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9 *Attorneys for Rachelle Sepulveda*

**FILED**

**'JAN 18 2022**

**AR**

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT**

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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **COUNTY OF HUMBOLDT**

13 RACHELLE SEPULVEDA, individually, and  
14 as Successor-in-Interest for Ruben Anthony  
15 Sepulveda, deceased,

16 Plaintiff,

17 v.

18 STATE OF CALIFORNIA; and DOES 1  
19 through 50, Inclusive,

20 Defendants.

CASE NO. **CV2200080**

**COMPLAINT FOR DAMAGES**

1. **DANGEROUS CONDITION OF PUBLIC PROPERTY (WRONGFUL DEATH)**
2. **DANGEROUS CONDITION OF PUBLIC PROPERTY (SURVIVAL)**
3. **NEGLIGENCE (WRONGFUL DEATH)**
4. **NEGLIGENCE (SURVIVAL)**

**REQUEST FOR JURY TRIAL**

**[Amount demanded exceeds \$25,000]**

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24 COMES NOW the plaintiff, RACHELLE SEPULVEDA, individually, and as the  
25 Successor-in-Interest for her father, Ruben Anthony Sepulveda, deceased, and for causes of  
26 action against the defendants, and each of them, complain and allege as follows:  
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1 **PARTIES**

2 1. Plaintiff RACHELLE SEPULVEDA is an individual and the adult daughter of  
3 Ruben Anthony Sepulveda (“Mr. Sepulveda”), deceased. At all times relevant hereto  
4 RACHELLE SEPULVEDA was a resident of the City of Coeur d’Alene, Kootenai County, State  
5 of Idaho.

6 2. Plaintiff is informed, believes, and thereon alleges that at all times relevant hereto,  
7 defendants, STATE OF CALIFORNIA by and through the DEPARTMENT OF PARKS AND  
8 RECREATION and the DEPARTMENT OF TRANSPORTATION (“STATE OF  
9 CALIFORNIA”), and DOES 1 through 25, inclusive, owned, operated, controlled, managed,  
10 designed, planned, engineered, maintained, and inspected, and had the power to prevent, remedy,  
11 or guard against dangerous conditions on US 101 near Redcrest, California, and dangers to the  
12 motoring public originating from within the Humboldt Redwood State Park, as is more fully  
13 described herein.

14 3. The true names or capacities, whether individual, corporate, associate or  
15 otherwise of defendants herein as DOES 1 through 50, inclusive, and each of them are unknown  
16 to plaintiff, who therefore sues said defendants by such fictitious names, and plaintiff will ask  
17 for leave to amend this complaint when their true names and/or capacities are ascertained.  
18 Plaintiff is informed and believes, and thereon alleges, that each of the defendants designated  
19 herein as a DOE is responsible in some manner for the events and happenings herein referred to  
20 and negligently caused the injuries and damages to plaintiff as herein alleged.

21 4. Plaintiff, RACHELLE SEPULVEDA, individually and as successor-in-interest to  
22 Ruben Anthony Sepulveda, filed a claim with the defendant STATE OF CALIFORNIA in full  
23 compliance with defendant STATE OF CALIFORNIA’s requirements on August 12, 2021.  
24 Defendant STATE OF CALIFORNIA failed to respond in any way to the timely demand and as  
25 such it is considered rejected.

26 **JURISDICTION AND VENUE**

27 5. This Court has personal jurisdiction over these defendants in that, at all relevant  
28 times, they are domiciled or otherwise “at home” in California, they and/or their authorized

1 agents caused plaintiff's harm in California, and/or they purposefully availed themselves of  
2 conducting activities within California, this action arises out of or relates to defendants' contacts  
3 with California, and exercising jurisdiction over them would be constitutionally reasonable.

4 6. Venue is proper with this Court pursuant to *California Code of Civil Procedure* §  
5 395(a) in that at all times mentioned herein and at the time of the filing of this action, the injury  
6 causing death occurred in the County of Humboldt.

7 7. The damages alleged herein are in excess of the minimum jurisdictional limits of  
8 this Court.

9 **FIRST CAUSE OF ACTION – DANGEROUS CONDITION**  
10 **OF PUBLIC PROPERTY (WRONGFUL DEATH)**

11 (Against defendants STATE OF CALIFORNIA and Does 1 through 25, inclusive, only.)

12 8. Plaintiff repeats, realleges, and incorporates Paragraphs 1 through 7 by reference  
13 as though fully set forth herein.

14 9. On or about May 10, 2021, at approximately 12:30 a.m., Ruben Anthony  
15 Sepulveda, deceased, was traveling northbound on US 101 Highway near Redcrest, California  
16 when a Douglas fir (*Pseudotsuga menziesii*) tree ("Subject Tree"), located within the Humboldt  
17 Redwood State Park, failed and fell across the full width of the roadway, whereupon multiple  
18 vehicles collided with the Subject Tree. Mr. Sepulveda suffered catastrophic injuries which  
19 included, among other things, laceration of his spleen, acute kidney injury, multiple rib fractures,  
20 left humeral neck fracture, right tibial plateau fracture, fracture of the radius and ulna of the left  
21 forearm. As a result of the trauma and multiple orthopedic surgeries, Mr. Sepulveda suffered a  
22 myocardial infarction and a stroke which resulted in a tracheostomy, installation of a feeding  
23 tube, and ultimately his falling into a persistent vegetative state. After a period of weeks, Mr.  
24 Sepulveda was transferred to a hospice facility where he died from his injuries.

25 10. The US 101 Highway is a north-south United States Numbered Highway that runs  
26 through California. The US 101 Highway is an improved, paved and lined roadway, which  
27 wholly exists outside of the Humboldt Redwood State Park and Mr. Sepulveda was not within,  
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1 upon, or partaking in any of the amenities provided by the Humboldt Redwood State Park at the  
2 time of the crash.

3 11. On or about May 10, 2021, defendants, STATE OF CALIFORNIA and DOES 1  
4 through 25, inclusive, and/or their management, administrative, designers, planners, engineers,  
5 maintenance personnel, inspectors and/or other employees, staff, agents or contractors, acting  
6 within the course and scope of their duties and/or employment (or those of the STATE OF  
7 CALIFORNIA) failed to properly install, maintain, repair, operate, monitor, inspect, and/or  
8 control the subject roadway located on US 101 near Redcrest, in that, among other things, the  
9 condition of the road, and decayed and diseased condition of the Subject Tree created an  
10 inherently dangerous condition of public property and created a trap, peculiar risk and nuisance.

11 12. Defendants, STATE OF CALIFORNIA and DOES 1 through 25, inclusive,  
12 and/or their management, administrators, designers, planners, engineers, maintenance personnel,  
13 inspectors and/or other employees, staff, agents or contractors, acting within the course and scope  
14 of their duties and through negligent or wrongful acts or omissions created, or allowed to be  
15 created, a dangerous condition under Gov. Code § 835. The installation, maintenance, repair,  
16 operation, monitoring and/or control of the roadway and/or shoulder were done negligently and  
17 inadequately, creating a hazard, trap, and dangerous condition under Gov. Code § 835. It also  
18 created a peculiar risk and trap for northbound vehicles traffic on Highway 99 near the Avenue  
19 16 (Exit 156).

20 13. Defendants, STATE OF CALIFORNIA and DOES 1 through 25, inclusive,  
21 and/or their management, administrators, designers, planners, engineers, maintenance personnel,  
22 inspectors and/or other employees, staff, agents or contractors, acting within the course and scope  
23 of their duties and through negligent or wrongful acts or omissions created, or allowed to be  
24 created, a dangerous condition under Gov. Code § 835. The maintenance, repair, operation,  
25 monitoring, inspection, and/or control of the trees within the Humboldt Redwood State Park, one  
26 of which failed, due to, among other things, decay and disease, were done negligently and  
27 inadequately, creating a hazard, trap, and dangerous condition under Gov. Code § 835. It also  
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1 created a peculiar risk and trap for northbound vehicles traffic on Highway 99 near the Avenue  
2 16 (Exit 156).

3 14. The failure of the Subject Tree, due to, among other things, decay and disease,  
4 and the subsequent collision were foreseeable to defendants, STATE OF CALIFORNIA, and  
5 DOES 1 through 25, inclusive, yet they failed to protect and/or warn (or adequately warn) drivers.  
6 The STATE OF CALIFORNIA negligently, unreasonably, and improperly owned, operated,  
7 controlled, designed, planned, engineered, maintained, inspected, repaired, failed to repair the  
8 roadway and shoulder, and had the power to prevent, remedy, or guard against dangerous  
9 conditions, and thereby created a dangerous condition exposing drivers to such dangerous  
10 condition.

11 15. The dangerous condition created a reasonably foreseeable risk of the kind of  
12 injuries which were sustained, and (a) a negligent or wrongful act or omission of an employee of  
13 defendants STATE OF CALIFORNIA, and DOES 1 through 25, inclusive, created the dangerous  
14 conditions; and/or (b) it had actual or constructive notice of the dangerous conditions a sufficient  
15 time prior to the injury to have taken measures to protect eliminate or protect the public from the  
16 dangerous conditions. These dangerous conditions created a substantial risk of injury when the  
17 roadway and the shoulder were used with due care and in the way in which they were intended.

18 16. The dangerous condition and the acts and omissions of defendants, STATE OF  
19 CALIFORNIA, and DOES 1 through 25, inclusive (and their management, administrators,  
20 designers, planners, engineers, maintenance personnel, inspectors, and/or other employees, staff,  
21 agents or contractors, acting within the course and scope of their duties), proximately caused  
22 plaintiff's and Mr. Sepulveda's injuries.

23 17. Further, these dangerous conditions were directly attributable wholly or in  
24 substantial part to a negligent or wrongful act of the employees of defendants STATE OF  
25 CALIFORNIA, and DOES 1 through 25, inclusive, and these employees had the authority and  
26 the funds and other means immediately available to take alternative action which would not have  
27 created the dangerous condition, and/or these employees had the authority and it was his/her/their  
28 responsibility to take adequate measures to protect against the dangerous condition at the expense

1 of the public entity and the funds and other means for doing so were immediately available to  
2 him/her/they, and he/she/they had actual or constructive notice of the dangerous condition a  
3 sufficient time prior to the injury to have taken measures to protect against the dangerous  
4 condition.

5 18. The negligence, recklessness, and failure of defendants, STATE OF  
6 CALIFORNIA, and DOES 1 through 25, to inspect and remove trees that posed a hazard to the  
7 motoring public was a direct and proximate cause of Mr. Sepulveda's pre-death pain and  
8 suffering, and ultimate death, and the injuries that plaintiff has suffered due to the loss of her  
9 father, with whom she shared a close and loving relationship.

10 19. As a further direct and proximate result of the conduct of defendants STATE OF  
11 CALIFORNIA, and DOES 1 through 25, inclusive, and each of them, and as a direct and  
12 proximate result of the defects, Mr. Sepulveda died on May 10, 2021 experienced severe pain  
13 and suffering before dying as a result of injuries sustained as a direct and proximate result the  
14 incident described herein.

15 20. As a direct and proximate result of the conduct of defendants, and each of them,  
16 Mr. Sepulveda and plaintiff's personal property was lost, damaged, or destroyed and as such both  
17 sustained a loss of said personal property, the value of which will be proven at the time of trial.

18 21. As a direct and proximate result of the conduct of defendants, and each of them,  
19 plaintiff has sustained the loss of support, services, and other financial benefits as well as the loss  
20 of love, care, society, companionship, comfort, affection, advice, and moral support.

21 22. As a direct and proximate result of the conduct of defendants, and each of them,  
22 decedent's survivors, beneficiaries, and heirs have incurred the costs of decedent's funeral,  
23 burial, and related expenses.

24 23. Due to these acts and failures to act and dangerous conditions, defendants, STATE  
25 OF CALIFORNIA, and DOES 1 through 25, inclusive, and each of them and their employees  
26 are liable for Mr. Sepulveda's death and plaintiff's injuries under the Government Code sections,  
27 including, but not limited to, sections 815.2(a), 820(a), 830.8, 835 and 840.2.

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DATED: January 18, 2022

BAUM HEDLUND ARISTEI & GOLDMAN, P.C.

By: Timothy A. Loranger  
Timothy A. Loranger  
Attorney for Plaintiff, RACHELLE SEPULVEDA

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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury.

DATED: January 18, 2022

BAUM HEDLUND ARISTEI & GOLDMAN, P.C.

By: Timothy A. Loranger  
Timothy A. Loranger  
Attorney for Plaintiff, RACHELLE SEPULVEDA