOR LIST NUMBER (4) OF PARTY AT FAULT		TRAFFIC CONTROL DEVICES			SPECIAL INFORMATION			MOVEMENT PRECEDING COLLISION				
		1	2	3				1	2	3		
1	VE SECTION VIOLATED <small>CITED</small> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> A CONTROLS FUNCTIONING				A HAZARDOUS MATERIAL				A STOPPED		
	A 21950(A)	<input checked="" type="checkbox"/> B CONTROLS NOT FUNCTIONING*				B CELL PHONE HANDHELD IN USE		<input checked="" type="checkbox"/>		B PROCEEDING STRAIGHT		
	B OTHER IMPROPER DRIVING*	<input type="checkbox"/> C CONTROLS OBSCURED				C CELL PHONE HANDSFREE IN USE				C RAN OFF ROAD		
	C OTHER THAN DRIVER*	<input type="checkbox"/> D NO CONTROLS PRESENT / FACTOR*	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		D CELL PHONE NOT IN USE				D MAKING RIGHT TURN		
	D UNKNOWN*	TYPE OF COLLISION			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	E SCHOOL BUS RELATED	<input checked="" type="checkbox"/>		E MAKING LEFT TURN		
		A HEAD-ON				F 75 FT MOTORTRUCK COMBO				F MAKING U TURN		
		B SIDE SWIPE				G 32 FT TRAILER COMBO				G BACKING		
		C REAR END				H				H SLOWING / STOPPING		
	WEATHER (MARK 1 TO 2 ITEMS)	D BROADSIDE				I				I PASSING OTHER VEHICLE		
<input checked="" type="checkbox"/>	A CLEAR	E HIT OBJECT				J				J CHANGING LANES		
	B CLOUDY	F OVERTURNED				K				K PARKING MANEUVER		
	C RAINING	<input checked="" type="checkbox"/> G VEHICLE / PEDESTRIAN				L				L ENTERING TRAFFIC		
	D SNOWING	H OTHER*				M				M OTHER UNSAFE TURNING		
	E FOG / VISIBILITY FT.	MOTOR VEHICLE INVOLVED WITH					N			N XING INTO OPPOSING LANE		
	F OTHER*	A NON - COLLISION				O				O PARKED		
	G WIND	<input checked="" type="checkbox"/> B PEDESTRIAN								P MERGING		
	LIGHTING	<input checked="" type="checkbox"/> C OTHER MOTOR VEHICLE								Q TRAVELING WRONG WAY		
<input checked="" type="checkbox"/>	A DAYLIGHT	<input checked="" type="checkbox"/> D MOTOR VEHICLE ON OTHER ROADWAY	1	2	3	OTHER ASSOCIATED FACTORS (MARK 1 TO 2 ITEMS)				R OTHER*		
	B DUSK - DAWN	E PARKED MOTOR VEHICLE				A	VE SECTION VIOLATED <small>CITED</small> <input type="checkbox"/> YES <input type="checkbox"/> NO					
	C DARK - STREET LIGHTS	F TRAIN				B	VE SECTION VIOLATED <small>CITED</small> <input type="checkbox"/> YES <input type="checkbox"/> NO					
	D DARK - NO STREET LIGHTS	G BICYCLE				C	VE SECTION VIOLATED <small>CITED</small> <input type="checkbox"/> YES <input type="checkbox"/> NO					
	E DARK - STREET LIGHTS NOT FUNCTIONING*	H ANIMAL				D						
	ROADWAY SURFACE	I FIXED OBJECT				E						
<input checked="" type="checkbox"/>	A DRY	J OTHER OBJECT:				F						
	B WET					G						
	C SNOWY - ICY	PEDESTRIAN'S ACTIONS				H						
	D SLIPPERY (MUDDY, OILY, ETC.)	A NO PEDESTRIANS INVOLVED				I						
	ROADWAY CONDITION(S) (MARK 1 TO 2 ITEMS)	<input checked="" type="checkbox"/> B CROSSING IN CROSSWALK - AT INTERSECTION				J						
	A HOLES, DEEP RUT*	C CROSSING IN CROSSWALK - NOT AT INTERSECTION				K	DEFECTIVE VEH. EQUIP. <small>CITED</small> <input type="checkbox"/> YES <input type="checkbox"/> NO					
	B LOOSE MATERIAL ON ROADWAY*	D CROSSING - NOT IN CROSSWALK				L						
	C OBSTRUCTION ON ROADWAY*	E IN ROAD - INCLUDES SHOULDER				M						
	D CONSTRUCTION - REPAIR ZONE	F NOT IN ROAD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		N						
	E REDUCED ROADWAY WIDTH	G APPROACHING / LEAVING SCHOOL BUS				O						
	F FLOODED*											
	G OTHER*											
<input checked="" type="checkbox"/>	H NO UNUSUAL CONDITIONS											

THE LIABILITY PICTURE

STATE OF CALIFORNIA

NARRATIVE/SUPPLEMENTAL

PAGE 9 OF 11

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
09/19/2017	1405	9525	018366	9525-2017-20037

1

2 **Area's of Impact (AOI's):**

3

4 AOI #1, (V-1 vs. P-2), was located, approximately 5 ft. north of the north roadway edge prolongation of Baseline Rd.
5 and 23 ft. west of the east roadway edge of Emerald Ave.

6 AOI #2, (P-2 vs. Roadway), was located, approximately 17 ft. north of the north roadway edge prolongation of
7 Baseline Rd. and 30 ft. west of the east roadway edge of Emerald Ave.

8

9

10 **Cause:**

11

12 P-1 (Orozcomedina) caused this collision by failing to yield to P-2 (Reh) who was a pedestrian within a marked
13 crosswalk and was in violation of 21950 (a) VC

14

15 All Opinions and Conclusions were established by vehicle damage, observations, and statements.

16

17

18 **Recommendations:**

19

20 None.

THE LIABILITY PICTURE

21950.

(a) The driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this chapter.

(b) This section does not relieve a pedestrian from the duty of using due care for his or her safety. No pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close as to constitute an immediate hazard. No pedestrian may unnecessarily stop or delay traffic while in a marked or unmarked crosswalk.

THE LIABILITY PICTURE

21950.

(c) The driver of a vehicle approaching a pedestrian within any marked or unmarked crosswalk shall exercise all due care and shall reduce the speed of the vehicle or take any other action relating to the operation of the vehicle as necessary to safeguard the safety of the pedestrian.

(d) Subdivision (b) does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within any marked crosswalk or within any unmarked crosswalk at an intersection.

THE LIABILITY PICTURE

- EXPERTS
 - ACCIDENT RECONSTRUCTIONIST
 - BUS EXPERT
 - HUMAN FACTORS
 - CROSSWALK EXPERT

DAMAGES

Presenting damages for Loss of Consortium

“DAY IN THE LIFE”

- Do it early and consistently

THE INJURIES



THE INJURIES



THE INJURIES



THE INJURIES



THE INJURIES





GBW | OUR METHOD FOR SUCCESS

HOW DID YOU
WIN THAT CASE?

\$3.5 MILLION SETTLEMENT

for Pedestrian Struck by School Bus

*How to Hold a School District Responsible
for School Bus Related Injuries*

CONCLUSION / QUESTIONS

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