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Attorneys for Plaintiffs

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

LEOVIGILDO SERRANO-LOERA, an individual; ESTATE OF HECTOR DANIEL SERRANO, by and through its successor in interest, LEOVIGILDO SERRANO-LOERA,

Plaintiffs,

vs.

OLSON PRECAST OF ARIZONA, INC., a corporation; DAVID JAMES ALLEN WEBB, an individual; EVELIA HERNANDEZ, an individual (sued as a nominal defendant); and DOES 1 through 100, inclusive,

Defendants.

CASE NO. **CVRI 2300355**

COMPLAINT FOR DAMAGES AND WRONGFUL DEATH

- 1. **Negligence**
- 2. **Negligent Entrustment**
- 3. **Negligent Hiring**
- 4. **Negligent Supervision**
- 5. **Negligent Training**
- 6. **Survival Action**

DEMAND FOR JURY TRIAL

AMOUNT DEMANDED EXCEEDS \$25,000.00

COME NOW Plaintiffs LEOVIGILDO SERRANO-LOERA, an individual, and the ESTATE OF HECTOR DANIEL SERRANO, by and through its successor in interest, LEOVIGILDO SERRANO-LOERA, and for causes of action against Defendants, and each of them, alleges:

GENERAL ALLEGATIONS

1. Plaintiff LEOVIGILDO SERRANO-LOERA is, and all time mentioned herein was, a resident of the City of Riverside, County of Riverside, State of California

1 2. Plaintiff LEOVIGILDO SERRANO-LOERA is the surviving father of decedent
2 HECTOR DANIEL SERRANO. As such, Plaintiff LEOVIGILDO SERRANO-LOERA is a
3 surviving heir at law of HECTOR DANIEL SERRANO. Plaintiff LEOVIGILDO SERRANO-
4 LOERA is the decedent's successor in interest pursuant to California *Code of Civil Procedure* §
5 377.11.

6 3. Nominal defendant EVELIA HERNANDEZ is the surviving mother of decedent
7 HECTOR DANIEL SERRANO. EVELIA HERNANDEZ is and was a resident of California.
8 Nominal defendant EVELIA HERNANDEZ'S consent was not obtained to be joined as a
9 Plaintiff, and she is therefore named herein as a nominal defendant pursuant to California *Code of*
10 *Civil Procedure* § 382.

11 4. Plaintiffs are informed and believe, and thereupon allege, that defendant OLSON
12 PRECAST OF ARIZONA, INC. was and now is an Arizona corporation authorized to do business
13 in the State of California, and is presently doing business in the State of California.

14 5. Plaintiffs are informed and believe, and thereupon allege, that defendant DAVID
15 JAMES ALLEN WEBB is, and at all times mentioned herein was, a resident of the City of San
16 Jacinto, County of Riverside, State of California.

17 6. The true names and/or capacities, whether individual, corporate, associate or
18 otherwise, of Defendants DOES 1 through 100, inclusive, and each of them, are unknown to
19 plaintiffs, who therefore sue said Defendants by such fictitious names. Plaintiffs are informed and
20 believe and thereupon allege that each of the Defendants fictitiously named herein as a DOE is
21 legally responsible, negligently or in some other actionable manner, for the events and happenings
22 hereinafter referred to, and thereby proximately caused the injuries and damages to Plaintiffs as
23 hereinafter alleged. Plaintiffs will seek leave of court to amend this Complaint and state the true
24 names and/or capacities of said fictitiously named Defendants when the same have been
25 ascertained.

26 7. Plaintiffs are informed and believe and thereupon allege, that at all times mentioned
27 herein, Defendants, including DOES 1 through 100, inclusive, and each of them, were the agents,
28

1 servants, employees, and/or joint venturers of their co-Defendants, and each was, as such, acting
2 within the course, scope, and authority of said agency, employment, and/or venture.

3 8. Plaintiffs are informed and believe and thereupon allege, that at all times relevant
4 herein, defendant DAVID JAMES ALLEN WEBB was an agent, servant, and employee of
5 OLSON PRECAST OF ARIZONA, INC. and DOES 1 through 100, inclusive, and each of them,
6 and was acting within the course, scope, purpose and authority of such agency and employment
7 with the full knowledge, permission, and consent of OLSON PRECAST OF ARIZONA, INC. and
8 DOES 1 through 100, inclusive, and each of them.

9 9. Plaintiffs are informed and believe and thereupon allege, that Defendants OLSON
10 PRECAST OF ARIZONA, INC. and DOES 1 through 100, inclusive, and each of them, were, and
11 are, at all times herein relevant, the legal owners of a 2002 Mack 700 tractor, Arizona License
12 Plate ZAA01D, and a 1972 Fruehauf trailer, California License Plate 4GJ3705 [hereinafter
13 referred to collectively as the "SUBJECT TRACTOR-TRAILER"].

14 10. On or about August 1, 2022, at approximately 5:55 a.m., Plaintiff LEOVIGILDO
15 SERRANO-LOERA was driving his 2002 Toyota Tundra, California License Plate 98952D2
16 [hereinafter referred to as the "SUBJECT TOYOTA"], traveling southbound on State Route 215
17 north of McCall Boulevard in the County of Riverside, State of California. At that time, the
18 SUBJECT TOYOTA was in the #1 lane. At that time, HECTOR DANIEL SERRANO was riding
19 in the front passenger seat of the SUBJECT TOYOTA.

20 11. Plaintiffs are informed and believe and thereupon allege, that at the same time,
21 defendant DAVID JAMES ALLEN WEBB was driving the SUBJECT TRACTOR-TRAILER
22 southbound on State Route 215 in the #2 lane to the right of SUBJECT TOYOTA. At that time,
23 the left front tire of the SUBJECT TRACTOR-TRAILER failed causing pieces of the tire to strike
24 the SUBJECT TOYOTA. The SUBJECT TRACTOR-TRAILER swerved into the #1 lane,
25 causing the SUBJECT TOYOTA to swerve to avoid contact, which caused the SUBJECT
26 TOYOTA to overturn, causing Plaintiff LEOVIGILDO SERRANO-LOERA to sustain severe and
27 permanent injuries and decedent HECTOR DANIEL SERRANO to sustain fatal injuries.

28

1 **FIRST CAUSE OF ACTION**

2 **NEGLIGENCE**

3 **(As Against All Defendants)**

4
5 12. Plaintiffs reallege and incorporate herein by reference each and every allegation
6 contained in paragraphs 1 through 11, inclusive, of the General Allegations.

7 13. Plaintiffs are informed and believe and thereupon allege, that at said time and
8 place, Defendants OLSON PRECAST OF ARIZONA, INC., DAVID JAMES ALLEN WEBB,
9 and DOES 1 through 100, inclusive, and each of them, had a duty to use reasonable care in the
10 ownership, operation, maintenance, entrustment, lease, service, repair, control, and supervision of
11 the SUBJECT TRACTOR-TRAILER.

12 14. Plaintiffs are informed and believe and thereupon allege, that at all times mentioned
13 herein, Defendants OLSON PRECAST OF ARIZONA, INC. and DOES 1 through 100, inclusive,
14 and each of them, hired, retained, employed, and/or contracted with agents, employees, and/or co-
15 venturers, including defendant DAVID JAMES ALLEN WEBB, to manage, maintain, control,
16 and operate said SUBJECT TRACTOR-TRAILER.

17 15. Plaintiffs are informed and believe and thereupon allege, that at all times mentioned
18 herein, the SUBJECT TRACTOR-TRAILER owned by OLSON PRECAST OF ARIZONA, INC.
19 and DOES 1 through 100, inclusive, and each of them, was being permissibly operated by
20 defendant DAVID JAMES ALLEN WEBB with the express permission, consent, and knowledge
21 of OLSON PRECAST OF ARIZONA, INC., and DOES 1 through 100, inclusive, and each of
22 them.

23 16. Plaintiffs are informed and believe and thereupon allege, that on or about August 1,
24 2022, defendant DAVID JAMES ALLEN WEBB and DOES 1 through 100, inclusive, and each
25 of them, while in the course and scope of their employment with defendant OLSON PRECAST
26 OF ARIZONA, INC., and DOES 1 through 100, inclusive, and each of them, so negligently,
27 recklessly, and/or carelessly operated the SUBJECT TRACTOR-TRAILER so as to cause the
28 collision more fully described above in Paragraphs 10 and 11, above.

1 17. Plaintiffs are informed and believe and thereupon allege, that Defendants OLSON
2 PRECAST OF ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through 100,
3 inclusive, so negligently and carelessly owned, maintained, entrusted, leased, serviced, repaired,
4 controlled, supervised, and/or operated the SUBJECT TRACTOR-TRAILER so as to directly,
5 proximately, and legally cause or contribute to the accident, as more fully described above in
6 Paragraphs 10 and 11, above, thereby inflicting severe injuries to Plaintiff LEOVIGILDO
7 SERRANO-LOERA and fatal injuries to HECTOR DANIEL SERRANO.

8 18. As a direct and proximate result of the above-described conduct of OLSON
9 PRECAST OF ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through 100,
10 inclusive, and each of them, Plaintiff LEOVIGILDO SERRANO-LOERA was injured and hurt in
11 his health, strength and activity, sustaining injuries to his body, and shock and injuries to his
12 nervous system and person, all of which said injuries have caused and continue to cause Plaintiff
13 great physical, mental, and nervous pain and suffering. Plaintiffs are informed and believe and
14 thereupon allege, that said injuries will result in some permanent disability to Plaintiff
15 LEOVIGILDO SERRANO-LOERA, all to his general damages in an amount which will be stated
16 according to proof, pursuant to California *Code of Civil Procedure*, Section 425.10, which amount
17 is in excess of Fifty Thousand Dollars (\$50,000.00).

18 19. As a direct and proximate result of the conduct of Defendants OLSON PRECAST
19 OF ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through 100, inclusive, and
20 each of them, Plaintiff LEOVIGILDO SERRANO-LOERA was compelled and did employ the
21 services of hospitals, physicians, surgeons, nurses and the like, to care for and treat them, and did
22 incur hospital, medical, professional, and incidental expenses, and Plaintiffs are informed and
23 believe and thereupon allege, that by reason of said injuries, Plaintiff LEOVIGILDO SERRANO-
24 LOERA will incur additional like expenses for an indefinite period of time in the future, the exact
25 amount of which expenses will be stated according to proof, pursuant to California *Code of Civil*
26 *Procedure*, Section 425.10.

27 20. As a direct and proximate result of the conduct of Defendants OLSON PRECAST
28 OF ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through 100, inclusive, and

1 each of them, Plaintiff LEOVIGILDO SERRANO-LOERA has sustained property damage in an
2 amount as yet unascertained, and other economic damage as a result of the property damage, and
3 when said amounts are ascertained, Plaintiffs will ask leave of the Court to amend this Complaint
4 and allege said amounts, according to proof, pursuant to California *Code of Civil Procedure*,
5 Section 425.10.

6 21. As a direct and proximate result of the conduct of OLSON PRECAST OF
7 ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through 100, inclusive, and each
8 of them, Plaintiff LEOVIGILDO SERRANO-LOERA was prevented from attending to his usual
9 occupation, and Plaintiffs are informed and believe and thereupon allege, that they will thereby be
10 prevented from attending to his usual occupation for a period of time in the future, and thereby
11 will also sustain a loss of earning capacity, in addition to lost earnings, past, present and future;
12 the exact amount of such losses is unknown to Plaintiffs at this time, and when said amounts are
13 ascertained, Plaintiffs will ask leave of the Court to amend this Complaint and allege said amounts
14 according to proof, pursuant to California *Code of Civil Procedure* Section 425.10.

15 22. As a direct and proximate result of the aforementioned conduct of defendants of
16 OLSON PRECAST OF ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through
17 100, inclusive, and each of them, Plaintiff LEOVIGILDO SERRANO-LOERA sustained a loss of
18 love, affection, society, service, comfort, support, right of support, expectations of future support
19 and counseling, companionship, solace and mental support, as well as other benefits and
20 assistance of decedent HECTOR DANIEL SERRANO, all to their general damages in a sum in
21 excess of \$50,000.00, which will be stated according to proof, in accordance with section 425.10
22 of the California *Code of Civil Procedure*.

23 23. As a direct and proximate result of the aforementioned conduct of defendants
24 OLSON PRECAST OF ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through
25 100, inclusive, and each of them, Plaintiffs have incurred medical, funeral and burial expenses
26 related to the death of decedent HECTOR DANIEL SERRANO in an amount not yet ascertained.
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1 services of hospitals, physicians, surgeons, nurses and the like, to care for and treat them, and did
2 incur hospital, medical, professional, and incidental expenses, and Plaintiffs are informed and
3 believe and thereupon allege, that by reason of said injuries, Plaintiff LEOVIGILDO SERRANO-
4 LOERA will incur additional like expenses for an indefinite period of time in the future, the exact
5 amount of which expenses will be stated according to proof, pursuant to California *Code of Civil*
6 *Procedure*, Section 425.10.

7 28. As a direct and proximate result of the conduct of Defendants OLSON PRECAST
8 OF ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through 100, inclusive, and
9 each of them, Plaintiff LEOVIGILDO SERRANO-LOERA has sustained property damage in an
10 amount as yet unascertained, and other economic damage as a result of the property damage, and
11 when said amounts are ascertained, Plaintiffs will ask leave of the Court to amend this Complaint
12 and allege said amounts, according to proof, pursuant to California *Code of Civil Procedure*,
13 Section 425.10.

14 29. As a direct and proximate result of the conduct of OLSON PRECAST OF
15 ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through 100, inclusive, and each
16 of them, Plaintiff LEOVIGILDO SERRANO-LOERA was prevented from attending to his usual
17 occupation, and Plaintiffs are informed and believe and thereupon allege, that they will thereby be
18 prevented from attending to his usual occupation for a period of time in the future, and thereby
19 will also sustain a loss of earning capacity, in addition to lost earnings, past, present and future;
20 the exact amount of such losses is unknown to Plaintiffs at this time, and when said amounts are
21 ascertained, Plaintiffs will ask leave of the Court to amend this Complaint and allege said amounts
22 according to proof, pursuant to California *Code of Civil Procedure* Section 425.10.

23 30. As a direct and proximate result of the aforementioned conduct of defendants of
24 OLSON PRECAST OF ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through
25 100, inclusive, and each of them, Plaintiff LEOVIGILDO SERRANO-LOERA sustained a loss of
26 love, affection, society, service, comfort, support, right of support, expectations of future support
27 and counseling, companionship, solace and mental support, as well as other benefits and
28 assistance of decedent HECTOR DANIEL SERRANO, all to their general damages in a sum in

1 excess of \$50,000.00, which will be stated according to proof, in accordance with section 425.10
2 of the California *Code of Civil Procedure*.

3 31. As a direct and proximate result of the aforementioned conduct of defendants
4 OLSON PRECAST OF ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through
5 100, inclusive, and each of them, Plaintiffs have incurred medical, funeral and burial expenses
6 related to the death of decedent HECTOR DANIEL SERRANO in an amount not yet ascertained.

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8 **THIRD CAUSE OF ACTION**

9 **NEGLIGENT HIRING**

10 **(As Against Defendants OLSON PRECAST OF ARIZONA, INC.**

11 **and DOES 1 through 100, inclusive)**

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13 32. Plaintiffs reallege and incorporate herein each and every allegation contained in
14 paragraphs 1 through 11, inclusive, of the General Allegations, paragraphs 12 through 23,
15 inclusive, of the First Cause of Action, and paragraphs 24 through 31, of the Second Cause of
16 Action, above.

17 33. Plaintiffs are informed and believe, and thereupon allege, that at all times
18 mentioned herein, Defendants OLSON PRECAST OF ARIZONA, INC. and DOES 1 through
19 100, inclusive, and each of them, hired, retained, employed, and/or contracted with agents,
20 employees, and/or co-venturers, including defendant DAVID JAMES ALLEN WEBB, to manage,
21 control, and operate said SUBJECT TRACTOR-TRAILER.

22 34. Plaintiffs are informed and believe, and thereupon allege, that at all times
23 mentioned herein, Defendants OLSON PRECAST OF ARIZONA, INC. and DOES 1 through
24 100, inclusive, and each of them, knew or from facts known to them should have known, or from
25 facts ascertainable through the exercise of reasonable care should have known, that said
26 employees, agents, and/or co-venturers, including defendant DAVID JAMES ALLEN WEBB,
27 were reckless, negligent, and unreliable, and said Defendants hired, employed, contracted with,
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1 and/or retained said employees agents, and/or co-venturers, including defendant DAVID JAMES
2 ALLEN WEBB, despite such knowledge of these facts.

3 35. As a direct and proximate result of the above-described conduct of OLSON
4 PRECAST OF ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through 100,
5 inclusive, and each of them, Plaintiff LEOVIGILDO SERRANO-LOERA was injured and hurt in
6 his health, strength and activity, sustaining injuries to his body, and shock and injuries to his
7 nervous system and person, all of which said injuries have caused and continue to cause Plaintiff
8 great physical, mental, and nervous pain and suffering. Plaintiffs are informed and believe and
9 thereupon allege, that said injuries will result in some permanent disability to Plaintiff
10 LEOVIGILDO SERRANO-LOERA, all to his general damages in an amount which will be stated
11 according to proof, pursuant to California *Code of Civil Procedure*, Section 425.10, which amount
12 is in excess of Fifty Thousand Dollars (\$50,000.00).

13 36. As a direct and proximate result of the conduct of Defendants OLSON PRECAST
14 OF ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through 100, inclusive, and
15 each of them, Plaintiff LEOVIGILDO SERRANO-LOERA was compelled and did employ the
16 services of hospitals, physicians, surgeons, nurses and the like, to care for and treat them, and did
17 incur hospital, medical, professional, and incidental expenses, and Plaintiffs are informed and
18 believe and thereupon allege, that by reason of said injuries, Plaintiff LEOVIGILDO SERRANO-
19 LOERA will incur additional like expenses for an indefinite period of time in the future, the exact
20 amount of which expenses will be stated according to proof, pursuant to California *Code of Civil*
21 *Procedure*, Section 425.10.

22 37. As a direct and proximate result of the conduct of Defendants OLSON PRECAST
23 OF ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through 100, inclusive, and
24 each of them, Plaintiff LEOVIGILDO SERRANO-LOERA has sustained property damage in an
25 amount as yet unascertained, and other economic damage as a result of the property damage, and
26 when said amounts are ascertained, Plaintiffs will ask leave of the Court to amend this Complaint
27 and allege said amounts, according to proof, pursuant to California *Code of Civil Procedure*,
28 Section 425.10.

1 38. As a direct and proximate result of the conduct of OLSON PRECAST OF
2 ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through 100, inclusive, and each
3 of them, Plaintiff LEOVIGILDO SERRANO-LOERA was prevented from attending to his usual
4 occupation, and Plaintiffs are informed and believe and thereupon allege, that they will thereby be
5 prevented from attending to his usual occupation for a period of time in the future, and thereby
6 will also sustain a loss of earning capacity, in addition to lost earnings, past, present and future;
7 the exact amount of such losses is unknown to Plaintiffs at this time, and when said amounts are
8 ascertained, Plaintiffs will ask leave of the Court to amend this Complaint and allege said amounts
9 according to proof, pursuant to California *Code of Civil Procedure* Section 425.10.

10 39. As a direct and proximate result of the aforementioned conduct of defendants of
11 OLSON PRECAST OF ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through
12 100, inclusive, and each of them, Plaintiff LEOVIGILDO SERRANO-LOERA sustained a loss of
13 love, affection, society, service, comfort, support, right of support, expectations of future support
14 and counseling, companionship, solace and mental support, as well as other benefits and
15 assistance of decedent HECTOR DANIEL SERRANO, all to their general damages in a sum in
16 excess of \$50,000.00, which will be stated according to proof, in accordance with section 425.10
17 of the California *Code of Civil Procedure*.

18 40. As a direct and proximate result of the aforementioned conduct of defendants
19 OLSON PRECAST OF ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through
20 100, inclusive, and each of them, Plaintiffs have incurred medical, funeral and burial expenses
21 related to the death of decedent HECTOR DANIEL SERRANO in an amount not yet ascertained.

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FOURTH CAUSE OF ACTION

NEGLIGENT SUPERVISION

(As Against Defendants OLSON PRECAST OF ARIZONA, INC.

and DOES 1 through 100, inclusive)

41. Plaintiffs reallege and incorporate herein each and every allegation contained in paragraphs 1 through 11, inclusive, of the General Allegations, paragraphs 12 through 23, inclusive, of the First Cause of Action, paragraphs 24 through 31, of the Second Cause of Action, and paragraphs 32 through 40 of the Third Cause of Action, above.

42. Plaintiffs are informed and believe, and thereupon allege that, at all times mentioned herein, Defendants OLSON PRECAST OF ARIZONA, INC. and DOES 1 through 100, inclusive, failed to provide reasonably adequate supervision of their agents, employees, servants, and/or independent contractors, including defendant DAVID JAMES ALLEN WEBB, resulting in a dangerous condition because Defendants condoned and/or inadequately supervised the activities of said agents, employees, servants, and/or independent contractors and the manner in which their employees, agents, servants, and/or independent contractors operated, controlled, and performed their duties while driving vehicles, including said SUBJECT TRACTOR-TRAILER, which posed a significant risk of injury to individuals, including Plaintiffs in a manner reasonably foreseeable to Defendants, and each of them.

43. As a direct and proximate result of the above-described conduct of OLSON PRECAST OF ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through 100, inclusive, and each of them, Plaintiff LEOVIGILDO SERRANO-LOERA was injured and hurt in his health, strength and activity, sustaining injuries to his body, and shock and injuries to his nervous system and person, all of which said injuries have caused and continue to cause Plaintiff great physical, mental, and nervous pain and suffering. Plaintiffs are informed and believe and thereupon allege, that said injuries will result in some permanent disability to Plaintiff LEOVIGILDO SERRANO-LOERA, all to his general damages in an amount which will be stated

1 according to proof, pursuant to California *Code of Civil Procedure*, Section 425.10, which amount
2 is in excess of Fifty Thousand Dollars (\$50,000.00).

3 44. As a direct and proximate result of the conduct of Defendants OLSON PRECAST
4 OF ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through 100, inclusive, and
5 each of them, Plaintiff LEOVIGILDO SERRANO-LOERA was compelled and did employ the
6 services of hospitals, physicians, surgeons, nurses and the like, to care for and treat them, and did
7 incur hospital, medical, professional, and incidental expenses, and Plaintiffs are informed and
8 believe and thereupon allege, that by reason of said injuries, Plaintiff LEOVIGILDO SERRANO-
9 LOERA will incur additional like expenses for an indefinite period of time in the future, the exact
10 amount of which expenses will be stated according to proof, pursuant to California *Code of Civil*
11 *Procedure*, Section 425.10.

12 45. As a direct and proximate result of the conduct of Defendants OLSON PRECAST
13 OF ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through 100, inclusive, and
14 each of them, Plaintiff LEOVIGILDO SERRANO-LOERA has sustained property damage in an
15 amount as yet unascertained, and other economic damage as a result of the property damage, and
16 when said amounts are ascertained, Plaintiffs will ask leave of the Court to amend this Complaint
17 and allege said amounts, according to proof, pursuant to California *Code of Civil Procedure*,
18 Section 425.10.

19 46. As a direct and proximate result of the conduct of OLSON PRECAST OF
20 ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through 100, inclusive, and each
21 of them, Plaintiff LEOVIGILDO SERRANO-LOERA was prevented from attending to his usual
22 occupation, and Plaintiffs are informed and believe and thereupon allege, that they will thereby be
23 prevented from attending to his usual occupation for a period of time in the future, and thereby
24 will also sustain a loss of earning capacity, in addition to lost earnings, past, present and future;
25 the exact amount of such losses is unknown to Plaintiffs at this time, and when said amounts are
26 ascertained, Plaintiffs will ask leave of the Court to amend this Complaint and allege said amounts
27 according to proof, pursuant to California *Code of Civil Procedure* Section 425.10.
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1 51. Plaintiffs are informed and believe, and thereupon allege, that at all times
2 mentioned herein, Defendants OLSON PRECAST OF ARIZONA, INC., and DOES 1 through
3 100, inclusive, and each of them, negligently trained their agents, employees, servants, and/or
4 independent contractors, in such a manner that said employees, servants, and/or independent
5 contractors such as defendant DAVID JAMES ALLEN WEBB, were likely to be and were
6 negligent in the manner in which they operated, ran, controlled, and/or performed their duties,
7 which posed a significant risk of injury to individuals, such as Plaintiffs, in a manner reasonable
8 foreseeable and/or known to Defendants, and each of them.

9 52. As a direct and proximate result of the above-described conduct of OLSON
10 PRECAST OF ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through 100,
11 inclusive, and each of them, Plaintiff LEOVIGILDO SERRANO-LOERA was injured and hurt in
12 his health, strength and activity, sustaining injuries to his body, and shock and injuries to his
13 nervous system and person, all of which said injuries have caused and continue to cause Plaintiff
14 great physical, mental, and nervous pain and suffering. Plaintiffs are informed and believe and
15 thereupon allege, that said injuries will result in some permanent disability to Plaintiff
16 LEOVIGILDO SERRANO-LOERA, all to his general damages in an amount which will be stated
17 according to proof, pursuant to California *Code of Civil Procedure*, Section 425.10, which amount
18 is in excess of Fifty Thousand Dollars (\$50,000.00).

19 53. As a direct and proximate result of the conduct of Defendants OLSON PRECAST
20 OF ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through 100, inclusive, and
21 each of them, Plaintiff LEOVIGILDO SERRANO-LOERA was compelled and did employ the
22 services of hospitals, physicians, surgeons, nurses and the like, to care for and treat them, and did
23 incur hospital, medical, professional, and incidental expenses, and Plaintiffs are informed and
24 believe and thereupon allege, that by reason of said injuries, Plaintiff LEOVIGILDO SERRANO-
25 LOERA will incur additional like expenses for an indefinite period of time in the future, the exact
26 amount of which expenses will be stated according to proof, pursuant to California *Code of Civil*
27 *Procedure*, Section 425.10.
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1 54. As a direct and proximate result of the conduct of Defendants OLSON PRECAST
2 OF ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through 100, inclusive, and
3 each of them, Plaintiff LEOVIGILDO SERRANO-LOERA has sustained property damage in an
4 amount as yet unascertained, and other economic damage as a result of the property damage, and
5 when said amounts are ascertained, Plaintiffs will ask leave of the Court to amend this Complaint
6 and allege said amounts, according to proof, pursuant to California *Code of Civil Procedure*,
7 Section 425.10.

8 55. As a direct and proximate result of the conduct of OLSON PRECAST OF
9 ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through 100, inclusive, and each
10 of them, Plaintiff LEOVIGILDO SERRANO-LOERA was prevented from attending to his usual
11 occupation, and Plaintiffs are informed and believe and thereupon allege, that they will thereby be
12 prevented from attending to his usual occupation for a period of time in the future, and thereby
13 will also sustain a loss of earning capacity, in addition to lost earnings, past, present and future;
14 the exact amount of such losses is unknown to Plaintiffs at this time, and when said amounts are
15 ascertained, Plaintiffs will ask leave of the Court to amend this Complaint and allege said amounts
16 according to proof, pursuant to California *Code of Civil Procedure* Section 425.10.

17 56. As a direct and proximate result of the aforementioned conduct of defendants of
18 OLSON PRECAST OF ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through
19 100, inclusive, and each of them, Plaintiff LEOVIGILDO SERRANO-LOERA sustained a loss of
20 love, affection, society, service, comfort, support, right of support, expectations of future support
21 and counseling, companionship, solace and mental support, as well as other benefits and
22 assistance of decedent HECTOR DANIEL SERRANO, all to their general damages in a sum in
23 excess of \$50,000.00, which will be stated according to proof, in accordance with section 425.10
24 of the California *Code of Civil Procedure*.

25 57. As a direct and proximate result of the aforementioned conduct of defendants
26 OLSON PRECAST OF ARIZONA, INC., DAVID JAMES ALLEN WEBB, and DOES 1 through
27 100, inclusive, and each of them, Plaintiffs have incurred medical, funeral and burial expenses
28 related to the death of decedent HECTOR DANIEL SERRANO in an amount not yet ascertained.

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SIXTH CAUSE OF ACTION

SURVIVAL ACTION

(ESTATE OF HECTOR DANIEL SERRANO

As Against All Defendants and DOES 1 through 100, inclusive)

58. Plaintiffs reallege and incorporate herein each and every allegation contained in paragraphs 1 through 11, inclusive, of the General Allegations, paragraphs 12 through 23, inclusive, of the First Cause of Action, paragraphs 24 through 31 of the Second Cause of Action, paragraphs 32 through 40 of the Third Cause of Action, paragraphs 41 through 48, inclusive, of the Fourth Cause of Action, paragraphs 49 through 57, inclusive, of the Fifth Cause of Action above.

59. As a legal result of the aforesaid negligence of the defendants, and DOES 1 through 100, inclusive, and each of them, HECTOR DANIEL SERRANO died on or about August 1, 2022. Decedent had several causes of action for Negligence, as set forth herein against all defendants and DOES 1 through 100, inclusive, and each of them, at the time of his death.

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

2 1. For general damages in an amount in excess of Fifty Thousand Dollars (\$50,000),
3 and according to proof;

4 2. For hospital, medical, professional, and incidental expenses, according to proof;

5 3. For costs of suit incurred herein;

6 4. For prejudgment interest, according to proof;

7 5. For damages for Plaintiffs' other economic losses, according to proof;

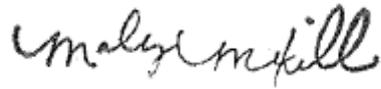
8 6. For such other and further relief as this Court may deem just and proper.

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10 DATED: January 23, 2023

GREENE BROILLET & WHEELER, LLP

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Christine D. Spagnoli

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Molly M. McKibben

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Alexandro Garza

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Attorneys for Plaintiffs

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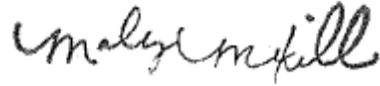
GREENE BROILLET & WHEELER, LLP
P.O. BOX 955
EL SEGUNDO, CA 90245

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial.

DATED: January 23, 2023

GREENE BROILLET & WHEELER, LLP



Christine D. Spagnoli
Molly M. McKibben
Alexandro Garza
Attorneys for Plaintiffs

GREENE BROILLET & WHEELER, LLP
P.O. BOX 955
EL SEGUNDO, CA 90245

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CHRISTINE D. SPAGNOLI, SBN 126353 (cspagnoli@gbw.law)
MOLLY M. McKIBBEN, SBN 273897 (mmckibben@gbw.law)
ALEXANDRO GARZA, SBN 339718 (agarza@gbw.law)

Attorneys for Plaintiff

SUPERIOR COURT OF CALIFORNIA
FOR THE COUNTY OF COUNTY OF RIVERSIDE

LEOVIGILDO SERRANO-LOERA, an individual; ESTATE OF HECTOR DANIEL SERRANO, by and through its successor in interest, LEOVIGILDO SERRANO-LOERA,

Plaintiffs,

CASE NO. **CVRI2300355**

DECLARATION OF SUCCESSOR IN INTEREST PURSUANT TO C.C.P. § 377.32

vs.

OLSON PRECAST OF ARIZONA, INC., a corporation; DAVID JAMES ALLEN WEBB, an individual; EVELIA HERNANDEZ, an individual (sued as a nominal defendant); and DOES 1 through 100, inclusive,

Defendants.

DECLARATION OF LEOVIGILDO SERRANO-LOERA

AS SUCCESSOR IN INTEREST PURSUANT TO C.C.P. § 377.32

I, LEOVIGILDO SERRANO-LOERA, in accordance with the provisions of Section 377.32 of the *Code of Civil Procedure*, declare under penalty of perjury as follows:

1. The decedent's name is Hector Daniel Serrano.
2. Decedent died on August 1, 2022, in the County of Riverside, State of California.

GREENE BROILLET & WHEELER, LLP
P.O. BOX 955
EL SEGUNDO, CA 90245

STATE OF CALIFORNIA

CERTIFICATION OF VITAL RECORD

COUNTY OF RIVERSIDE

RIVERSIDE, CALIFORNIA CERTIFICATE OF DEATH

3052022183014

3202233011866

STATE FILE NUMBER		USE BLACK INK ONLY - NO ERASURES, WRITINGS OR ALTERATIONS (VS-101 REV 3/06)		LOCAL REGISTRATION NUMBER	
1. NAME OF DECEDENT - FIRST (Given)		2. MIDDLE		3. LAST (Family)	
HECTOR		DANIEL		SERRANO	
4. DATE OF BIRTH (month/day/year)					
01/31/2000		5. AGE Yrs		22	
6. SEX					
M					
7. DATE OF DEATH (month/day/year)					
08/01/2022		8. HOUR (24 hours)		0611	
9. BIRTH STATE/FORIGN COUNTRY					
CA					
10. SOCIAL SECURITY NUMBER					
NONE					
11. EVER IN U.S. ARMED FORCES? (If yes, see worksheet on back)					
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UAF					
12. MARITAL STATUS (at time of death)					
NEVER MARRIED					
13. EDUCATION - Highest Level (check all that apply)					
HS GRADUATE <input checked="" type="checkbox"/> YES MEXICAN					
14. DECEDENT'S RACE - Up to 3 races may be listed (see worksheet on back)					
MEXICAN AMERICAN					
15. USUAL OCCUPATION - Type of work for most of life. DO NOT USE RETIRED					
CONSTRUCTION WORKER				16. KIND OF BUSINESS OR INDUSTRY (e.g., grocery store, road construction, employment agency, etc.)	
				CONSTRUCTION	
17. YEARS IN OCCUPATION					
3					
18. DECEDENT'S RESIDENCE (Street and number, or location)					
3828 STRONG ST.					
19. CITY					
RIVERSIDE					
20. COUNTY/PROVINCE					
RIVERSIDE					
21. ZIP CODE					
92504					
22. YEARS IN COUNTY					
22					
23. STATE/FORIGN COUNTRY					
CA					
24. INFORMANT'S NAME, RELATIONSHIP					
EVELIA HERNANDEZ, MOTHER					
25. INFORMANT'S MAILING ADDRESS (Street and number, or rural route number, city or town, state and ZIP)					
3828 STRONG ST., RIVERSIDE, CA 92504					
26. NAME OF SURVIVING SPOUSE/SPOUSE-FIRST					
-					
27. MIDDLE					
-					
28. LAST (BIRTH NAME)					
-					
29. NAME OF FATHER/PARENT-FIRST					
LEOVIGILDO					
30. MIDDLE					
-					
31. LAST					
SERRANO					
32. BIRTH STATE					
ZAC, MX					
33. NAME OF MOTHER/PARENT-FIRST					
EVELIA					
34. MIDDLE					
-					
35. LAST (BIRTH NAME)					
HERNANDEZ					
36. BIRTH STATE					
GTO, MX					
37. DATE (month/day/year)					
08/10/2022					
38. PLACE OF FINAL DISPOSITION					
OLIVEWOOD MEMORIAL PARK					
3900 CENTRAL AVE., RIVERSIDE, CA 92506					
40. TYPE OF DISPOSITION					
BURIAL					
41. SIGNATURE OF EMBALMER					
CARLOS RENTERIA JR					
42. LICENSE NUMBER					
EMB9019					
43. NAME OF FUNERAL ESTABLISHMENT					
TILLMAN RIVERSIDE MORTUARY					
44. LICENSE NUMBER					
FD757					
45. SIGNATURE OF LOCAL REGISTRAR					
GEOFFREY LEUNG, M.D., ED. M					
46. DATE (month/day/year)					
08/09/2022					
47. PLACE OF DEATH					
ROADWAY					
48. IF HOSPITAL, SPECIFY ONE					
<input type="checkbox"/> H <input type="checkbox"/> ER/OP <input type="checkbox"/> DCA <input type="checkbox"/> Hospice <input type="checkbox"/> Nursing Home/LTC <input type="checkbox"/> Decedent's Home <input checked="" type="checkbox"/> Other					
49. COUNTY					
RIVERSIDE					
50. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and number, or location)					
SB I215 APPROX 1/4 MILE N/O MCCALL BLVD.					
51. CITY					
MENIFEE					
52. CAUSE OF DEATH					
IMMEDIATE CAUSE: BLUNT HEAD TRAUMA					
53. UNDERLYING CAUSE (List all conditions in sequence, starting with the one closest to death)					
Blunt Head Trauma					
54. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN 52					
NONE					
55. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 52? (If yes, list type of operation and date)					
NO					
56. I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED					
57. SIGNATURE AND TITLE OF CERTIFIER					
ALLISON M DOUBLEDAY					
58. LICENSE NUMBER					
117. DATE (month/day/year)					
08/09/2022					
59. I CERTIFY THAT IN MY OWNER DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED					
60. MANNER OF DEATH					
<input type="checkbox"/> Natural <input checked="" type="checkbox"/> Accident <input type="checkbox"/> Homicide <input type="checkbox"/> Suicide <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Could Not Be Determined					
61. INJURY DATE (month/day/year)					
08/01/2022					
62. HOUR (24 hours)					
0552					
63. PLACE OF INJURY (e.g., home, construction site, wooded area, etc.)					
STREET AND/OR HIGHWAY					
64. DESCRIBE HOW INJURY OCCURRED (Events which resulted in death)					
PASSENGER OF SUV THAT WAS STRUCK BY A SEMI TRUCK AND TRAILER, LOST CONTROL, AND ROLLED. NOT EJECTED.					
65. LOCATION OF INJURY (Street and number, or location, and city and ZIP)					
SB I215 APPROX. 1/4 MILE N/O MCCALL BLVD. MENIFEE, CA 92584					
66. SIGNATURE OF CORONER / DEPUTY CORONER					
ALLISON M DOUBLEDAY					
67. DATE (month/day/year)					
08/09/2022					
68. TYPE, NAME, TITLE OF CORONER / DEPUTY CORONER					
ALLISON M DOUBLEDAY, DEP CORONER					

CERTIFIED COPY OF VITAL RECORD

STATE OF CALIFORNIA }
COUNTY OF RIVERSIDE } SS

This is a true and exact reproduction of the document officially registered and placed on file by the Riverside University Health System, Department of Public Health.

DATE ISSUED **Sep 13, 2022** 1/2

Dr. Geoffrey Leung, M.D., Ed.M., County Health Officer
RIVERSIDE COUNTY, CALIFORNIA

This copy is not valid unless prepared on an engraved border, displaying the date, seal, and signature of the Registrar.

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE



002121121



COUNTY OF RIVERSIDE

RIVERSIDE, CALIFORNIA
AFFIDAVIT TO AMEND A RECORD
NO ERASURES, WHITEOUTS, PHOTOCOPIES,
OR ALTERATIONS

3052022183014

STATE FILE NUMBER

1.1

3202233011866

LOCAL REGISTRATION NUMBER

BIRTH DEATH FETAL DEATH

TYPE OR PRINT CLEARLY IN BLACK INK ONLY - THIS AMENDMENT BECOMES AN ACTUAL PART OF THE OFFICIAL RECORD

PART I INFORMATION TO LOCATE RECORD

INFORMATION AS IT APPEARS ON ORIGINAL RECORD	1A. NAME—FIRST HECTOR	1B. MIDDLE DANIEL	1C. LAST SERRANO	
	2. SEX M	3. DATE OF EVENT—MM/DD/CCYY 08/01/2022	4. CITY OF EVENT MENIFEE	5. COUNTY OF EVENT RIVERSIDE
	6. FULL NAME OF FATHER/PARENT AS STATED ON ORIGINAL RECORD LEOVIGILDO SERRANO		7. FULL NAME OF MOTHER/PARENT AS STATED ON ORIGINAL RECORD EVELIA HERNANDEZ	

PART II STATEMENT OF CORRECTIONS TO BIRTH, DEATH, OR FETAL DEATH RECORD

8. ITEM NUMBER TO BE CORRECTED	9. INCORRECT INFORMATION THAT APPEARS ON ORIGINAL RECORD	10. CORRECTED INFORMATION AS IT SHOULD APPEAR
10	NONE	618-17-1830
LIST ONE ITEM PER LINE		

REASON FOR CORRECTION

11. SOCIAL SECURITY

AFFIDAVITS AND SIGNATURES

TWO PERSONS MUST SIGN THIS FORM TO CORRECT A BIRTH, DEATH, OR FETAL DEATH RECORD

STATE/LOCAL REGISTRAR USE ONLY

We, the undersigned, hereby certify under penalty of perjury that we have personal knowledge of the above facts and that the information given above is true and correct.

12A. SIGNATURE OF FIRST PERSON
JOAQUIN CEJA

12B. PRINTED NAME
JOAQUIN CEJA

12C. TITLE/RELATIONSHIP TO PERSON IN PART I
FUNERAL DIRECTOR

12D. ADDRESS (STREET AND NUMBER, CITY, STATE, ZIP)
2874 10TH ST, RIVERSIDE, CA 92507

12E. DATE SIGNED—MM/DD/CCYY
09/07/2022

13A. SIGNATURE OF SECOND PERSON
ASHLYNNE C MCNEIL

13B. PRINTED NAME
ASHLYNNE C MCNEIL

13C. TITLE/RELATIONSHIP TO PERSON IN PART I
FUNERAL HOME STAFF LEVEL

13D. ADDRESS (STREET AND NUMBER, CITY, STATE, ZIP)
2874 10TH ST, RIVERSIDE, CA 92507

13E. DATE SIGNED—MM/DD/CCYY
09/12/2022

14. OFFICE OF VITAL RECORDS OR LOCAL REGISTRAR
CDPH-VR

15. DATE ACCEPTED FOR REGISTRATION
09/13/2022

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC HEALTH, OFFICE OF VITAL RECORDS

FORM VS 24e (REV. 1/08)

1.1

CERTIFIED COPY OF VITAL RECORD

STATE OF CALIFORNIA }
COUNTY OF RIVERSIDE } SS

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DATE ISSUED **Sep 13, 2022** 2/2

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Dr. Geoffrey Leung, M.D., Ed.M., County Health Officer
RIVERSIDE COUNTY, CALIFORNIA

002121119



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