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FILE KERN CO. CLERK OF
THE BCL. OF SUPERVISORS
BY _____ DEPUTY

SUM-100

SUMMONS
(CITACION JUDICIAL)**NOTICE TO DEFENDANT:**
(AVISO AL DEMANDADO):

COUNTY OF KERN; and DOES 1 through 25, inclusive,

YOU ARE BEING SUED BY PLAINTIFF:**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

A.L., a minor, by and through her guardian ad litem, MANDY HURST,

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)**FILED**Superior Court of California,
County of KernBy: Javen Silva
Deputy Clerk

8/27/2026

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 o 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): Superior Court of Kern County - Metropolitan
Division Justice Building
1215 Truxtun Ave., Bakersfield, CA 93301

CASE NUMBER: (Número del Caso):

26CUB03021

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):

Charles M. Ray, Esq., Ray & Seyb LLP, 2111 Business Center Dr., Ste. 208, Irvine, CA 92612 T: 949-734-7333

DATE:

(Fecha) 8/27/2026

Tara Leal

Clerk, by
(Secretario)

Javen Silva

Deputy
(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).)

[SEAL]

**NOTICE TO THE PERSON SERVED: You are served**

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):
- ☒ on behalf of (specify): **County of Kern**
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☒ other (specify): CCP416.50 Public Entity
- ☐ by personal delivery on (date)

08/3/26 10:18 AM

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Attorneys for Plaintiff:
A.L.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF KERN

A.L., a minor, by and through her
guardian ad litem, MANDY HURST,

Plaintiff,

v.

COUNTY OF KERN; and DOES 1 through
25, inclusive,

Defendants.

CASE NO.: 26CUB03021

**COMPLAINT FOR DAMAGES AND
DEMAND FOR JURY TRIAL**

1. NEGLIGENCE (COUNTY OF KERN
AND DOES 1-10);
2. NEGLIGENCE (DOES 11 through
25)

BY ORDER OF THE BD/SUPV

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33 pages

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Date 10-1-26

Clerk of the Board of Supervisors

By Michelle Form, Deputy

Plaintiff A.L., a minor, by and through her guardian ad litem, MANDY HURST ("PLAINTIFF"), by and through undersigned counsel, brings this Complaint against Defendant COUNTY OF KERN ("COUNTY") and DOES 1 to 25, inclusive ("DOES 1-25"), (collectively, "DEFENDANTS"), and each of them. All allegations are made upon information and belief, except those as to which PLAINTIFF has personal knowledge.

I. INTRODUCTION

This is an action filed pursuant to California Code of Civil Procedure § 340.1 ("Section 340.1"). PLAINTIFF, as a minor, was sexually abused and assaulted in foster care while in the legal custody, care, and control of COUNTY and DEFENDANTS. This action alleges physical, psychological, and emotional injuries suffered as a result of sexual assault and abuse of a minor as proscribed in Section 340.1.

II. PARTIES AND JURISDICTION

1. PLAINTIFF is a citizen and resident of the State of California and is under the age of forty (40) years old. PLAINTIFF was a minor at the time of the sexual abuse alleged herein. PLAINTIFF brings this Complaint using a pseudonym because of the sensitive nature of the allegations of child sexual assault and abuse in the Complaint, which is a matter of utmost intimacy. PLAINTIFF does not want to be at risk of further humiliation, trauma, and psychological damage if PLAINTIFF's identity as a victim of child sexual assault and abuse were to become publicly known.
2. COUNTY is a local government entity, duly authorized and formed under the laws of the State of California, with principal offices located at 1115 Truxtun Avenue, Bakersfield, CA 93301. COUNTY is thus a governmental entity doing business in Kern County, California. COUNTY was authorized by the State of California to place and care for children in foster care, including in private foster homes, juvenile halls, and group homes in Kern County. Children in foster care in Kern County are in the legal custody of the KERN COUNTY DEPARTMENT OF HUMAN SERVICES ("DHS").
3. Defendants DOES 1 through 25, inclusive, are individuals and/or government, and /or business or corporate entities incorporated in and/or doing business in California, whose

true names and capacities are unknown to PLAINTIFF, who therefore sue such Defendants by fictitious names. PLAINTIFF will amend the Complaint to show the true names and capacities of each such DOE Defendant when ascertained. Each such DOE Defendant was and is legally responsible in some manner for the events, happenings, and/or tortious and unlawful conduct that caused the injuries and damages alleged in this Complaint.

4. Each DEFENDANT is the agent, servant, and/or employee of other DEFENDANTS, and each DEFENDANT acted within the course and scope of his/her, or its authority as an agent, servant, and/or employee of the other DEFENDANTS.

5. DEFENDANTS, and each of them, are individuals, corporations, partnerships, and/or other entities that engaged, joined in, and/or conspired with the other wrongdoers in carrying out the tortious and unlawful activities described in this Complaint.

6. This Court has subject matter jurisdiction of this action, as the amount in controversy exceeds \$35,000.

7. Personal jurisdiction lies over DEFENDANTS, as they are present and domiciled in the State of California.

8. Venue in Los Angeles is proper because DEFENDANTS reside in, maintain offices in, or were otherwise responsible for enforcing the laws relevant to this action in the County of Kern, and because the injuries and a substantial part of the events or omissions giving rise to this action and claims alleged herein occurred in the County of Kern. *See* Cal. Code Civ. Proc. §§ 395(a), 395.5.

III. DUTY OF CARE

9. At all times relevant and material hereto, COUNTY provided child welfare, child protective, and childcare services to foster children in Kern County, including PLAINTIFF.

10. At all times relevant and material hereto, Defendants DOES 1-25 provided child welfare, child protective and childcare services to foster children in Kern County by contracting with COUNTY and/or otherwise agreeing with COUNTY to provide such services.

- 1 11. At all times relevant and material hereto, COUNTY, as principal, and DOES 1 – 25 as
2 agents, were in an agency relationship, such that DOES 1 – 25 acted on COUNTY's
3 behalf.
- 4 12. At all times relevant and material hereto, DEFENDANTS, and each of them, were
5 responsible for providing for the care, protection, and safety of PLAINTIFF, who was
6 under their care and custody. DEFENDANTS owed a duty to PLAINTIFF to care for
7 and protect her, a child in foster care in Kern County, and in that regard, assumed an
8 obligation of the highest order to ensure PLAINTIFF's safety. *See* Cal. Welf. and Inst.
9 Code § 16000(a).
- 10 13. At all times relevant and material hereto, DEFENDANTS had a non-delegable duty to
11 use reasonable care in the investigation, licensing, supervision, and monitoring of foster
12 care homes and families with whom they placed foster children, and to visit with those
13 foster children face to face on a monthly basis to evaluate their safety and to develop or
14 implement programs, guidelines, procedures and/or training to prevent the abuse of foster
15 children placed within foster care facilities, homes and/or families.
- 16 14. At all times relevant and material hereto, DEFENDANTS owed a non-delegable duty to
17 PLAINTIFF to use reasonable care to protect the safety, care, well-being, and health of
18 PLAINTIFF while under DEFENDANTS' care and custody.
- 19 15. At all times relevant and material hereto, DEFENDANTS' duties encompassed
20 reasonable care in the supervision of children in their custody and control, as well as
21 reasonable care in the selection, retention, and supervision of foster parents and
22 employees supervising foster children in DEFENDANTS' custody or care.
- 23 16. At all times relevant and material hereto, DEFENDANTS owed a non-delegable duty to
24 exercise reasonable care in the training of employees, case workers, and/or agents in the
25 prevention of sexual assault and abuse and protection of the safety of children in
26 DEFENDANTS' care, custody and/or control.
- 27 17. At all times relevant and material hereto, DEFENDANTS owed a non-delegable duty to
28 establish and implement policies and procedures in the exercise of reasonable care for the

1 prevention of sexual assault and abuse and protection of the safety of children in their
2 care, custody, and/or control.

3 18. At all times relevant and material hereto, DEFENDANTS owed non-delegable duties to
4 children in foster care, like PLAINTIFF, including, without limitation:

- 5 a. To evaluate and investigate all reports of child abuse and/or neglect;
- 6 b. To conduct monthly face-to-face visits with children in foster home/facility
7 placements in accordance with the requirements for children in custody;
- 8 c. To investigate all relevant conditions of the foster home/facility that might affect
9 the child;
- 10 d. To report any violations of the foster home/facility's operating license or
11 requirements;
- 12 e. To ensure that foster children residing in a foster home/facility are supervised at
13 all times by authorized adult caregivers;
- 14 f. To continually assess the adequacy and safety of a child's particular placement;
- 15 g. To make appropriate referrals for evaluations or services, and provide each child
16 in foster care with quality services to protect her safety and health;
- 17 h. To establish all necessary plans of care;
- 18 i. To report all known incidents of sexual assault, abuse or aggression occurring in
19 the foster home/facility;
- 20 j. To ensure that foster children are not left in dangerous conditions, including being
21 subjected to sexual, emotional, or physical abuse;
- 22 k. To ensure that each child in foster care is not maintained in custody longer than is
23 necessary to accomplish the purpose of custody;
- 24 l. To provide each child in foster care who has been freed for adoption with
25 meaningful and appropriate adoption services, including evaluation of the child's
26 placement and pre-placement needs, recruitment of and home study for
27 prospective adoptive parents, placement planning, supervision, and post-adoption
28 services;

- 1 m. To ensure that children are provided a non-threatening environment for candid
2 assessments of their living situation with care managers or other supervisory
3 personnel, to assure that incidents of abuse, misconduct, or violations of rights
4 may be reported without fear of repercussion or not being believed; and
5 n. To provide a safe and stable home for foster children, including PLAINTIFF.

6 19. At all times relevant and material hereto, DEFENDANTS were in a special relationship of
7 *in loco parentis* or caregiver-child with PLAINTIFF, in which DEFENDANTS owed
8 PLAINTIFF a duty of reasonable care to protect her from foreseeable harm.

9 20. At all times relevant and material hereto, DEFENDANTS were in a special relationship
10 with the individuals and/or agents to whom they delegated or assigned custody and/or
11 control of PLAINTIFF, such that DEFENDANTS owed a duty to supervise and control
12 such individuals to prevent foreseeable harm.

13 21. At all times relevant, COUNTY and DEFENDANTS owed PLAINTIFF mandatory,
14 non-discretionary duties imposed by Welfare and Institutions Code sections 16516.5 and
15 16516.6, and DSS Regulation 31-320. These enactments do not permit the exercise of
16 discretion, but instead require specific, ministerial actions, including: (1) monthly
17 in-person visits to each foster placement; (2) a private, confidential discussion with the
18 foster child outside the presence of caregivers; and (3) ongoing monitoring of the child's
19 safety and well-being. These duties are operational, routine, and ministerial, and do not
20 involve policy formulation, judgment, or balancing of risks and benefits. These statutory
21 and regulatory mandates were in full force and effect at all times relevant to PLAINTIFF's
22 foster care placements and impose "no choice" obligations on COUNTY and its social
23 workers within the meaning of *McCorkle v. City of Los Angeles* (1969) 70 Cal.2d 252,
24 261. Liability for breach of these mandatory duties is governed by Government Code
25 section 815.6, which operates independently of, and is not defeated by, the discretionary
26 immunity provided in Government Code section 820.2. *See Haggis v. City of Los Angeles*
27 (2000) 22 Cal.4th 490, 499 (mandatory duty liability under section 815.6 and discretionary
28 immunity under section 820.2 operate on different planes).

22. Welfare and Institutions Code sections 16516.5 and 16516.6 impose mandatory, non-discretionary obligations requiring COUNTY to conduct monthly in-person visits with PLAINTIFF and to privately interview PLAINTIFF outside the presence of foster parents or staff. COUNTY had no discretion to omit, postpone, or decline these visits. These statutes were enacted specifically to prevent the type of injury suffered by PLAINTIFF—sexual abuse in foster care. Once COUNTY undertook custody of PLAINTIFF and placed her in foster care, COUNTY’s duties shifted from discretionary placement decisions to operational, ministerial obligations governing the ongoing supervision and safety of children in custody. These duties — including monthly private visits, safety monitoring, and mandatory reporting — are not discretionary under California law.
23. At all times relevant and material hereto, COUNTY and DEFENDANTS had mandatory, non-discretionary duties of a ministerial nature under the state Department of Social Services (“DSS”) Manual of Policies and Procedures (“DSS Manual”), which establishes regulations applicable to the supervision by county social service agencies and personnel of children placed in foster care under the counties’ and/or agencies’ supervision. At all times relevant and material hereto, DSS regulation 31-320 provided in pertinent part as follows: “.2 The social worker shall visit the child at least three times in the first 30 calendar days, including the initial in-person response. “.3 The social worker shall visit each child with an approved case plan who remains in the home at least once each calendar month. “.5 The purpose of social worker contact with the child is to assess the safety and well-being of the child and to achieve the following objectives: 52 Monitor the child’s physical, emotional, social, and educational development.” DSS Regulation 31-320.
24. Recent appellate authority confirms that breach of these post-placement supervision duties is actionable. *See D.G. v. Orange County Social Services Agency* (2025) 108 Cal.App.5th 1112. To the extent that *K.C. v. County of Merced* (“K.C.”) (2025) 109 Cal.App.5th 606, review granted (Cal. June 25, 2025, S290435), addressed discretionary immunity in the foster care context, that decision is materially distinguishable: the abuse in *K.C.* occurred

between 1971 and 1977, decades before the Legislature enacted the specific mandatory duties at issue here, and the *K.C.* court expressly noted that the plaintiff there had cited no laws existing at the time of the alleged incidents that compelled social workers to achieve a particular result or left them “no choice” as to how to handle such claims. *Id.* at fn. 8. PLAINTIFF here pleads the contrary: the mandatory duties imposed by W&I Code sections 16516.5 and 16516.6 and DSS Regulation 31-320 were in effect, were owed to PLAINTIFF, and were breached.

25. DEFENDANTS, thus, owed PLAINTIFF a duty to exercise reasonable care to protect her from foreseeable harms, including childhood sexual assault and/or abuse, when she was a child in foster care. The negligence alleged herein does not arise from discretionary decisions regarding whether to investigate or remove a child from a placement. Instead, PLAINTIFF alleges COUNTY failed to perform mandatory, ministerial tasks.

26. COUNTY and DEFENDANTS did not make any discretionary, policy-level decision regarding PLAINTIFF’s safety. COUNTY did not evaluate competing risks, did not weigh policy considerations, and did not make any judgment-based determination regarding whether to conduct monthly private visits or required monitoring. Instead, COUNTY simply failed to perform mandatory, ministerial tasks that the Legislature has expressly removed from the realm of discretion. Because no discretionary decision was ever made, Government Code section 820.2 does not apply.

IV. SEXUAL ASSAULT AND ABUSE OF PLAINTIFF WHILE IN FOSTER CARE

27. At all times relevant and material hereto and commencing in or about 2025, PLAINTIFF was in foster family care under the custody, care, and control of COUNTY and DEFENDANTS.

28. PLAINTIFF is under the age of forty (40). PLAINTIFF, then approximately seven (7) years old, was removed from the care of her mother and placed into foster care by COUNTY and DEFENDANTS, and thereafter remained under the custody, care, and control of COUNTY and DEFENDANTS through a succession of foster care placements. PLAINTIFF is a Native American child who is a member of, or eligible for membership

1 in, the Tejon Indian Tribe, and her foster care placements were subject to the Indian Child
2 Welfare Act.

3 29. During her dependency, PLAINTIFF was moved through multiple foster care
4 placements—approximately three to four in total. At all times while in foster care,
5 PLAINTIFF was in the care, custody, and control of COUNTY and DEFENDANTS.

6 30. COUNTY and DEFENDANTS placed PLAINTIFF and her younger sister in a foster home
7 in Kern County occupied by an adult male foster parent (referred to herein by the fictitious
8 first name “Frankie,” his true identity presently unknown to PLAINTIFF and sued herein
9 as a DOE), his wife, and their two children. PLAINTIFF shared a bedroom with her sister
10 in the home.

11 31. While PLAINTIFF was placed in the foster home, the foster father sexually abused her.
12 On one occasion, while the foster father was brushing PLAINTIFF’s hair in the living
13 room, he directed her to come to him and to sit on his lap, and he touched and rubbed
14 PLAINTIFF’s genitals, and thereafter continued brushing her hair as though nothing had
15 occurred.

16 32. On a separate occasion, the foster father made a further sexually inappropriate advance
17 toward PLAINTIFF, directing her, in substance, to “pick these up,” in reference to his
18 genitals. In total, PLAINTIFF was subjected to sexual abuse on at least two (2) occasions
19 while placed in the foster home.

20 33. PLAINTIFF, a child of approximately seven (7) years of age, was legally incapable of
21 consenting to the foster father’s sexual conduct.

22 34. PLAINTIFF disclosed the abuse to the foster father’s wife who, PLAINTIFF is informed
23 and believes, took no meaningful action to protect PLAINTIFF or to report the abuse.

24 35. PLAINTIFF disclosed the abuse to her mother during a supervised visit. The COUNTY
25 social worker assigned to PLAINTIFF, who was observing the visit, overheard
26 PLAINTIFF’s disclosure, and a report of the abuse was made. Law enforcement responded
27 and a report was generated. The sexual abuse of PLAINTIFF was thereby brought to the
28 actual knowledge of COUNTY and DEFENDANTS.

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36. Notwithstanding PLAINTIFF's disclosure, the report to law enforcement, and the Tejon Indian Tribe's efforts to have PLAINTIFF removed from the foster home, COUNTY and DEFENDANTS failed to promptly remove PLAINTIFF from the home. PLAINTIFF is informed and believes, and thereon alleges, that COUNTY and DEFENDANTS did not remove her from the foster home until approximately six (6) weeks after the abuse was reported, during which time PLAINTIFF remained exposed to her abuser.
37. Throughout PLAINTIFF's placement, COUNTY's assigned social workers did not conduct monthly face-to-face visits with PLAINTIFF, and did not meet with her privately—outside the presence of her foster parents and the other adults in the home—to assess her safety and well-being. Even after the sexual abuse was disclosed and reported, COUNTY and DEFENDANTS failed to take timely protective action to remove PLAINTIFF from the circumstances in which the abuse occurred.
38. As a result of the foregoing, including but not limited to DEFENDANTS' wrongful conduct as alleged herein, PLAINTIFF was emotionally, psychologically, and physically injured, and deprived of a safe childhood. PLAINTIFF has suffered, and continues to suffer, severe and lasting emotional and psychological harm as a result of the sexual abuse she endured while in foster care, including anxiety, stress, fear, and adverse behavioral changes, and has required and will continue to require psychological therapy and treatment.
39. The acts of sexual abuse and assault against PLAINTIFF included conduct which constitutes a "childhood sexual assault" as defined in CCP § 340.1(d).

V. NOTICE TO DEFENDANTS

40. At all times relevant and material hereto, COUNTY and DEFENDANTS knew, or in the exercise of reasonable care should have known, that the foster homes in which COUNTY and DEFENDANTS placed PLAINTIFF were unsafe. Additionally, at all times relevant and material hereto, COUNTY and DEFENDANTS knew, or in the exercise of reasonable care should have known, that their failures to have a social worker or probation officer visit PLAINTIFF monthly and privately to discuss with her outside the presence

1 and immediate vicinity of the group home staff, foster parent, and/or caregiver, as the case
2 may be, her safety and living conditions, would allow for unsafe conditions and the
3 reasonable likelihood that PLAINTIFF may become an unsupervised victim of sexual
4 abuse, which did in fact occur. It was thus foreseeable that PLAINTIFF would be sexually
5 assaulted and/or abused and subjected to maltreatment in the group and foster homes.

6 41. At all times relevant and material hereto, COUNTY's duty to conduct monthly visits to
7 each home where PLAINTIFF was placed, and to meet with her face-to-face privately
8 and outside the presence or immediate vicinity of the group home staff, foster parent(s),
9 or caregiver(s), as the case may be, was a mandatory, non-discretionary duty. Cal. Welf.
10 and Inst. Code §§ 16516.5 and 16516.6.

11 42. At all times relevant and material hereto, it was reasonably foreseeable that COUNTY's
12 failure to visit the group and/or foster home in which PLAINTIFF was placed by
13 COUNTY to meet with PLAINTIFF face-to-face privately and outside the presence or
14 immediate vicinity of group home staff, foster parent(s), or caregiver(s), as the case may
15 be, would allow PLAINTIFF to be subject to childhood sexual abuse.

16 43. DEFENDANTS knew, or had reason to know, or were otherwise on notice, of misconduct
17 occurring within the foster home and/or by individuals residing in or associated with the
18 foster home that created a risk of childhood sexual assault and/or abuse against
19 PLAINTIFF, and DEFENDANTS failed to take reasonable steps and/or implement
20 safeguards to avoid such acts of childhood sexual assault and abuse.

21 44. Upon information and belief, the individuals who sexually abused PLAINTIFF had
22 propensities for the conduct which caused injury to PLAINTIFF, particularly a propensity
23 to engage in the sexual abuse of children.

24 45. At all relevant times, it was reasonably foreseeable to DEFENDANTS that PLAINTIFF
25 was at risk of being subjected to acts of child sexual abuse and assault by individuals
26 residing in, frequenting, and/or associated with the foster home.

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28 ///

46. At all relevant times, DEFENDANTS knew or should have known that the foster home placement was unfit, dangerous, and a threat to the health, safety, and welfare of minors entrusted to DEFENDANT's care.

47. Despite such actual or constructive knowledge, DEFENDANTS placed and maintained PLAINTIFF in the foster home and permitted individuals residing in, frequenting, and/or associated with the foster home to have unsupervised access to PLAINTIFF, thereby providing the opportunity for foreseeable acts of child sexual abuse and/or assault to occur.

48. DEFENDANTS knew, or had reason to know, or were otherwise on notice of sexual assault and abuse of PLAINTIFF by individuals residing in, frequenting, and/or associated with the foster home, and DEFENDANTS failed to take reasonable steps or to implement reasonable safeguards to avoid foreseeable acts of childhood sexual abuse.

49. Moreover, in addition to actual and/or constructive notice having been provided to DEFENDANTS, at all times material and relevant hereto, there were substantial structural and systemic flaws and deficiencies in the foster care system designed and/or implemented by COUNTY.

50. At all times relevant and material hereto, sexual assaults and abuse of juveniles placed in foster care under DEFENDANTS' legal custody and care was a chronic, unmitigated, systemic, and pervasive problem well known to DEFENDANTS.

51. Maltreatment of children in foster care, particularly sexual abuse and assault, has been a chronic problem that DEFENDANTS have failed to address in any reasonable manner consistent with their duties to children in foster care.

52. Children within the foster care system were habitually sexually abused and assaulted while in DEFENDANTS' custody and care, DEFENDANTS' agents and/or employees were aware of such sexual abuse and assaults, yet said sexual abuse and assaults were not reported as required.

53. Among the chronic problems and inadequacies of COUNTY's foster care system, at all relevant times, COUNTY was failing to adequately supervise its contract agencies and

foster homes by, among other things, failing to impose and enforce appropriate standards for the safety and welfare of the children in COUNTY's care; failing to ensure that caseworkers were adequately trained and supervised; failing to ensure that caseworkers had manageable caseloads; failing to ensure regular caseworker visits and unannounced visits in environments where the foster child would feel comfortable and unthreatened in disclosing abuse or maltreatment; failing to ensure that placement decisions were informed and safe; and failing to review and evaluate a foster care provider's policies and procedures with regard to the safety of children, including without limitation, those to prevent sexual assaults.

54. Because of the foregoing structural and systemic deficiencies in the foster care system, in addition to being on actual and/or constructive notice of sexual assault and abuse by PLAINTIFF, DEFENDANTS at all relevant times knew or should have known that children in their care were subject to a substantial risk of maltreatment and abuse, including sexual assault and abuse.

VI. BREACH

55. Among other breaches, COUNTY and DEFENDANTS failed to conduct mandatory monthly face-to-face visits with PLAINTIFF for the purpose of protecting PLAINTIFF from injury and abuse, including childhood sexual assault and abuse; failed to institute corrective measures and to exercise reasonable oversight of PLAINTIFF while in foster care; failed to advance policies, procedures, and/or training to prevent foreseeable sexual assault and abuse in foster homes, group homes, and residential facilities in Kern County; and failed to remove PLAINTIFF from unsafe foster care placement.

56. COUNTY and DEFENDANTS breached their duties by: (i) failing to protect PLAINTIFF from sexual abuse; (ii) failing to perform mandatory child-safety supervision duties required by statute, regulation, licensing standards, and DSS policies; (iii) failing to conduct required monthly private visits and ongoing monitoring of PLAINTIFF's safety as mandated by Welfare and Institutions Code sections 16516.5 and 16516.6 and DSS Regulation 31-320; (iv) failing to implement and enforce policies and procedures

necessary to protect foster children from sexual abuse; (v) failing to adequately monitor and supervise PLAINTIFF; (vi) failing to adequately hire and train employees, agents, and case workers; and (vii) failing to comply with mandatory reporting obligations under Penal Code sections 11165.9 and 11166 once COUNTY became aware of facts requiring such reporting. These breaches concern mandatory, ministerial obligations, not discretionary investigative decisions.

57. Moreover, the aforementioned systemic and chronic issues and failures in the foster care system were present in DEFENDANTS' care of PLAINTIFF. Among other things, DEFENDANTS failed to conduct monthly face-to-face visits to PLAINTIFF's foster care placement to determine whether PLAINTIFF was safe and not being subjected to maltreatment while in foster care placement; COUNTY's and/or DEFENDANTS' visits by the case worker or social worker to the various group homes, foster home, or caregiver, were infrequent or nonexistent, brief, superficial, and perfunctory. Further, actual and/or constructive notice of the sexual abuse and/or assault was given to the employees and agents of COUNTY and DEFENDANTS, including to COUNTY social worker and other COUNTY employees and agents, and the COUNTY's employees and agents failed to act upon the information to protect PLAINTIFF from childhood sexual abuse.

58. COUNTY's and DEFENDANTS' employees, agents, and/or independent contractors, who were responsible for supervising PLAINTIFF and other similarly situated children, knew, or should have known, of the sexual assault and abuse of minors placed there. Yet, those employees and/or independent contractors of COUNTY and DEFENDANTS failed to properly execute their mandatory duties and in turn failed to remove PLAINTIFF from the aforementioned foster care placements, as a result of which PLAINTIFF suffered sexual assault and abuse.

59. If COUNTY and DEFENDANTS had provided PLAINTIFF with reasonable care and protection, including monthly face-to-face social worker visits as required by the above-cited statutes and regulations, proper background checks on the foster homes, investigations into reported sexual abuse and assaults and/or maltreatment, and removal

of PLAINTIFF from the offending foster placements, the sexual assaults of PLAINTIFF could have been prevented. Thus, COUNTY's and DEFENDANTS' breaches of their mandatory, non-discretionary and ministerial duties pursuant and statute and DSS regulations proximately caused PLAINTIFF's injuries due to childhood sexual abuse.

60. COUNTY's failures were not the result of any discretionary decision-making process. COUNTY did not evaluate information, did not weigh risks, and did not make any judgment-based determination. COUNTY simply failed to act. A failure to perform a mandatory statutory duty is not a discretionary act under Government Code section 820.2.

VII. NATURE OF CONDUCT ALLEGED

61. This action alleges physical, psychological, and emotional injuries suffered as a result of conduct that would constitute "childhood sexual assault" as defined in California Code of Civil Procedure section 340.1, including, without limitation, conduct that is or would have been proscribed by Section 266j of the Penal Code; Section 285 of the Penal Code; paragraph (1) or (2) of subdivision (b), or of subdivision (c), of Section 286 of the Penal Code; subdivision (a) or (b) of Section 288 of the Penal Code; paragraph (1) or (2) of subdivision (b), or of subdivision (c), of Section 287 or of former Section 288a of the Penal Code; subdivision (h), (i), or (j) of Section 289 of the Penal Code; subdivision (a) of Section 311.1 of the Penal Code; subdivisions (b) to (d), inclusive, of Section 311.2 of the Penal Code; any sexual conduct as defined in paragraph (1) of subdivision (d) of Section 311.4 of the Penal Code; Section 647.6 of the Penal Code; or any prior laws of the State of California of similar effect at the time the act was committed.

VIII. BASIS FOR LIABILITY AGAINST COUNTY AND DOES 1-10

62. Pursuant to California Code of Civil Procedure section 340.1, subdivision (q), and California Government Code section 905, this action, brought pursuant to Section 340.1, is exempt from the claim presentation requirements of the California Government Claims Act. See Cal. Code Civ. Proc. § 340.1(q); Cal. Gov. Code § 905(m).
63. This action is timely under Code of Civil Procedure section 340.1. PLAINTIFF is presently under forty (40) years of age. In addition, and in any event, PLAINTIFF did not

- 1 discover, and through the exercise of reasonable diligence could not have discovered, that
- 2 her childhood sexual abuse was a cause of her adult psychological injuries until within
- 3 the limitations period preceding the filing of this action.
- 4 64. This Action alleges liability against COUNTY pursuant to California Government Code
- 5 §§ 815.2, 815.4, and/or 815.6, and the statutes, regulations, and mandatory duties set forth
- 6 herein.
- 7 65. COUNTY and DOES 1-10 are directly liable for negligence under California Government
- 8 Code section 815.6 for their failure to discharge mandatory duties set forth in, *inter alia*,
- 9 Welfare and Institutions Code Sections 328, 16501(f), 16504, 16516.5, and 16516.6;
- 10 Penal Code sections 11165.9 and 11166.
- 11 66. COUNTY and DOES 1-10 are also vicariously liable for PLAINTIFF's injuries
- 12 proximately caused by the acts and/or omissions of COUNTY's employees, agents,
- 13 and/or independent contractors. *See* Cal. Gov. Code §§ 815.2(a), 820. Because social
- 14 workers working for COUNTY and/or DEFENDANTS are subject to liability for their
- 15 respective failures to comply with the foregoing identified mandatory duties pursuant to
- 16 statute and DSS regulations, including without limitation their respective failures to
- 17 conduct monthly face-to-face meetings with PLAINTIFF for the purpose of ensuring her
- 18 safety, and the breach of which caused injury, so too are COUNTY and DEFENDANTS
- 19 vicariously liable for those failures under the doctrine of respondeat superior and
- 20 Government Code section 815.2. Cal. Gov. Code § 815.2. A public entity is vicariously
- 21 liable under Government Code section 815.2 for the negligence of its supervisory
- 22 employees in failing to protect a minor in its custody from foreseeable sexual abuse. *See*
- 23 *C.A. v. William S. Hart Union High School Dist.* (2012) 53 Cal.4th 861.
- 24 67. Immunity does not bar liability under Government Code section 815.2 because the acts
- 25 and omissions at issue did not involve discretionary, policy-level decisions. COUNTY's
- 26 failures were ministerial violations of mandatory statutory duties, including the failure to
- 27 conduct monthly private visits and required monitoring under Welfare and Institutions
- 28 Code sections 16516.5 and 16516.6 and DSS Regulation 31-320. These duties do not

1 involve the weighing of risks and benefits or the formulation of policy and therefore fall
2 outside the scope of Government Code section 820.2. Once COUNTY undertook custody
3 of PLAINTIFF, its duties shifted from discretionary placement decisions to operational,
4 ministerial obligations governing the ongoing supervision and safety of children in
5 custody, which are not protected by Government Code section 820.2.

6 68. The California legislature declared its intent "that nothing in the decision of the California
7 Court of Appeal in *County of Los Angeles v. Superior Court of Los Angeles: Real Party*
8 *in Interest Terrell R.* (2002) 102 Cal.App.4th 627, shall be held to change the standards
9 of liability and immunity for injuries to children in protective custody that existed prior
10 to that decision." Cal. Welf. & Inst. Code § 16000.1(b)(1). Defendants were under a duty
11 to perform specific statutory and regulatory mandates including Welfare and Institutions
12 Code sections 16516.5 and 16516.6 and DSS Regulation 31-320 that impose
13 non-discretionary, ministerial duties requiring monthly private visits, safety monitoring,
14 and reporting. COUNTY's violations of these mandatory duties fall outside the scope of
15 Government Code section 820.2.

16 69. COUNTY's violations of these mandatory duties fall outside the scope of Government
17 Code section 820.2. These statutory duties do not require any weighing of competing
18 risks, formulation of policy, or exercise of judgment. They are binary, mandatory tasks
19 that COUNTY was required to perform regardless of circumstances. PLAINTIFF is
20 informed and believes, and on that basis alleges, that throughout the time PLAINTIFF
21 resided in the foster home in which COUNTY placed her, COUNTY's social workers,
22 employees, and agents failed to conduct the monthly in-person visits required by W&I
23 Code section 16516.5 and DSS Regulation 31-320, and failed to conduct the private,
24 confidential interviews with PLAINTIFF outside the presence of the foster parents and
25 facility staff required by W&I Code section 16516.6. Had COUNTY performed these
26 mandatory, ministerial duties, the ongoing sexual abuse of PLAINTIFF would have been
27 detected and prevented. The legislative intent expressed in Welfare and Institutions Code
28

section 16000.1(b)(1) *Terrell R.* does not shield COUNTY from liability for the breaches alleged herein.

IX. FIRST CAUSE OF ACTION
NEGLIGENCE
(Against Defendant COUNTY and DOES 1-10)

70. PLAINTIFF restates and incorporates by reference each and every allegation contained in paragraphs 1 through 69, inclusive, as though fully set forth herein.

71. COUNTY's and DOES 1-10's acts and/or omissions, as set forth above, constitute negligence.

72. COUNTY and DOES 1-10 owed a duty of care to PLAINTIFF.

73. COUNTY and DOES 1-10 breached the duty of care owed to PLAINTIFF.

74. COUNTY and DOES 1-10 unreasonably failed to conduct mandatory meetings with PLAINTIFF, including mandatory monthly face-to-face meetings with PLAINTIFF, the purpose of which were to ensure PLAINTIFF's safety and to protect her from injury, including without limitation injury from childhood sexual abuse.

75. The above-cited statutes and regulations, including without limitation Welfare and Institutions Code sections 16516.5, and 16516.6, were enacted to prevent injury to children in foster care, including injury from childhood sexual abuse.

76. COUNTY and DOES 1-10 had actual or constructive notice that PLAINTIFF was being sexually abused by individuals in the foster homes and failed to protect PLAINTIFF or otherwise make the foster homes safe. PLAINTIFF was sexually abused after DEFENDANTS knew or should have known that PLAINTIFF was being sexually abused while in a foster care placement approved, supervised, and monitored by COUNTY.

77. COUNTY and DOES 1-10 failed to take reasonable steps to implement reasonable safeguards to avoid acts of sexual assault and abuse after COUNTY and DOES 1-10 knew or had reason to know or were otherwise on notice that PLAINTIFF was being sexually abused and assaulted while under COUNTY's custody in foster care.

78. COUNTY and DOES 1-10 were negligent in the placement and supervision of PLAINTIFF while in foster care, and in the failure to take reasonable steps or to

1 implement reasonable safeguards to avoid acts of sexual assault and abuse, execute
2 mandatory duties, or to keep PLAINTIFF safe by removing PLAINTIFF from the
3 offending foster care placement.

4 79. It was reasonably foreseeable to COUNTY and DOES 1-10 that failing to comply with
5 its mandatory duty to conduct monthly face-to-face visits with PLAINTIFF, and failing
6 to prevent individuals from having unfettered access to children may result in the sexual
7 abuse of the same children. COUNTY and DOES 1-10 failed to conduct said monthly
8 face-to-face meetings and failed to take reasonable steps or to implement reasonable
9 safeguards to avoid acts of sexual abuse against PLAINTIFF after it was on actual notice
10 of sexual abuse of PLAINTIFF.

11 80. COUNTY and DOES 1-10 are directly liable for negligence under California Government
12 Code section 815.6 for their failure to discharge mandatory duties set forth in, *inter alia*,
13 Welfare and Institutions Code sections 328, 16501(f), 16504, 16516.5, and 16516.6; and
14 Penal Code sections 11165.9, and 11166.

15 81. COUNTY and DOES 1-10 are vicariously liable for PLAINTIFF's injuries proximately
16 caused by the acts and/or omissions of any employee of any of COUNTY's employees,
17 agents, and/or independent contractors. *See* Cal. Gov. Code §§ 815.2(a), 820.

18 82. As a direct and proximate result of COUNTY's and DOES 1-10's negligent acts and/or
19 omissions, as set forth above, PLAINTIFF has suffered and continues to suffer economic
20 and non-economic damages, including, but not limited to, mental pain and suffering, loss
21 of the ability to lead a normal life, severe emotional distress, physical injuries and pain,
22 and past and future costs of medical care and treatment, all in an amount not yet
23 ascertained, but which exceed the minimum jurisdictional limits of this Court.

24 **X. SECOND CAUSE OF ACTION**
25 **NEGLIGENCE**
26 **(Against Defendant DOES 11 through 25)**

27 83. PLAINTIFF restates and incorporates by reference each and every allegation contained
28 in paragraphs 1 through 82, inclusive, as though fully set forth herein.

84. DOES 11 through 25's acts and/or omissions, as set forth above, constitute negligence.

85. DOES 11 through 25 each owed a duty of care to PLAINTIFF.

86. DOES 11 through 25 each breached the duty of care owed to PLAINTIFF.

87. DOES 11 through 25 each had actual or constructive notice that PLAINTIFF was being sexually abused by individuals in the foster homes and failed to protect PLAINTIFF or otherwise make the foster homes safe. PLAINTIFF was sexually abused after DOES 11 through 25 knew or should have known that PLAINTIFF was being sexually abused while in a foster care placement approved, supervised, and monitored by DOES 11 through 25.

88. DOES 11 through 25 failed to take reasonable steps to implement reasonable safeguards to avoid acts of sexual assault and abuse after DOES 11 through 25 knew or had reason to know or were otherwise on notice that PLAINTIFF was being sexually abused and assaulted while under DOES 11 through 25's custody in foster care.

89. DOES 11 through 25 were negligent in the placement and supervision of PLAINTIFF while in foster care, and in the failure to take reasonable steps or to implement reasonable safeguards to avoid acts of sexual assault and abuse, execute mandatory duties, or to keep PLAINTIFF safe by removing PLAINTIFF from the offending foster care placement.

90. It was reasonably foreseeable to DOES 11 through 25 that allowing individuals unfettered access to children may result in the sexual abuse of the same children. DOES 11 through 25 failed to take reasonable steps or to implement reasonable safeguards to avoid acts of sexual abuse against PLAINTIFF after they were on actual notice of sexual abuse of PLAINTIFF.

91. DOES 11 through 25's acts, conduct, and omissions showed a reckless or willful disregard for the safety and well-being of PLAINTIFF and other children.

92. As a direct and proximate result of DOES 11 through 25's negligent acts and/or omissions, as set forth above, PLAINTIFF has suffered and continues to suffer economic damages and severe and permanent psychological, emotional, and physical injuries, shame, humiliation, and the inability to lead a normal life.

///

///

XI. PRAYER FOR RELIEF AS TO COUNTY

WHEREFORE, PLAINTIFF respectfully requests the following relief:

1. General damages in an amount to be shown according to proof at the time of trial;
2. Special damages including medical and psychological care expenses in an amount to be shown according to proof at the time of trial;
3. Costs of suit incurred by PLAINTIFF;
4. For such other and further relief as the Court may deem proper.

XII. PRAYER FOR RELIEF AS TO DOES 1 - 10

WHEREFORE, PLAINTIFF respectfully requests the following relief:

1. General damages in an amount to be shown according to proof at the time of trial;
2. Special damages including medical and psychological care expenses in an amount to be shown according to proof at the time of trial;
3. Costs of suit incurred by PLAINTIFF;
4. For such other and further relief as the Court may deem proper.

XIII. PRAYER FOR RELIEF AS TO DOES 11 - 25

WHEREFORE, PLAINTIFF respectfully requests the following relief:

1. General damages in an amount to be shown according to proof at the time of trial;
2. Special damages including medical and psychological care expenses in an amount to be shown according to proof at the time of trial;
3. Treble damages pursuant to Section 340.1(b);
4. Punitive damages;
5. Costs of suit incurred by PLAINTIFF, including reasonable attorneys' fees;
6. For such other and further relief as the Court may deem proper.

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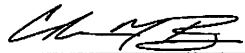
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XIV. DEMAND FOR JURY TRIAL

PLAINTIFF hereby demands a jury trial in this action.

DATED: July 10, 2026

RAY & SEYB LLP

By: 
Charles M. Ray, Esq.
Attorneys for Plaintiff
A.L.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Charles M. Ray, Esq. FIRM NAME: Ray & Seyb LLP STREET ADDRESS: 2111 Business Center Dr., Ste. 208 CITY: Irvine STATE: CA ZIP CODE: 92612 TELEPHONE NO.: 949.734.7333 FAX NO.: EMAIL ADDRESS: c.ray@rayseyb.com ATTORNEY FOR (name): Plaintiff A.L., a minor, by and through her GAL, Mandy Hurst		FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of Kern By: Javen Silva Deputy Clerk 08/6/26 10:10 AM
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN STREET ADDRESS: 1215 Truxtun Ave. MAILING ADDRESS: 1215 Truxtun Ave. CITY AND ZIP CODE: Bakersfield, CA 93301 BRANCH NAME: Metropolitan Division Justice Building		
CASE NAME: A.L., a minor, by and through her guardian ad litem, Mandy Hurst		
CIVIL CASE COVER SHEET ☒ Unlimited (Amount demanded exceeds \$35,000)	☐ Limited (Amount demanded is \$35,000 or less)	Complex Case Designation ☐ Counter ☐ Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
		CASE NUMBER: 26CUB03021
		JUDGE: DEPT.:

Items 1–6 below must be completed (see instructions on page 2 and examples on page 3).

1. Check one box below for the case type that best describes this case:

Auto Tort

- ☐ Auto (22)
☐ Uninsured motorist (46)

Asbestos

- ☐ Asbestos (04)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- ☐ Product liability (24)
☐ Medical malpractice (45)
☒ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

- ☐ Business tort/Unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment

- ☐ Wrongful termination (36)
☐ Other employment (15)

Contract

- ☐ Breach of contract/warranty (06)
☐ Song-Beverly Act: Motor Vehicle Lemon Law (49)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property

- ☐ Eminent domain/Inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

- ☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

- ☐ Asset forfeiture (05)
☐ Petition re arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

Employment Development Department (EDD)

- ☐ EDD decision review (48)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.404)

- ☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Comprehensive groundwater adjudication (47)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

- ☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

- ☐ RICO (27)
☐ Other complaint (*not specified above*) (42)

Miscellaneous Civil Petition

- ☐ Partnership and corporate governance (21)
☐ Other petition (*not specified above*) (43)



2. Is this case complex under rule 3.400 of the California Rules of Court? ☐ Yes ☒ No

If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties
 b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
 c. ☐ Substantial amount of documentary evidence
 d. ☐ Large number of witnesses
 e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
 f. ☐ Substantial postjudgment judicial supervision

3. Remedies sought (*check all that apply*):

- a. ☒ monetary
 b. ☒ nonmonetary; declaratory or injunctive relief
 c. ☒ punitive

4. Number of causes of action (*specify*): 2

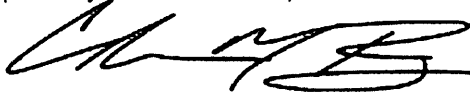
5. Is this case a class action suit? ☐ Yes ☒ No

6. If there are any known related cases, file and serve a notice of related case. (*You may use form CM-015.*)

Date: August 6, 2026

Charles M. Ray, Esq.

Type or print name



Signature of party or attorney for party

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, or a collections case under rule 3.740, you must serve a copy of this cover sheet on all other parties to the action or proceeding. (Cal. Rules of Court, rule 3.220.)
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on pages 1 and 2. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided on page 3 of this form. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 of the California Rules of Court is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$35,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

SEE PAGE 3 FOR INFORMATION PURPOSES ONLY.



CASE TYPES AND EXAMPLES

The list below provides explanations and examples for the case type checkboxes listed in item 1 on this form. The lists of examples below are not meant to be exhaustive, and some case types may have causes of action not listed here.

Auto Tort

Auto (22)—Personal Injury/Property Damage/
Wrongful Death
Uninsured Motorist (*if the case involves an
uninsured motorist claim subject to
arbitration, check this item instead of Auto*)
(46)

Asbestos

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death

**Other PI/PD/WD (Personal Injury/
Property Damage/Wrongful Death) Tort**

Product Liability (*not asbestos or
environmental/toxic tort*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians &
Surgeons
Other Professional Health Care
Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g.,
assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest)
(*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (*other than contract*) (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice
(*not medical*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease Contract (*not
unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff
(*not fraud*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Song-Beverly Act: Motor Vehicle Lemon Law
(*check this item if the case involves a Song-
Beverly Act claim regarding a motor
vehicle*) (49)
Rule 3.740 Collections (*as defined in Cal.
Rules of Court, rule 3.740(a)*) (09)
Other Collections (e.g., money owed, open
book accounts, promissory note) (09)
Insurance Coverage (*not provisionally
complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not unlawful
detainer*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (*if the case involves illegal drugs, check
this item; otherwise, choose Commercial or
Residential*) (38)

Judicial Review

Asset Forfeiture (05)
Petition re Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case
Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner
Appeals

Employment Development Department (EDD)

EDD Decision Review (*if the case involves an
Employment Development Department
decision, check this item instead of
wrongful termination or other employment*)
(48)

**Provisionally Complex Civil Litigation (Cal.
Rules of Court, rules 3.400–3.404)**

Antitrust/Trade Regulation (03)
Construction Defect (10)
Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Comprehensive Groundwater Adjudication
(47)
Insurance Coverage Claims (*arising from
provisionally complex case type listed
above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic
relations*)
Sister-State Judgment
Administrative Agency Award
Petition/Certification of Entry of Judgment
on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanic's Lien
Other Commercial Complaint Case
(*non-tort/non-complex*)
Other Civil Complaint (*non-tort/
non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Government
Claim Requirement
Other Civil Petition

 SUPERIOR COURT OF CALIFORNIA COUNTY OF KERN Bakersfield Metropolitan Justice 1215 Truxtun Ave Bakersfield, CA 93301 Phone: (661) 610-6000	FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF KERN August 6, 2026 /s/ Javen Silva, Deputy Clerk
A. L., et al v. County of Kern	
Notice of Assignment to Judicial Officer for All Purposes, Notice of Order to Show Cause Re: California Rules of Court, Rule 3.110, and Notice of Case Management Conference	Case Number: 26CUB03021

By order of the presiding judge, the above-entitled case is assigned to the Honorable Bernard C. Barmann, Jr for all purposes. It will be managed in Department/Division H until its conclusion. Peremptory challenges, if any, must be made within the times set out in Code of Civil Procedure §170.6.

To Plaintiff(s) and Plaintiff(s) Counsel:

You are required to serve this Notice of Assignment and Notice of Order to Show Cause date and Notice of Case Management Conference date with the Summons, Complaint [Local Rule 3.7(a), Alternative Dispute Resolution (ADR) Information Packet, and ADR Stipulation and Order Form (California Rules of Court, Rule 3.221).

You are ordered to appear on November 16, 2026 at 8:30 A.M. in Division H at 1215 Truxtun Ave, Bakersfield, CA 93301 to give any legal reason why sanctions shall not be imposed for failure to serve the complaint on all named defendants and file proof(s) of service with the court within sixty (60) days after the filing of the complaint pursuant to California Rules of Court, Rule 3.110. All appearances are mandatory, unless the court receives the required proof(s) of service five (5) court days prior to the hearing date, and then no appearance is necessary.

To each party and their respective attorney(s) of record:

Your attention is directed to the California Rules of Court and the Code of Civil Procedure provisions regarding mandatory expedited jury trial procedures, specifically to California Rules of Court Rules 3.1546, et seq., and Code of Civil Procedure section 630.20, et seq.

This case is set for Case Management Conference on February 1, 2027 at 8:30 A.M. in Division H located at 1215 Truxtun Ave, Bakersfield, CA 93301. Parties shall comply with and file case management statements at least fifteen (15) days prior to the conference in accordance with California Rules of Court, Rules 3.720 – 3.730.

To Cross Complainant(s) and Cross Complainant(s) Counsel:

If you are bringing cross complaint against new parties, you are, likewise, required to serve this Notice of Assignment pursuant to California Rules of Court, Rule 3.110, Notice of Order to Show Cause date and Notice of Case Management Conference date on the new cross defendants.

Tara Leal
Clerk of the Superior Court

Date: August 6, 2026

By: /s/ Javen Silva
Javen Silva, Deputy Clerk

The Clerk of the Superior Court's office has received a civil complaint from you for filing. Pursuant to the Trial Court Delay Reduction Act, your case has been assigned to the Honorable Bernard C. Barmann, Jr as monitoring judge.

Judge Bernard C. Barmann, Jr has instituted a direct calendaring system for all cases assigned to him/her as the monitoring judge.

All law and motion, case management and trial setting conferences, ex parte matters and trials will be scheduled before him/her in Division H at 1215 Truxtun Ave, Bakersfield, CA 93301.

Law & Motion and Ex-Parte hearing dates must be pre-cleared by contacting the Direct Calendaring Clerk at 661-610-6460. Tentative rulings are not provided in advance of the hearing.

At the time of filing the complaint, plaintiff's counsel will be given a Notice of Case Management Conference which sets a conference approximately one hundred eighty (180) days after filing of the complaint. This notice must be served with the summons and complaint on all defendants. Defendants must serve the notice on all cross-defendants named. The notice must also be served on interveners and lien claimants.

Pursuant to Local Rule 3.2.1. a party wishing to appear remotely in any civil proceeding other than an evidentiary hearing or trial, including conferences and law and motion hearings, is permitted to appear without advance notice to the court or other parties. By appearing remotely those persons will be deemed to have requested a remote appearance. Instructions for accessing Remote Court Hearings can be found on the court's website. Each judicial officer retains the discretion to require a party to appear in person at a conference, hearing, or proceeding, as authorized by Code of Civil Procedure section 367.75. Remote proceedings for evidentiary hearings or trials in all divisions shall be noticed and conducted as authorized by Code of Civil Procedure section 367.75 and California Rules of Court, rule 3.672.

The Court does not provide court reporters for civil matters. Parties wishing to have a matter reported must provide their own reporter. The court maintains a list of pre-approved official reporters pro tem. Your preferred reporter can be added to this list. Information regarding the court's list is on the court's website.

Another judge will hear settlement conferences in cases assigned to Judge Bernard C. Barmann, Jr. However, those cases that do not settle will be set for trial before him/her.

Superior Court Of California County Of Kern Special Rules Relating To Case Management Conferences

At least fifteen (15) days prior to the case management conference, each party shall prepare, file and serve on each other party a case management conference statement providing the Court with the following information:

1. The "at-issue" status of the case including any new parties that may be contemplated;
2. A brief statement of the type of case and the general facts or contentions;
3. A description of the discovery done to date and that contemplated to be done;
4. Estimated time for trial and whether a jury is demanded;
5. Whether or not the case is entitled to priority in trial setting and if so, the legal authority thereof;
6. An evaluation of the case for alternative dispute resolution, including arbitration (judicial or binding), mediation or private judge handling;
7. If a person injury action, a description of the injuries sustained by each plaintiff and the elements of claimed damage;
8. A statement of any settlement negotiations undertaken thus far;
9. The name of the attorney primary responsible for the case on behalf of the party filing the statement.

More than one party may join in the filing of a single statement.

The case management conference shall be attended by the attorney primarily responsible for the case on behalf of each party or a member of his or her firm or counsel formally associated in the case. The attorney attending shall be thoroughly familiar with the case, and be able to engage in meaningful discussions with court and counsel, and to enter into agreements on behalf of his or her client on the following subjects:

1. The "at-issue" status of the case including the dismissal of the unnamed doe defendants or cross-defendants by agreement of all parties;
2. Discovery conducted and remaining to be done;
3. Amenability of the case to alternative dispute resolution including, but no limited to, arbitration (judicial or binding), mediation, and private judge handling.
4. Delineation of issues including stipulation of facts not in substantial controversy;
5. Settlement prospects;
6. Setting the matter for trial, pre-trial conferences, settlement conference or further case management conference;
7. Any other matters relevant to the processing of the case to a final resolution.

Any violation of these rules shall result in the imposition of substantial sanctions which may include monetary, issue, termination, or other appropriate sanctions.

Certificate of Service

The undersigned, of said Kern County, certify: That I am a Deputy Clerk of the Superior Court of the State of California, in and for the County of Kern, that I am a citizen of the United States, over 18 years of age, I reside in or am employed in the County of Kern, that I am not a party to the within action and that my business address is 1215 Truxtun Ave, Bakersfield, CA 93301, that I served the Notice of Assignment to Judicial Officer for All Purposes, Notice of Order to Show Cause Re: California Rules of Court, Rule 3.110, and Notice of Case Management Conference attached hereto on all interested parties and any respective counsel of record in the within action, following standard Court practices, by: (a) enclosing true copies thereof in a sealed envelope(s) with postage fully prepaid and depositing/placing for collection and delivery in the United States mail at Bakersfield, California; and/or (b) enclosing true copies thereof in a Kern County interoffice envelope(s) and placing for collection and delivery; and/or (c) electronically transmitting true copies thereof by electronic service or e-mail. Service address(es) are indicated on the attached service list.

Date of service: August 6, 2026

Place of service: Bakersfield, California

Sent from electronic service address: donotreply@kern.courts.ca.gov

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

Tara Leal
Clerk of the Superior Court

Date: August 6, 2026

By: /s/ Javen Silva
Javen Silva, Deputy Clerk

Service List

Charles M. Ray
2111 Business Center Dr., Ste. 208
Irvine, CA 92612
c.ray@rayseyb.com

SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN
ALTERNATIVE DISPUTE RESOLUTION (ADR)
INFORMATION PACKET



Kern County Superior Court encourages, and under certain circumstances, may require parties to try ADR before trial. Courts have also found ADR to be beneficial when used early in the case process. The courts, community organizations and private providers offer a variety of ADR processes to help people resolve disputes without a trial. Below is information about the potential advantages and disadvantages of ADR, the most common types of ADR, and how to find a local arbitrator, mediator or neutral evaluator. You may find more information about these ADR processes at www.courts.ca.gov/programs/adr.

Possible Advantages and Disadvantages of ADR

ADR may have a variety of advantages or disadvantages over a trial depending on the type of ADR process used as well as the particular type of case involved.

Possible Advantages: Saves time; saves money; gives the parties more control over the dispute resolution process and outcome; helps to preserve and/or improve party relationships.

Possible Disadvantages: May add additional time and costs to the litigation if ADR does not resolve the dispute; procedures such as discovery, jury trial, appeals, and other legal protections may be limited or unavailable.

Most Common Types of ADR

Mediation: A neutral person or "mediator" helps the parties communicate in an effective and constructive manner so the parties can try to resolve their dispute. The mediator does not decide the outcome, but helps the parties to do so. Mediation is generally confidential and may be particularly useful where ongoing relationships are involved, such as between family members, neighbors, employers/employees or business partners.

Settlement Conferences: A judge or another neutral person assigned by the court helps the parties to understand the strengths and weaknesses of their case and to discuss settlement. The judge or settlement conference neutral does not make a decision in the case but helps the parties to negotiate a settlement. Settlement conferences may be particularly helpful when the parties have very different views about the likely outcome of a trial in their case.

Neutral Evaluation: The parties briefly and informally present their facts and arguments to a neutral person who is often an expert in the subject matter of the dispute. The neutral does not decide the outcome of the dispute, but helps the parties to do so by providing them with a non-binding opinion about the strengths, weaknesses and likely outcome of their case. Depending on the neutral evaluation process, and with the parties' consent, the neutral may then help the parties try to negotiate a settlement. Neutral evaluation may be appropriate when the parties desire a neutral's opinion about how the case might be resolved at trial; and, if the primary dispute is about the amount of damages or technical issues, the parties would like a neutral expert to resolve those disputes.

Arbitration: The parties present evidence and arguments to a neutral person or “arbitrator” who then decides the outcome of the dispute. Arbitration is less formal than a trial, and the rules of evidence are generally more relaxed. If the parties agree to *binding* arbitration, they waive their right to a jury trial and agree to accept the arbitrator’s decision. With *nonbinding* arbitration, any party may reject the arbitrator’s decision and request a trial. Arbitration may be appropriate when the parties want another person to decide the outcome of their dispute but would like to avoid the formality, time and expense of a trial, or desire an expert in the subject matter of their dispute to make a decision.

Local Court ADR Programs

The Superior Court, County of Kern offers two types of ADR: Arbitration in cases in which the amount in controversy as to each plaintiff is \$50,000 or less; and DRPA mediation services on the day of the hearing, settlement conference or trial.

Arbitration: The Superior Court of California, County of Kern does use Arbitrators in civil cases where the amount in controversy as to each individual plaintiff is \$50,000 or less. The Court may order the parties to Arbitration or the parties may agree to Arbitration any time before the first case management conference statement is filed. See Local Rule 3.14 at https://www.kern.courts.ca.gov/system/files/local_rules_of_court.pdf

Dispute Resolution Program Act (DRPA): The Superior Court of California, County of Kern also offers mediation services in small claims and unlawful detainer, civil harassment, family law and probate matters. The Court has contracted with the Better Business Bureau (BBB) under the Dispute Resolution Programs Act (DRPA) to provide these mediation services. For more information about BBB Mediation Services go to <https://www.bbb.org/local-bbb/bbb-serving-central-california-and-inland-empire-counties>.

ADR Coordinator:

Although complaints about arbitrators and mediators are rare, the Superior Court of California, County of Kern does provide a complaint procedure in our Local Rules, Rule 3.14.7. If you have a complaint or a concern with any of this Court’s ADR programs, or simply have a question about ADR, please contact the ADR Administrator at ADRAdministrator@kern.courts.ca.gov or 661-868-5695.

Resources:

California Department of Consumer Affairs: https://www.dca.ca.gov/consumers/mediation_guides.shtml

Judicial Branch California Courts – ADR: www.courts.ca.gov/selfhelp-adr.htm

ADR Stipulation Form: https://www.kern.courts.ca.gov/system/files/adr_stipulation_and_order_form.pdf