

**SUMMONS
(CITACION JUDICIAL)**

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

05/12/2021 at 02:32:38 PM

Clerk of the Superior Court
By Keira McCray, Deputy Clerk

NOTICE TO DEFENDANT: County of San Diego; David Carter
(AVISO AL DEMANDADO): Beakel and DOES 1 through 10,
Inclusive

YOU ARE BEING SUED BY PLAINTIFF: John Ravera; Amy Ravera
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the Information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

San Diego Superior Court
330 West Broadway

CASE NUMBER:
(Número del Caso): 37-2021-00021117-CU-PA-CTL

San Diego, CA 92101

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Alexis Galindo (SBN 136643) (562) 624-1177
Curd, Galindo & Smith, LLP
301 E. Ocean Boulevard, Suite 1700
Long Beach, CA 90802

DATE: 05/13/2021
(Fecha)

Clerk, by K. McCray, Deputy
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

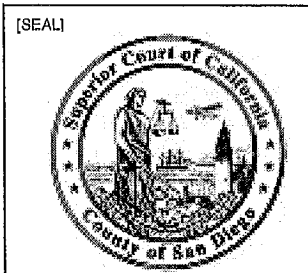
- 1. as an individual defendant.
- 2. as the person sued under the fictitious name of (specify):

3. on behalf of (specify):

- under:
- CCP 416.10 (corporation)
 - CCP 416.20 (defunct corporation)
 - CCP 416.40 (association or partnership)
 - other (specify):
 - CCP 416.60 (minor)
 - CCP 416.70 (conservatee)
 - CCP 416.90 (authorized person)

4. by personal delivery on (date):

(SEAL)



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8 Attorney for Plaintiffs
9 JOHN RAVERA
10 AMY RAVERA

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11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF SAN DIEGO

14 JOHN RAVERA; AMY RAVERA

Case No.: 37-2021-00021117-CU-PA-CTL

COMPLAINT FOR DAMAGES

15 Plaintiffs,

16 vs.

17 COUNTY OF SAN DIEGO;
18 DAVID CARTER BEAKEL, AND
19 DOES 1 THROUGH 10, INCLUSIVE,

20 Defendants.

21
22 GENERAL ALLEGATIONS

23
24 1. At all times mentioned herein, Defendant COUNTY OF SAN DIEGO was a
25 public entity within the meaning of the California Government Tort Claims Act. On or about
26 August 3, 2020, PLAINTIFFS submitted tort claims for the injuries alleged herein to the
27 COUNTY OF SAN DIEGO Clerk. The claim was denied on November 23, 2020 pursuant to
28 Government Code §§912.4.

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1 2. At the time of the collision, which is the subject matter of this litigation, Plaintiff
2 JOHN RAVERA was the owner and operator of a 2017 KTMX Advventure 1090 Motorcycle
3 #23U5100.
4

5 3. PLAINTIFF is informed and believes and thereon alleges that at all times and
6 places herein mentioned, defendant DAVID CARTER BEAKEL owned, operated, maintained
7 and controlled a white 2011 Ford Escape bearing license number 6SXN863. BEAKEL was
8 traveling westbound along Borrego Salton Seaway.

9 4. At all times herein mentioned, Borrego Salton Seaway and specifically 2.9 miles
10 east of Rockhouse Trail was and is a public street and highway running in a general easterly and
11 westerly direction within the COUNTY OF SAN DIEGO, State of California. This portion of
12 Borrego Salton Seaway shall be hereinafter referred to as the SUBJECT ROADWAY.

13 5. At all relevant times, Defendant COUNTY OF SAN DIEGO was responsible for
14 ownership, maintenance, administration, control and operation of Borrego Salton Seaway, where
15 the incident occurred, the SUBJECT ROADWAY.

16 6. The true names and capacities, whether individual, corporate, associate,
17 governmental or otherwise of Defendants, Does 1 through 10, inclusive, are unknown to
18 Plaintiffs at this time, who therefore sue said Defendants by said fictitious names, and when the
19 true names and capacities of said Defendants are ascertained, leave of Court will be sought to
20 amend this Complaint to allege the true names and capacities of said Defendants.
21

22 7. That the Plaintiffs are informed and believe, and thereupon allege, that each of the
23 Defendants, designated herein as a DOE is legally responsible in some manner or means for the
24 events and happenings to the Plaintiffs, as herein alleged, either through their contractual duty,
25 negligence, maintenance of the roadway, conduct or through the conduct of their agents,
26 servants, or employees, or due to their ownership, design, construction, study, inspection,
27 management, and/or maintenance of the SUBJECT ROADWAY, and failure to maintain the
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1 SUBJECT ROADWAY, the Plaintiffs were injured and suffered damages which shall be proven
2 at trial.

3
4 **FIRST CAUSE OF ACTION**

5 (Against defendant COUNTY OF SAN DIEGO; DOES 1-5 for
6 Dangerous Condition of Public Property)

7 8. PLAINTIFFS incorporate herein by reference paragraphs 1 through 8, inclusive,
8 of the common allegations as though fully set forth herein at length.

9 Dangerous Condition of Public Property (Gov. Code 835.4)

10 9. The Plaintiff alleges and incorporates the Government Codes which set forth the
11 statutory authority to seek damages against a governmental entity such as the COUNTY OF
12 SAN DIEGO.

13 10. Government Code, section 815 provides:

14 "Except as otherwise provided by statute:

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

17 (b) The liability of a public entity established by this part (commencing with section
18 814) is subject to any immunity of the public entity provided by statute, including this part, and
19 is subject to any defenses that would be available to the public entity if it were a private person.

20 11. The Plaintiffs also allege that Government Code, Section 835 provides for the
21 appropriate statute whereby the defendants COUNTY OF SAN DIEGO and DOES 1 through 5
22 can be held liable for injury to plaintiffs.

23 Government Code, Section 835 provides:

24 Except as provided by statute, a public entity is liable for injury caused by a dangerous
25 condition of its property if the plaintiff establishes that the property was in a dangerous condition
26 at the time of the injury, that the injury was proximately caused by the dangerous condition,
27 That the dangerous condition created a reasonably foreseeable risk of the kind of injury which
28 was incurred, and that either

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(a) A negligent or wrongful act or omission of an employee of the public entity within the scope of his employment created the dangerous condition or

(b) The public entity had actual or constructive notice of the dangerous condition

Under section 835.2 a sufficient a time prior to the injury to have taken measures to protect against the dangerous condition.

12. Further the Plaintiffs allege that certain employees of the defendants, COUNTY OF SAN DIEGO and DOES 1 through 5 were negligent and that such negligence proximately caused the injury to Plaintiff.

Government Code, Section 840.2 provides the following:

“An employee of a public entity is liable for injury caused by a dangerous condition of public property if the plaintiff establishes that the property of the public entity was in a dangerous condition at the time of the injury, that the injury was proximately caused by the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred and that either:

(a) The dangerous condition was directly attributable wholly or in substantial part to a negligent or wrongful act of the employee and the employee had the authority and the funds and or means immediately available to take alternative action which would not have created the dangerous condition or

(b) The employee had the authority and it was his responsibility to take adequate measures to protect against the dangerous condition and that expense of the public entity and the funds and other means for doing so were immediately available to him, and he had actual or constructive notice of the dangerous condition under section 840.4 a sufficient time prior to the injury to have taken measures to protect against the dangerous condition.

13. On March 20, 2020, and before that time, the defendants, and each of them, so negligently and carelessly failed to prevent the creation of a dangerous and defective condition, by not adequately taking safety measures, not installing warning signs, warn of dangerous

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1 conditions, adequately erect, place and install safety barricades where needed as well as
2 supervise and monitor Borrego Salton Seaway for debris on the roadway.

3
4 14. The defendant, COUNTY OF SAN DIEGO and DOES 1-5 failed to take
5 reasonable steps to properly maintain the Borrego Salton Seaway for the benefit of motorist and
6 specifically motorcyclist which created a dangerous condition for the public motorist.

7 15. At all times herein mentioned, and for some time prior thereto, defendant,
8 COUNTY OF SAN DIEGO, in the exercise of due care, had both constructive and actual notice,
9 pursuant to Government Code, Section 840.4 (a) and (b), of the dangerous and defective
10 condition of the subject city premises due to the lack of proper maintenance of SUBJECT
11 ROADWAY.

12 16. At all times herein mentioned defendant COUNTY OF SAN DIEGO, and DOES
13 1-5, was/were responsible for, among other things, the planning, design, supervision, control,
14 construction, servicing, management, inspection, monitoring, testing, evaluation, improvement,
15 redesigning, redevelopment, resurfacing, modification, operation, signing, striping, maintenance,
16 repair, traffic control, and other activities related to the SUBJECT ROADWAY where the
17 subject incident occurred.

18 17. On or about March 20, 2020, Plaintiff JOHN RAVERA was heading east on
19 Borrego Salton Seaway, riding his motorcycle in the eastbound lane approaching a drop in the
20 SUBJECT ROADWAY near a flood zone at the bottom of the rise defendant BEAKEL made a
21 U turn. Plaintiff JOHN RAVERA, due to the rise and drop of the SUBJECT ROADWAY and
22 no warning signs, Plaintiff JOHN RAVERA could not see defendant BEAKEL making the U
23 turn at the bottom of the SUBJECT ROADWAY. The rise and drop of the SUBJECT
24 ROADWAY and failure to warn created a "Hidden-Trap". As Defendant BEAKEL made the U
25 turn, Plaintiff JOHN RAVERA attempted to brake but impacted with the Ford Escape
26

27 18. Due to the Hidden-Trap and other maintenance failures, the SUBJECT
28 ROADWAY was in a dangerous and defective condition such that a motorcyclist could not
properly brake due to sand, dirt and soil on the roadway and could not have noticed the vehicle

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1 approaching westbound making a U-turn. The SUBJECT ROADWAY was full of debris and dirt
2 which prevented the proper braking of the Plaintiff's motorcycle.

3
4 19. Eastbound vehicles travelling along Borrego Salton Seaway at the area of impact
5 have no warning that a motorist could be making a U-turn at the drop of the SUBJECT
6 ROADWAY and the failure to keep the SUBJECT ROADWAY free of dirt and debris created a
7 defective and unsafe roadway.

8 20. The COUNTY OF SAN DIEGO and DOES 1-5, and its/their employees,
9 contractors, personnel, agents and assigns were negligent and are responsible for the
10 PLAINTIFFS' injuries because they created the dangerous condition and had actual or
11 constructive notice of the dangerous conditions.

12 21. The dangerous lack of warning signs, the failure to keep the roadway free of
13 debris, the lack of traffic control to reduce speed and failure to prevent a U-turn at the subject
14 location along Borrego Salton Seaway , as well as, the absence of proper roadway markings,
15 warnings, traffic controls, striping, and/or signs to warn drivers of a potential U-turn or cross
16 traffic condition constitutes a "trap" to motorist, especially motorcyclist using the SUBJECT
17 ROADWAY with due care.

18 22. More specifically, the "trap" was, among other things, the conjunction of the
19 dangerous condition of the SUBJECT ROADWAY with the COUNTY OF SAN DIEGO failing
20 to provide proper maintenance of the roadway.

21 23. At the time of the incident, Plaintiff, JOHN RAVERA was using the SUBJECT
22 ROADWAY with due care, however, due to the dangerous and unreasonably poor visibility,
23 debris on the roadway, so as to increase the likelihood that vehicles would impact with a motorist
24 making a U-turn on the SUBJECT ROADWAY even at low speeds causing conflicts with the
25 motorcyclist traveling on the SUBJECT ROADWAY at reasonable and foreseeable speeds.

26 24. The-SUBJECT ROADWAY was, among other things, inadequately and
27 improperly maintained, inspected, surfaced, striped, contoured, signed, regulated, monitored
28 and/or controlled by the COUNTY OF SAN DIEGO and DOES 1-5 thereby interfering with the

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1 safe operation of motorcyclist due to the absence of any required or adequate warnings of the
2 aforementioned conditions and without a designated bicycle lane.

3
4 25. The dangerous condition of public property, as alleged above, was the proximate
5 cause of Plaintiff JOHN RAVERA'S injuries in that, among other things, that the COUNTY OF
6 SAN DIEGO and DOES 1- 5 failed to provide safeguards against a dangerous condition of
7 public property, which: (1) was known, or should have been known, by the COUNTY OF SAN
8 DIEGO in time to make the condition safe, and (2) the COUNTY OF SAN DIEGO has had the
9 means to make the condition safe, and (3) the COUNTY OF SAN DIEGO knew of a number of
10 accidents and injuries which required the installation of warning signs, and a debris free roadway
11 to remediate the dangerous condition but failed to take action.

12 26. As a proximate result of defendants', negligence and failure to remedy a
13 dangerous condition of public property, as alleged above, PLAINTIFFS, have suffered pain,
14 suffering and economic loss, including loss of support, medical bills, loss of earnings and has
15 been denied care, protection, consideration, companionship, love, solace, affection, and society
16 of the decedent, all to his damage in an amount in excess of the jurisdictional limits of this court,
17 said amount to be determined according to proof at time of trial.

18 **SECOND CAUSE OF ACTION**

19 **(Negligence Against DAVID CARTER BEAKEL)**

20 27. Plaintiffs re-alleges each and every paragraph in this complaint as if fully set forth
21 here.

22 28. At all times, each Defendants owed Plaintiffs the duty to act with due care in the
23 Operation of his vehicle.

24 29. At said time and place, Defendants, and each of them, so negligently, carelessly,
25 recklessly, wantonly, and unlawfully drove, operated, maintained, conducted, controlled and
26 entrusted said Vehicle as to directly and proximately cause the same to collide with Plaintiff's
27 motorcycle.
28

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THIRD CAUSE OF ACTION
(Negligence Against DOES 6-10)

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30. Plaintiffs re-alleges each and every paragraph in this complaint as if fully set forth herein.

31. At all times herein mentioned defendants DOES 6-10, was/were responsible for, among other things, as private contractors for the County of San Diego, performed construction, servicing, management, inspection, monitoring, testing, evaluation, improvement, redesigning, redevelopment, resurfacing, modification, operation, signing, striping, maintenance, repair, traffic control, and other activities related to the SUBJECT ROADWAY where the subject incident occurred.

32. At all times, each Defendant, DOES 6-10 owed Plaintiffs and motorists the duty to act with due care in the work performed for the County of San Diego.

33. At said time and place, Defendants, DOES 6-10, and each of them, so negligently, carelessly, recklessly, wantonly, and unlawfully maintained the SUBJECT ROADWAY so as to directly and proximately cause the subject collision.

34. As a direct and proximate result of the negligence, carelessness, recklessness, wantonness and unlawfulness of Defendants, and each of them, as aforesaid, Plaintiffs sustained severe and serious injury to his person, all to Plaintiff's damage in a sum within the jurisdiction of this Court and to be shown according to proof.

35. By reason of the foregoing, this Plaintiff, JOHN RAVERA has been required to employ the services of hospitals, physicians, nurses and other health care professionals and Plaintiff has been compelled to incur expenses for the treatment of his injuries in an amount to be shown according to proof.

36. Plaintiff is informed and believes, and thereon alleges, that further medical services will be required by Plaintiff in an amount to be shown according to proof.

37. As a direct and proximate result of the negligence, carelessness, recklessness, wantonness and unlawfulness of said Defendants, and each of them, as aforesaid, and the

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1 resulting injuries sustained by the Plaintiffs, as aforesaid, Plaintiffs suffered a loss of earnings
2 and earning capacity; the exact extent and amount of which are unknown to Plaintiffs at this
3 time, and Plaintiffs will ask leave of Court to amend this Complaint in this regard when the same
4 are ascertained, or according to proof at the time of trial.
5

6 38. As a direct and proximate result of the negligence, carelessness, recklessness,
7 wantonness and unlawfulness of Defendants, and each of them, Plaintiff, JOHN RAVERA was
8 injured in his health, strength and activity. All of said injuries have caused and continue to cause
9 Plaintiff great physical and mental pain and suffering; all to his damage in an amount to be
10 shown according to proof.

11 39. As a direct and proximate result of the negligence, carelessness and unlawfulness
12 of the Defendants, and each of them, Plaintiffs have been damaged and injured in an amount
13 which is at present unknown to Plaintiffs and Plaintiffs will ask leave of Court to amend this
14 complaint in this regard when the same are ascertained or according to proof at the time of trial,
15 and Plaintiff seeks interest pursuant to law for said injuries and damages.
16

FOURTH CAUSE OF ACTION

Loss of Consortium

(Against All Defendants)

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18
19
20 40. Plaintiff, AMY RAVERA, resides in the County of Los Angeles and was at all
21 relevant times and is Plaintiff's, JOHN RAVERA, spouse, and at all times herein mentioned
22 were, husband and wife.

23 41. Plaintiff, AMY RAVERA, re-alleges and incorporates all of the allegations stated
24 herein.
25

26 42. Plaintiff, AMY RAVERA, alleges that based on the allegations in paragraphs 1
27 through 39, inclusive, all defendant(s) COUNTY OF SAN DIEGO, DAVID CARTER BEAKEL
28 and DOES 1 through 10 are liable in tort for the injury to Plaintiff JOHN RAVERA.

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43. Prior to the injuries, plaintiff's (AMY RAVERA) spouse, JOHN RAVERA was able to and did perform his duties as a spouse. Subsequent to the injuries and as a proximate result thereof, plaintiff's spouse has been unable to perform the necessary duties as a spouse, in that he no longer is able to work and provide economic support and services usually performed by him in the care, maintenance, and management of the family home. Plaintiff's spouse will be unable to perform such work, services, and duties in the future. By reason thereof, plaintiff has been deprived and will be deprived of the consortium of plaintiff's spouse, including the performance of her spouse's necessary duties, all to plaintiff's damage.

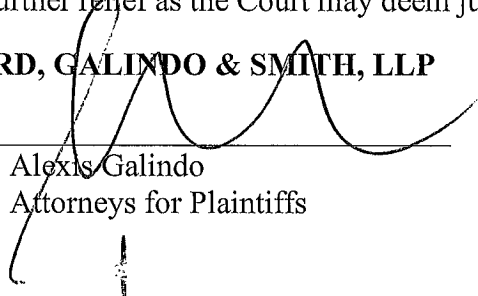
DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable.

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

1. For general damages to be proven at trial;
2. For special damages to be proven at trial;
3. For interest pursuant to law;
4. For costs of suit incurred herein; and
5. For such other and further relief as the Court may deem just and proper.

CURD, GALINDO & SMITH, LLP



Alexis Galindo
Attorneys for Plaintiffs