

26 OCT -5 PM 4:08

SUM-100

SUMMONS (CITACION JUDICIAL)

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

ELECTRONICALLY FILED

Superior Court of California,
County of Kern

By: Gricelda Evans

Deputy Clerk

09/28/26 3:32 PM

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

MARIA DEL ROCIO RODRIGUEZ MORENO; COUNTY OF KERN; CALIFORNIA DEPARTMENT OF TRANSPORTATION; STATE OF CALIFORNIA; CALIFORNIA HIGHWAY PATROL; AND DOES 1 TO 100, INCLUSIVE, AND EACH OF THEM

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

REBECCA MARIE GARCIA; NOAH BLADE GARCIA, a minor, by and through his guardian ad litem, REBECCA MARIE GARCIA; JOSHUA ROCK GARCIA, a minor, by and through his guardian ad litem, REBECCA MARIE GARCIA; EDGAR MORA; MARIA LUISA RIVERA

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

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

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

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

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

The name and address of the court is:

(El nombre y dirección de la corte es):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN
Metropolitan Justice Courthouse
1215 Truxtun Ave, Bakersfield, CA 93301

CASE NUMBER:
(Número del Caso):

26CUB02945

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):

Michael M. Marzban, Esq. (Bar # 238624)
Cohen & Marzban, Law Corporation
16000 Ventura Blvd, Ste 701, Encino, CA 91436

Fax No.: (818) 986-5879

Phone No.: (818) 986-3332

DATE:

(Fecha) 09/28/2026

Clerk, by

(Secretario)

/s/ Gricelda Evans

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): 416.50 (public entity)

- ☐ by personal delivery on (date):

Page 1 of 1

SUMMONS
(OPTIONAL - JUDICIAL)

NOTICE TO DEFENDANT
(OPTIONAL - DEMAND ONLY)

YOU ARE BEING SUMMONED BY PLAINIFF
TO A STATE DEMAND AND COURT ORDER
TO A STATE DEMAND AND COURT ORDER
TO A STATE DEMAND AND COURT ORDER

00:00:00 3:30 PM

BY ORDER OF THE BD/SUPV
Referred To County Counsel
51 pages
delivered server
Copies Furnished 256 Main agreement
Date 10-5-26
Clerk of the Board of Supervisors
By medley royer, Deputy



MICHAEL M. MARZBAN, ESQ. (SBN: 238624) (Space Below for Filing Stamp Only)
BRENNAN C. AZIZI, ESQ. (SBN: 363779)

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ELECTRONICALLY FILED

Superior Court of California,
County of Kern

By: Alexandra Valles-Guerrero
Deputy Clerk
07/28/26 11:04 AM

File No.: 26825ABC&26826AB
Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF KERN, METROPOLITAN JUSTICE COURTHOUSE

REBECCA MARIE GARCIA; NOAH
BLADE GARCIA, a minor, by and
through his guardian ad litem,
REBECCA MARIE GARCIA;
JOSHUA ROCK GARCIA, a minor,
by and through his guardian ad
litem, REBECCA MARIE GARCIA;
EDGAR MORA; MARIA LUISA
RIVERA,

Plaintiffs,

vs.

MARIA DEL ROCIO
RODRIGUEZMORENO; COUNTY OF
KERN; CALIFORNIA DEPARTMENT
OF TRANSPORTATION; STATE OF
CALIFORNIA; CALIFORNIA
HIGHWAY PATROL; AND DOES 1
TO 100, INCLUSIVE, AND EACH OF
THEM,

Defendants.

Case No.: 26CUB02945

COMPLAINT FOR DAMAGES:

1. **MOTOR VEHICLE –
WRONGFUL DEATH**
2. **GENERAL NEGLIGENCE –
WRONGFUL DEATH**
3. **DANGEROUS CONDITION OF
PUBLIC PROPERTY
(Government Code §§ 815.2,
815.4, 820, 830.4, 830.8, 835 et
seq., 840.2, 905, 945) –
WRONGFUL DEATH**
4. **GENERAL NEGLIGENCE
(Independent Contractor(s) of
the Governmental Entities) –
WRONGFUL DEATH**
5. **PREMISES LIABILITY
(Independent Contractor(s) of
the Governmental Entities) –
WRONGFUL DEATH**

COMES NOW Plaintiffs REBECCA MARIE GARCIA; NOAH BLADE
GARCIA, a minor, by and through his guardian ad litem, REBECCA MARIE
GARCIA; JOSHUA ROCK GARCIA, a minor, by and through his guardian ad litem,
REBECCA MARIE GARCIA; EDGAR MORA; MARIA LUISA RIVERA
("Plaintiffs"), and allege as follows:

1 1. At all times herein mentioned Plaintiff REBECCA MARIE GARCIA is,
2 and at all relevant times herein was, an individual residing in the County of Los
3 Angeles, State of California.

4 2. At all times herein mentioned Plaintiff NOAH BLADE GARCIA, a
5 minor, by and through his guardian ad litem, REBECCA MARIE GARCIA, is, and
6 at all relevant times herein was, an individual residing in the County of Los
7 Angeles, State of California.

8 3. At all times herein mentioned Plaintiff JOSHUA ROCK GARCIA, a
9 minor, by and through his guardian ad litem, REBECCA MARIE GARCIA, is, and
10 at all relevant times herein was, an individual residing in the County of Los
11 Angeles, State of California.

12 4. At all times herein mentioned Plaintiff REBECCA MARIE GARCIA is,
13 and at all relevant times herein was, the spouse of and an heir of Decedent Angel
14 Barraza Garcia ("Decedent") for the purposes of bringing this wrongful death
15 lawsuit.

16 5. At all times herein mentioned Plaintiff NOAH BLADE GARCIA, a
17 minor, by and through his guardian ad litem, REBECCA MARIE GARCIA, is, and
18 at all relevant times herein was, the child of and an heir of Decedent for the
19 purposes of bringing this wrongful death lawsuit.

20 6. At all times herein mentioned Plaintiff JOSHUA ROCK GARCIA, a
21 minor, by and through his guardian ad litem, REBECCA MARIE GARCIA, is, and
22 at all relevant times herein was, the child of and an heir of Decedent for the
23 purposes of bringing this wrongful death lawsuit.

24 7. At all times herein mentioned Plaintiff EDGAR MORA is, and at all
25 relevant times herein was, an individual residing in the County of Los Angeles,
26 State of California.

27 8. At all times herein mentioned Plaintiff MARIA LUISA RIVERA is, and
28 at all relevant times herein was, an individual residing in the County of Los

1 Angeles, State of California.

2 9. Plaintiffs are informed and believe and based thereon allege that at all
3 times herein mentioned, Defendant MARIA DEL ROCIO RODRIGUEZMORENO is
4 and was at all relevant times an individual having a residence in the County of
5 Kern, State of California.

6 10. Plaintiffs are informed and believe and based thereon allege that at all
7 times herein mentioned, Defendant COUNTY OF KERN is and was at all relevant
8 times a public entity existing under the Constitution and laws of the State of
9 California.

10 11. Plaintiffs are informed and believe and based thereon allege that at all
11 times herein mentioned, Defendant CALIFORNIA DEPARTMENT OF
12 TRANSPORTATION is and was at all relevant times a public entity existing under
13 the Constitution and laws of the State of California.

14 12. Plaintiffs are informed and believe and based thereon allege that at all
15 times herein mentioned, Defendant STATE OF CALIFORNIA is and was at all
16 relevant times a public entity existing under the Constitution and laws of the State
17 of California.

18 13. Plaintiffs are informed and believe and based thereon allege that at all
19 times herein mentioned, Defendant CALIFORNIA HIGHWAY PATROL is and was
20 at all relevant times a public entity existing under the Constitution and laws of the
21 State of California.

22 14. Plaintiffs are informed and believe and based thereon allege that at all
23 times mentioned herein, Defendants COUNTY OF KERN; CALIFORNIA
24 DEPARTMENT OF TRANSPORTATION; STATE OF CALIFORNIA; and
25 CALIFORNIA HIGHWAY PATROL were and are public entities authorized to
26 conduct business, including supervising and administering roads, roadways, traffic
27 conditions, intersections, intersection controls, lighting and all other highway and
28 roadway issues within the unincorporated community of Lebec, California. This

1 includes, but is not limited to, control of the vehicular traffic on the I-5 Freeway
2 within Lebec, California.

3 15. The section of I-5 Freeway that exists within Lebec, California is
4 situated within the County of Kern, State of California.

5 16. The true names and capacities of Defendants referred to herein as
6 Does 1 to 100, inclusive, and each of them, are unknown to Plaintiffs at this time
7 and Plaintiffs are informed and believe and based thereon allege that they are in
8 some way responsible for the damages incurred. Plaintiffs will amend this
9 Complaint to allege the true names and capacities when ascertained.

10 17. Plaintiffs are informed and believe and based thereon allege that at all
11 material times each of the Defendants were the agents, ostensible agents, managing
12 agents, alter egos, servants, directors, managers, officers, hirees, independent
13 contractors, contractors, commissioners, representatives, parents, minor children,
14 principals, partners, owners, subsidiaries, parent companies, franchisor, franchisee,
15 trustees, co-trustees, joint venturers, co-venturers, co-conspirators and/or employees
16 of the co-defendants, and in doing the things herein alleged were acting in an
17 agency, managerial, representative or employment capacity within the course and
18 scope of their authority, whose acts and conduct herein alleged were with the
19 permission and consent of the co-defendants. Each of the Defendants' actions and
20 conduct was known to, authorized and ratified by the co-defendants. Plaintiffs are
21 informed and believe and based thereon allege that all the conduct by the individual
22 Defendants, which was outside the scope of their authority, was known to,
23 authorized and ratified by the co-defendants.

24 18. Plaintiffs are ignorant of the true names and capacities of Defendants
25 sued herein as Does 1 to 100, inclusive, and therefore sue these Defendants by such
26 fictitious names. Plaintiffs will amend his complaint to allege the true names and
27 capacities of said fictitiously named Defendants, and each of them. Plaintiffs are
28 informed and believe and thereon allege that each of the fictitiously named

1 Defendants acted negligently, carelessly and/or are responsible as owners, operators
2 and/or managers of property and business, and/or acted negligently, carelessly,
3 recklessly, intentionally and/or maliciously, or in conscious disregard of the rights
4 and safety of the Plaintiffs herein, all to cause injury and damages to the Plaintiffs,
5 and which acts and/or omissions occurred within the jurisdiction of the above-
6 entitled Court as hereinafter alleged, and that Plaintiffs' losses as herein alleged
7 were proximately caused by such acts and/or omissions of said fictitiously named
8 Defendants.

9 19. That the above-entitled Court is the proper Court for this action
10 because the injury to the Plaintiffs occurred within the jurisdiction of said Court.

11
12 **ALLEGATIONS OF MOTOR VEHICLE NEGLIGENCE**

13 20. Plaintiffs are informed and believe and based thereon allege that on or
14 about October 5, 2025, (hereafter referred herein as the "Subject Date"), Decedent
15 Angel Barraza Garcia was operating a motorcycle (the "Garcia Motorcycle") and
16 Plaintiff EDGAR MORA was operating a motorcycle (the "Mora Motorcycle"); that
17 Decedent Angel Barraza Garcia and Plaintiff EDGAR MORA were traveling
18 southbound on the I-5 Freeway in approximately the first lane at or near Grapevine
19 Road within the unincorporated community of Lebec, in the County of Kern, State
20 of California 93243 (hereafter referred herein as the "Subject Location"); that at the
21 Subject Location, a turn through existed (hereafter referred herein as the "Subject
22 Turn Through"); and that on the Subject Date, Defendants, MARIA DEL ROCIO
23 RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each of them, so carelessly
24 and negligently owned, operated, entrusted, leased, repaired, modified, maintained
25 and/or controlled their vehicle which was initially traveling southbound on the I-5
26 Freeway in approximately the third lane at or near the Subject Location, so as to
27 cause it to make an unsafe lane change and/or left turn and/or U-turn in the
28 direction of the Subject Turn Through based upon the conditions of the road and

1 traffic when it was not reasonably safe to do so, causing a collision with the Garcia
2 Motorcycle and the Mora Motorcycle.

3 21. Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1
4 to 50, inclusive, and each of them, so carelessly and negligently owned, operated,
5 entrusted, leased, repaired, modified, maintained and/or controlled their vehicle
6 causing catastrophic injuries and damages to Decedent Angel Barraza Garcia
7 eventually resulting in his death on or about October 5, 2025, and catastrophic
8 injuries and damages to Plaintiff EDGAR MORA. As a result of Defendants',
9 MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each
10 of their, conduct, Plaintiff REBECCA MARIE GARCIA lost her husband, Plaintiffs
11 NOAH BLADE GARCIA and JOSHUA ROCK GARCIA lost their father, Plaintiff
12 EDGAR MORA suffered and continues to suffer severe injuries and damages, and
13 Plaintiff MARIA LUISA RIVERA suffered and continues to suffer from a loss of
14 consortium for the injuries and damages sustained by her husband Plaintiff
15 EDGAR MORA.

16
17 **ALLEGATIONS AGAINST GOVERNMENT DEFENDANTS**

18 22. Plaintiff further is informed and believes and based thereon alleges that
19 on and/or before October 5, 2025, Defendants COUNTY OF KERN; CALIFORNIA
20 DEPARTMENT OF TRANSPORTATION; STATE OF CALIFORNIA; and
21 CALIFORNIA HIGHWAY PATROL; and Does 51 to 75, inclusive, and each of them
22 (hereafter referred herein as "GOVERNMENT DEFENDANTS"), and/or its
23 management, administrative, designers, planners, engineers, maintenance
24 personnel, inspectors, contractors and other employees, staff, agents or contractors,
25 acting within the course and scope of their duties and/or employment/agency failed
26 to properly install, maintain, repair, operate, monitor and/or control the roadway at
27 the accident site and/or the Subject Turn Through and/or provide adequate lighting
28 and/or control the traffic and/or signs for motorists and/or pedestrians (traveling

1 southbound at the Subject Location) to perceive, react and avoid striking other
2 motorists. Motorists at the Subject Location and in the area of the Subject Location
3 routinely travel at high speeds. The Subject Location lacked appropriate visual cues,
4 signage and/or warnings to warn drivers about the Subject Turn Through, including,
5 but not limited to, the pavement markings blending in with their surrounding area,
6 the slope of the roadway, limited visibility as a result of the angle of the roadway,
7 limited visibility as a result of the preceding center median barrier, a false sense of
8 safety created by the preceding center median barrier which abruptly ends, the
9 elongated center turn through area, and the lack of barricade in the center turn
10 through area. Alongside all of these aspects, there was a lack of signage and/or
11 inadequate signage. This created a false sense of safety and/or a trap in the Subject
12 Location wherein Decedent and Plaintiff EDGAR MORA were struck. There was a
13 special need of appropriate, safe, and functional lighting, signals and signs in order
14 to reduce the risk of injury to motorists at the Subject Location. There was a high
15 volume of vehicular traffic such that the GOVERNMENT DEFENDANTS knew or
16 should have known that this was a dangerous condition of public property.

17 23. More specifically, but by no means limited to the following, this Subject
18 Location had a significant prior collision history; inadequate and/or unsafe geometry;
19 design; signage and/or signals; a center median barrier that creates limited visibility
20 and/or abruptly ends; inadequate and/or unsafe line of sight as to the Subject Turn
21 Through and/or the center median barrier ending.

22 24. These above-stated failures, acts and/or omissions of/by
23 GOVERNMENT DEFENDANTS were inherently dangerous and created a peculiar
24 risk, nuisance, and trap. The safe and normal function of the roadways was
25 suspended and the GOVERNMENT DEFENDANTS should have properly informed
26 drivers of what to expect at the Subject Location, with a high volume of traffic, high
27 speeds, high speed limit, and limited visibility with broken, defective, and/or
28 inadequate visibility.

1 25. Moreover, as an addition, in addition, and/or in consideration of the
2 above, the Subject Location was unsafe and dangerous as it should have had,
3 including, but not limited to, guardrails, K-rails, Jersey walls, a median barrier,
4 signal lights, signage regarding no left turns or U-turns, and/or other controls at,
5 near, and/or approaching the Subject Turn Through.

6 26. The GOVERNMENT DEFENDANTS and/or their management,
7 administrative, designers, planners, engineers, maintenance personnel, inspectors
8 and/or other employees, staff, agents or contractors, acting within the course and
9 scope of their duties and through negligent or wrongful acts and/or omissions created,
10 or allowed to be created, a dangerous condition under Government Code § 835 et seq.
11 The installation, maintenance, repair, operation, monitoring and/or control of the
12 Subject Turn Through was done negligently, inadequately and improperly and,
13 together with and independent of the absence of traffic controls, such as traffic
14 signals, and/or signage warning motorists and/or pedestrians and/or other
15 appropriate traffic control(s), and created a hazard, trap and dangerous condition
16 under Government Code § 835 et seq. It also created a peculiar risk and trap as the
17 above factors created a dangerous condition not reasonably apparent to motorists.

18 27. Moreover, GOVERNMENT DEFENDANTS and/or their management,
19 administrative, designers, planners, engineers, maintenance personnel, inspectors
20 and/or other employees, staff, agents or contractors, acting within the course and
21 scope of their duties and through negligent or wrongful acts and/or omissions,
22 unreasonably altered, modified, and/or changed the design, configuration, placement,
23 condition, and appearance of the Subject Location without the appropriate
24 investigation, plans, and approval, and thereby, created or increased the dangers of
25 the Subject Location. Furthermore, GOVERNMENT DEFENDANTS and/or their
26 management, administrative, designers, planners, engineers, maintenance
27 personnel, inspectors and/or other employees, staff, agents or contractors, acting
28 within the course and scope of their duties and through negligent or wrongful acts

1 and/or omissions, unreasonably failed to properly and adequately inspect,
2 investigate, maintain, repair, report, operate, supervise, control, and/or adequately
3 warn motorists of the dangerous and unsafe condition(s) which had become
4 dangerous due to a change in the physical conditions. Sufficient time had elapsed for
5 GOVERNMENT DEFENDANTS to have remedied, repaired and/or warned against
6 such dangerous conditions of the Subject Location.

7 28. As a result of this/these dangerous condition(s), Defendants, MARIA
8 DEL ROCIO RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each of them,
9 struck Decedent and Plaintiff EDGAR MORA, resulting in Plaintiffs' injuries and
10 damages.

11 29. Sufficient time passed from the moment the dangerous conditions were
12 created such that the GOVERNMENT DEFENDANTS knew or should have known
13 a dangerous condition(s) was/were created and such that it had sufficient time to have
14 remedied or warned against the dangerous condition(s).

15 30. The collision was foreseeable to the GOVERNMENT DEFENDANTS
16 and, yet, they failed to warn motorists. It is believed that notice was actually provided
17 to the GOVERNMENT DEFENDANTS through prior accidents under similar
18 circumstances such that the GOVERNMENT DEFENDANTS had sufficient time to
19 take action to remedy the dangerous conditions.

20 31. The GOVERNMENT DEFENDANTS and/or its management,
21 administrative, designers, planners, engineers, maintenance personnel, inspectors
22 and/or other employees, staff, agents or contractors, acting within the course and
23 scope of their duties and/or employment/agency negligently, unreasonably and
24 improperly owned, operated, designed, planned, engineered, maintained, inspected,
25 repaired, failed to repair, and controlled the roadways, including the Subject Location
26 and the surrounding and/or adjacent areas; thereby creating a dangerous condition(s)
27 and exposing motorists to a dangerous condition(s). The GOVERNMENT
28 DEFENDANTS undertook to control the Subject Location, invited reliance on the

1 Subject Location and are liable as it created a dangerous condition in doing so.

2 32. The dangerous condition(s) created a reasonably foreseeable risk of the
3 kind of injuries which were incurred, and (a) were created by a negligent or wrongful
4 act or omission of an employee of the GOVERNMENT DEFENDANTS; and/or (b) the
5 GOVERNMENT DEFENDANTS had actual or constructive notice of the dangerous
6 condition(s) within a sufficient period of time prior to the injury to have taken
7 measures to protect against the dangerous condition(s).

8 33. These dangerous condition(s) and these acts and/or omissions of the
9 GOVERNMENT DEFENDANTS and its management, administrative, designers,
10 planners, engineers, maintenance personnel, inspectors and/or other employees,
11 staff, agents or contractors, acting within the course and scope of their duties legally
12 (proximately) caused the Plaintiffs' damages.

13 34. Further, these dangerous condition(s) were/was directly attributable
14 wholly or in substantial part to a negligent or wrongful act of these employees/agents
15 of the GOVERNMENT DEFENDANTS and these employees/agents had the
16 authority and the funds and other means immediately available to take alternative
17 action which would not have created the dangerous condition(s); and/or these
18 employees/agents had the authority and it was his/her/their responsibility to take
19 adequate measures to protect against the dangerous condition(s) at the expense of
20 the GOVERNMENT DEFENDANTS and the funds and other means for doing so
21 were immediately available to him/her/them, and he/she/they had actual or
22 constructive notice of the dangerous condition(s) a sufficient time prior to the injury
23 to have taken measures to protect against the dangerous condition(s).

24 35. Further, signs, warnings or other devices were necessary to warn of
25 these dangerous condition(s) which endangered the safe movement of traffic and
26 which would not be reasonably apparent to, and would not have been anticipated by,
27 a person exercising due care.

28 36. Further, the GOVERNMENT DEFENDANTS and its employees/agents

1 acting within the scope of their employment/agency undertook, gratuitously or for
2 consideration, to avoid, remedy and/or abate these dangerous condition(s). These
3 undertakings and promises were the kind that they recognized as necessary for the
4 protection of third persons. These entities and their employees/agents acting within
5 the scope of their employment/agency failed to exercise reasonable care in the
6 performance of these undertakings and promises, the failure to exercise reasonable
7 care resulted in physical harm to the third persons; and either (a) their carelessness
8 increased the risk of such harm, or (b) the undertaking or promises were to perform
9 a duty that the other owed to the third persons, or (c) the harm was suffered because
10 either the other or the third persons relied on the undertaking.

11 37. Due to these acts and failures to act and dangerous conditions, the
12 GOVERNMENT DEFENDANTS and their employees/agents are liable for Plaintiffs'
13 damages under the Government Code §§815.2, 815.4, 820, 830.4, 830.8, 835 et seq.,
14 840.2, 905, 945.

15 38. Plaintiff REBECCA MARIE GARCIA is the wife of Decedent and
16 Plaintiff MARIA LUISA RIVERA is the wife of Plaintiff EDGAR MORA. Plaintiffs
17 REBECCA MARIE GARCIA and MARIA LUISA RIVERA seek loss of consortium
18 damages including, but not limited to, the loss of their husbands' love,
19 companionship, comfort, care, assistance, protection, affection, society, and moral
20 support.

21 39. Plaintiff REBECCA MARIE GARCIA, the wife of Decedent, and
22 Plaintiffs NOAH BLADE GARCIA and JOSHUA ROCK GARCIA, the children of
23 Decedent, seek wrongful death damages including, but not limited to, loss of
24 financial support; loss of gifts and benefits; funeral and burial expenses; the
25 reasonable value of household services; the loss of Decedent's love, companionship,
26 comfort, care, assistance, protection, affection, society, and moral support. Plaintiff
27 REBECCA MARIE GARCIA also seeks damages for the loss of the enjoyment of
28 sexual relations. Plaintiffs NOAH BLADE GARCIA and JOSHUA ROCK GARCIA

1 also seek damages for the loss of Decedent's training and guidance.

2 40. This claim, as against GOVERNMENT DEFENDANTS arises from and
3 is authorized by the California Government Claims Act and California Government
4 Code §945. Further, as required by California Government Code §§905 and 911.2, a
5 timely claim form was mailed to Defendants COUNTY OF KERN; CALIFORNIA
6 DEPARTMENT OF TRANSPORTATION; STATE OF CALIFORNIA; and
7 CALIFORNIA HIGHWAY PATROL on February 18, 2026, and specifically identified
8 the subject incident as well as Plaintiffs' injuries and damages that were known at
9 that time. These timely claim forms were subsequently rejected by Defendant
10 COUNTY OF KERN on or about March 25, 2026 by way of a written denial; and
11 Defendants CALIFORNIA DEPARTMENT OF TRANSPORTATION; STATE OF
12 CALIFORNIA; and CALIFORNIA HIGHWAY PATROL on or about April 4, 2026, by
13 operation of law, i.e. 45 days from the date the initial claim forms were presented.
14 Thus, the GOVERNMENT DEFENDANTS' denial of Plaintiffs' timely claims gives
15 rise to the instant action which is authorized by California Government Code § 945.6.
16 This Complaint was timely filed following the denial of Plaintiffs' claims by the
17 GOVERNMENT DEFENDANTS.

18 41. Moreover, in addition to the GOVERNMENT DEFENDANTS' liability,
19 Plaintiffs hereby allege that private entity Doe defendants Does 51 to 100, inclusive,
20 and each of them, negligently owned, controlled, maintained, repaired, inspected,
21 renovated, designed, constructed, repaired and/or modified, the Subject Location,
22 including the areas at, near and/or adjacent to the Subject Location.

23
24 **FIRST CAUSE OF ACTION**

25 **Motor Vehicle**

26 **(As Against Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and**
27 **Does 1 to 50, inclusive, and each of them)**

28 42. Plaintiffs restate and reiterate each and all of the paragraphs and

1 allegations set forth above and make them part of this cause of action as though
2 fully set forth here.

3 43. Plaintiffs are informed and believe and based thereon allege that on or
4 about the Subject Date, Decedent was operating the Garcia Motorcycle and Plaintiff
5 EDGAR MORA was operating the Mora Motorcycle; that Decedent and Plaintiff
6 EDGAR MORA were traveling southbound on the I-5 Freeway in approximately the
7 first lane at or near the Subject Location; that at the Subject Location, the Subject
8 Turn Through existed; and that on the Subject Date, Defendants, MARIA DEL
9 ROCIO RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each of them, so
10 carelessly and negligently owned, operated, entrusted, leased, repaired, modified,
11 maintained and/or controlled their vehicle which was initially traveling southbound
12 on the I-5 Freeway in approximately the third lane at or near the Subject Location,
13 so as to cause it to make an unsafe lane change and/or left turn and/or U-turn in the
14 direction of the Subject Turn Through based upon the conditions of the road and
15 traffic when it was not reasonably safe to do so, causing a collision with the Garcia
16 Motorcycle and the Mora Motorcycle.

17 44. Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1
18 to 50, inclusive, and each of them, so carelessly and negligently owned, operated,
19 entrusted, leased, repaired, modified, maintained and/or controlled their vehicle
20 causing catastrophic injuries and damages to Decedent eventually resulting in his
21 death on or about the Subject Date, and catastrophic injuries and damages to
22 Plaintiff EDGAR MORA. As a result of Defendants', MARIA DEL ROCIO
23 RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each of their, conduct,
24 Plaintiff REBECCA MARIE GARCIA lost her husband, Plaintiffs NOAH BLADE
25 GARCIA and JOSHUA ROCK GARCIA lost their father, Plaintiff EDGAR MORA
26 suffered and continues to suffer severe injuries and damages, and Plaintiff MARIA
27 LUISA RIVERA suffered and continues to suffer from a loss of consortium for the
28 injuries and damages sustained by her husband Plaintiff EDGAR MORA.

1 45. At all times mentioned herein, Defendants, MARIA DEL ROCIO
2 RODRIGUEZMORENO; and Does 26 to 50, inclusive, and each of them, was/were
3 the registered owner(s) and/or authorized renters of the Defendants' vehicle, i.e. the
4 vehicle that was negligently and carelessly driven by, used by, operated by, utilized
5 by and/or leased to Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and
6 Does 1 to 25, inclusive, and each of them, on or before the Subject Date and during
7 the subject incident.

8 46. Plaintiffs are informed and believe and based thereon allege that on or
9 about the Subject Date, Defendants, MARIA DEL ROCIO RODRIGUEZMORENO;
10 and Does 26 to 50, inclusive, and each of them, negligently and carelessly granted
11 permission and/or entrusted to Defendants, MARIA DEL ROCIO
12 RODRIGUEZMORENO; and Does 1 to 25, inclusive, and each of them, to use, drive,
13 operate, utilize and/or borrow the Defendants' vehicle.

14 47. Further, Defendants, MARIA DEL ROCIO RODRIGUEZMORENO;
15 and Does 26 to 50, inclusive, and each of them, negligently and carelessly employed,
16 contracted, retained, hired, and/or engaged Defendants, MARIA DEL ROCIO
17 RODRIGUEZMORENO; and Does 1 to 25, inclusive, and each of them, wherein
18 Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1 to 25,
19 inclusive, and each of them, was/were a permissive user of the Defendants' vehicle
20 while traveling at or near the Subject Location so as to cause it to make an unsafe
21 lane change and/or left turn and/or U-turn in the direction of the Subject Turn
22 Through based upon the conditions of the road and traffic when it was not
23 reasonably safe to do so, causing a collision with Decedent and Plaintiff EDGAR
24 MORA's persons, causing Decedent's eventual death and Plaintiffs' injuries and
25 damages.

26 48. As a direct and legal (proximate) result of owning the subject vehicle,
27 Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 26 to 50,
28 inclusive, and each of them, is/are liable and responsible for the injuries and

1 damages to person(s) and/or property resulting from a negligent or wrongful act in
2 the operation of the Defendants' vehicle by any permissive user. Defendants,
3 MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1 to 25, inclusive, and each
4 of them, breached his/her/their duty when he/she/they negligently and carelessly
5 drove, operated and/or controlled the Defendants' vehicle on the Subject Date.

6 49. As a direct and legal (proximate) result of its ownership of the
7 Defendants' vehicle that was negligently and carelessly driven, operated and/or
8 controlled by Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1
9 to 25, inclusive, and each of them, on the Subject Date, and the express permission
10 granted to him/her/them, Defendants, MARIA DEL ROCIO
11 RODRIGUEZMORENO; and Does 26 to 50, inclusive, and each of them, is/are liable
12 and responsible for the injuries and/or damages sustained by the Plaintiffs.

13 50. As a direct and legal (proximate) consequence of the conduct of
14 Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1 to 50,
15 inclusive, and each of them, as alleged herein, Plaintiffs have suffered injuries and
16 damages and will suffer further foreseeable damages, including but not limited to,
17 past and future: physical and emotional injuries; medical expenses; property
18 damage; lost earnings; lost earnings capacity; general, special, loss of consortium,
19 wrongful death damages, and incidental damages, in a sum within the jurisdiction
20 of this Court to be determined according to proof.

21 22 **SECOND CAUSE OF ACTION**

23 **General Negligence**

24 **(As Against Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and**
25 **Does 1 to 50, inclusive, and each of them)**

26 51. Plaintiffs restate and reiterate each and all of the paragraphs and
27 allegations set forth above and make them part of this cause of action as though
28 fully set forth here.

1 52. Plaintiffs are informed and believe and based thereon allege that on or
2 about the Subject Date, Decedent was operating the Garcia Motorcycle and Plaintiff
3 EDGAR MORA was operating the Mora Motorcycle; that Decedent and Plaintiff
4 EDGAR MORA were traveling southbound on the I-5 Freeway in approximately the
5 first lane at or near the Subject Location; that at the Subject Location, the Subject
6 Turn Through existed; and that on the Subject Date, Defendants, MARIA DEL
7 ROCIO RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each of them, so
8 carelessly and negligently owned, operated, entrusted, leased, repaired, modified,
9 maintained and/or controlled their vehicle which was initially traveling southbound
10 on the I-5 Freeway in approximately the third lane at or near the Subject Location,
11 so as to cause it to make an unsafe lane change and/or left turn and/or U-turn in the
12 direction of the Subject Turn Through based upon the conditions of the road and
13 traffic when it was not reasonably safe to do so, causing a collision with the Garcia
14 Motorcycle and the Mora Motorcycle.

15 53. Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1
16 to 50, inclusive, and each of them, so carelessly and negligently owned, operated,
17 entrusted, leased, repaired, modified, maintained and/or controlled their vehicle
18 causing catastrophic injuries and damages to Decedent eventually resulting in his
19 death on or about the Subject Date, and catastrophic injuries and damages to
20 Plaintiff EDGAR MORA. As a result of Defendants', MARIA DEL ROCIO
21 RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each of their, conduct,
22 Plaintiff REBECCA MARIE GARCIA lost her husband, Plaintiffs NOAH BLADE
23 GARCIA and JOSHUA ROCK GARCIA lost their father, Plaintiff EDGAR MORA
24 suffered and continues to suffer severe injuries and damages, and Plaintiff MARIA
25 LUISA RIVERA suffered and continues to suffer from a loss of consortium for the
26 injuries and damages sustained by her husband Plaintiff EDGAR MORA.

27 54. At all times mentioned herein, Defendants, MARIA DEL ROCIO
28 RODRIGUEZMORENO; and Does 26 to 50, inclusive, and each of them, was/were

1 the registered owner(s) and/or authorized renters of the Defendants' vehicle, i.e. the
2 vehicle that was negligently and carelessly driven by, used by, operated by, utilized
3 by and/or leased to Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and
4 Does 1 to 25, inclusive, and each of them, on or before the Subject Date and during
5 the subject incident.

6 55. Plaintiffs are informed and believe and based thereon allege that on or
7 about the Subject Date, Defendants, MARIA DEL ROCIO RODRIGUEZMORENO;
8 and Does 26 to 50, inclusive, and each of them, negligently and carelessly granted
9 permission and/or entrusted to Defendants, MARIA DEL ROCIO
10 RODRIGUEZMORENO; and Does 1 to 25, inclusive, and each of them, to use, drive,
11 operate, utilize and/or borrow the Defendants' vehicle.

12 56. Further, Defendants, MARIA DEL ROCIO RODRIGUEZMORENO;
13 and Does 26 to 50, inclusive, and each of them, negligently and carelessly employed,
14 contracted, retained, hired, and/or engaged Defendants, MARIA DEL ROCIO
15 RODRIGUEZMORENO; and Does 1 to 25, inclusive, and each of them, wherein
16 Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1 to 25,
17 inclusive, and each of them, was/were a permissive user of the Defendants' vehicle
18 while traveling at or near the Subject Location so as to cause it to make an unsafe
19 lane change and/or left turn and/or U-turn in the direction of the Subject Turn
20 Through based upon the conditions of the road and traffic when it was not
21 reasonably safe to do so, causing a collision with Decedent and Plaintiff EDGAR
22 MORA's persons, causing Decedent's eventual death and Plaintiffs' injuries and
23 damages.

24 57. As a direct and legal (proximate) result of owning the subject vehicle,
25 Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 26 to 50,
26 inclusive, and each of them, is/are liable and responsible for the injuries and
27 damages to person(s) and/or property resulting from a negligent or wrongful act in
28 the operation of the Defendants' vehicle by any permissive user. Defendants,

1 MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1 to 25, inclusive, and each
2 of them, breached his/her/their duty when he/she/they negligently and carelessly
3 drove, operated and/or controlled the Defendants' vehicle on the Subject Date.

4 58. As a direct and legal (proximate) result of its ownership of the
5 Defendants' vehicle that was negligently and carelessly driven, operated and/or
6 controlled by Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1
7 to 25, inclusive, and each of them, on the Subject Date, and the express permission
8 granted to him/her/them, Defendants, MARIA DEL ROCIO
9 RODRIGUEZMORENO; and Does 26 to 50, inclusive, and each of them, is/are liable
10 and responsible for the injuries and/or damages sustained by the Plaintiffs.

11 59. Moreover, Plaintiff is informed and believes and thereupon alleges
12 that, on or before the Subject Date, Defendants, MARIA DEL ROCIO
13 RODRIGUEZMORENO; and Does 26 to 50, inclusive, and each of them, negligently
14 hired, contracted, trained, supervised, retained, engaged, employed and/or managed
15 Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1 to 25,
16 inclusive, and each of them. Further, Defendants, MARIA DEL ROCIO
17 RODRIGUEZMORENO; and Does 26 to 50, inclusive, and each of them, knew, or in
18 the exercise of reasonable diligence should have known, that Defendants, MARIA
19 DEL ROCIO RODRIGUEZMORENO; and Does 1 to 25, inclusive, and each of them,
20 herein were negligent and/or careless drivers, prone to violate various laws.

21 60. As a direct and legal (proximate) consequence of the conduct of
22 Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1 to 50,
23 inclusive, and each of them, as alleged herein, Plaintiffs have suffered injuries and
24 damages and will suffer further foreseeable damages, including but not limited to,
25 past and future: physical and emotional injuries; medical expenses; property
26 damage; lost earnings; lost earnings capacity; general, special, loss of consortium,
27 wrongful death damages, and incidental damages, in a sum within the jurisdiction
28 of this Court to be determined according to proof.

1 **THIRD CAUSE OF ACTION**

2 **Dangerous Condition of Public Property**

3 **(As Against Defendants COUNTY OF KERN; CALIFORNIA DEPARTMENT**
4 **OF TRANSPORTATION; STATE OF CALIFORNIA; and CALIFORNIA**
5 **HIGHWAY PATROL; and Does 51 to 75, inclusive, and each of them)**

6 61. Plaintiffs restate and reiterate each and all of the paragraphs and
7 allegations set forth above and make them part of this cause of action as though
8 fully set forth here.

9 62. At all relevant times, the Subject Location was within an area owned,
10 operated and/or controlled by GOVERNMENT DEFENDANTS, and within an area
11 over which GOVERNMENT DEFENDANTS exercised ownership in fee, right-of-
12 way, easement, or other property right.

13 63. Plaintiffs are informed and believe and based thereon allege that on or
14 about the Subject Date, Decedent was operating the Garcia Motorcycle and Plaintiff
15 EDGAR MORA was operating the Mora Motorcycle; that Decedent and Plaintiff
16 EDGAR MORA were traveling southbound on the I-5 Freeway in approximately the
17 first lane at or near the Subject Location; that at the Subject Location, the Subject
18 Turn Through existed; and that on the Subject Date, Defendants, MARIA DEL
19 ROCIO RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each of them, so
20 carelessly and negligently owned, operated, entrusted, leased, repaired, modified,
21 maintained and/or controlled their vehicle which was initially traveling southbound
22 on the I-5 Freeway in approximately the third lane at or near the Subject Location,
23 so as to cause it to make an unsafe lane change and/or left turn and/or U-turn in the
24 direction of the Subject Turn Through based upon the conditions of the road and
25 traffic when it was not reasonably safe to do so, causing a collision with the Garcia
26 Motorcycle and the Mora Motorcycle.

27 64. Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1
28 to 50, inclusive, and each of them, so carelessly and negligently owned, operated,

1 entrusted, leased, repaired, modified, maintained and/or controlled their vehicle
2 causing catastrophic injuries and damages to Decedent eventually resulting in his
3 death on or about the Subject Date, and catastrophic injuries and damages to
4 Plaintiff EDGAR MORA. As a result of Defendants', MARIA DEL ROCIO
5 RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each of their, conduct,
6 Plaintiff REBECCA MARIE GARCIA lost her husband, Plaintiffs NOAH BLADE
7 GARCIA and JOSHUA ROCK GARCIA lost their father, Plaintiff EDGAR MORA
8 suffered and continues to suffer severe injuries and damages, and Plaintiff MARIA
9 LUISA RIVERA suffered and continues to suffer from a loss of consortium for the
10 injuries and damages sustained by her husband Plaintiff EDGAR MORA.

11 65. On the Subject Date, Plaintiffs sustained injuries and damages as a
12 result of the failure of the employees and/or other agents and representatives of
13 GOVERNMENT DEFENDANTS charged with the responsibility of designing,
14 constructing, placing, maintaining and supervising safe public roadways at and/or
15 near the Subject Location.

16 66. Plaintiffs are informed and believe and based thereon allege that on
17 and/or before the Subject Date, GOVERNMENT DEFENDANTS and/or its
18 management, administrative, designers, planners, engineers, maintenance
19 personnel, inspectors, contractors and other employees, staff, agents or contractors,
20 acting within the course and scope of their duties and/or employment/agency failed
21 to properly install, maintain, repair, operate, monitor and/or control the roadway at
22 the accident site and/or the Subject Turn Through and/or provide adequate lighting
23 and/or control the traffic and/or signs for motorists and/or pedestrians (traveling
24 southbound at the Subject Location) to perceive, react and avoid striking other
25 motorists. Motorists at the Subject Location and in the area of the Subject Location
26 routinely travel at high speeds. The Subject Location lacked appropriate visual cues,
27 signage and/or warnings to warn drivers about the Subject Turn Through, including,
28 but not limited to, the pavement markings blending in with their surrounding area,

1 the slope of the roadway, limited visibility as a result of the angle of the roadway,
2 limited visibility as a result of the preceding center median barrier, a false sense of
3 safety created by the preceding center median barrier which abruptly ends, the
4 elongated center turn through area, and the lack of barricade in the center turn
5 through area. Alongside all of these aspects, there was a lack of signage and/or
6 inadequate signage. This created a false sense of safety and/or a trap in the Subject
7 Location wherein Decedent and Plaintiff EDGAR MORA were struck. There was a
8 special need of appropriate, safe, and functional lighting, signals and signs in order
9 to reduce the risk of injury to motorists at the Subject Location. There was a high
10 volume of vehicular traffic such that the GOVERNMENT DEFENDANTS knew or
11 should have known that this was a dangerous condition of public property.

12 67. More specifically, but by no means limited to the following, this Subject
13 Location had a significant prior collision history; inadequate and/or unsafe geometry;
14 design; signage and/or signals; a center median barrier that creates limited visibility
15 and/or abruptly ends; inadequate and/or unsafe line of sight as to the Subject Turn
16 Through and/or the center median barrier ending.

17 68. GOVERNMENT DEFENDANTS, inclusive and each of them,
18 negligently and unreasonably failed to properly and adequately inspect, investigate,
19 maintain, repair, report, operate, supervise, control, and/or adequately warn
20 motorists and/or pedestrians of the dangerous and unsafe condition of the Subject
21 Location.

22 69. GOVERNMENT DEFENDANTS, inclusive and each of them, through
23 their agents and/or employees unreasonably altered, modified, and changed the
24 design, configuration, placement, condition, and appearance of the Subject Location
25 without the appropriate investigation, plans, and approval, and thereby, created or
26 increased the dangers of the Subject Location. GOVERNMENT DEFENDANTS,
27 inclusive and each of them, and their agents and/or employees knew that the areas
28 at and/or near the Subject Location would be used by vehicles traveling at high rates

1 of speed but negligently failed to implement and timely provide proper safety
2 measures as listed above to warn motorists and/or nearby pedestrians/persons of the
3 dangerous condition of the Subject Location.

4 70. GOVERNMENT DEFENDANTS, inclusive and each of them, through
5 their agents and/or employees negligently failed to provide the Subject Location with
6 the appropriate visual cues, visibility, signage, physical features and/or warnings to
7 reasonably and adequately alert motorists and/or nearby pedestrians/persons to the
8 dangerous conditions posed by the Subject Location.

9 71. GOVERNMENT DEFENDANTS, inclusive and each of them, were
10 aware and knew, and/or should have been aware and should have known for years,
11 that the Subject Location constituted a dangerous condition under Government Code
12 § 835 et seq., when used with due care and that an incident similar and/or identical
13 to the one suffered by Plaintiffs was foreseeable and inevitable. GOVERNMENT
14 DEFENDANTS, inclusive and each of them, knew or should have known that the
15 Subject Location without the appropriate safety measures endangered motorists and
16 nearby pedestrians/persons. Sufficient time had elapsed to have remedied, repaired
17 and/or warned against such dangerous conditions of the Subject Location.

18 72. These dangerous conditions were directly attributable wholly or in
19 substantial part to the negligent or wrongful acts of these employees and/or agents of
20 the GOVERNMENT DEFENDANTS, inclusive and each of them, and these
21 employees and/or agents had the authority and the funds and other means
22 immediately available to take alternative action which would have remedied,
23 ameliorated and/or not have created the dangerous condition; and/or these employees
24 and/or agents had the authority and it was their responsibility to take adequate
25 measures to protect against the dangerous conditions at the expense of the
26 GOVERNMENT DEFENDANTS, inclusive and each of them, and the funds and
27 other means for doing so were immediately available to them.

28 73. GOVERNMENT DEFENDANTS, inclusive and each of them, had other

1 mandatory duties under state and local statutes, regulations, municipal codes,
2 ordinances, and other enactments with which they failed to comply; such failures
3 were proximate and legal causes of the injuries and damages suffered by Plaintiffs.

4 74. Further, the names of the public employees and/or agents causing injury
5 or damage are currently unknown to Plaintiffs.

6 75. GOVERNMENT DEFENDANTS, inclusive and each of them, and/or
7 their management, administrative, designers, planners, engineers, maintenance
8 personnel, inspectors and/or other employees, staff, agents or contractors, acting
9 within the course and scope of their duties and through negligent or wrongful acts
10 and/or omissions created, or allowed to be created, a dangerous condition under
11 Government Code § 835 et seq. The installation, maintenance, repair, operation,
12 monitoring and/or control of the Subject Turn Through was done negligently,
13 inadequately and improperly and, together with and independent of the absence of
14 traffic controls, such as traffic signals, and/or signage warning motorists and/or
15 pedestrians and/or other appropriate traffic control(s), and created a hazard, trap and
16 dangerous condition under Government Code § 835 et seq. It also created a peculiar
17 risk and trap as the above factors created a dangerous condition not reasonably
18 apparent to motorists.

19 76. Sufficient time passed from the moment the dangerous conditions were
20 created such that the GOVERNMENT DEFENDANTS knew or should have known
21 a dangerous condition(s) was/were created and such that it had sufficient time to have
22 remedied or warned against the dangerous condition(s).

23 77. The collision was foreseeable to the GOVERNMENT DEFENDANTS,
24 inclusive and each of them, and, yet, they failed to warn drivers or persons in the
25 vicinity. It is believed that notice was actually provided to the GOVERNMENT
26 DEFENDANTS through prior accidents under similar circumstances such that the
27 GOVERNMENT DEFENDANTS had sufficient time to take action to remedy the
28 dangerous conditions.

1 78. GOVERNMENT DEFENDANTS, inclusive and each of them, and/or its
2 management, administrative, designers, planners, engineers, maintenance
3 personnel, inspectors and/or other employees, staff, agents or contractors, acting
4 within the course and scope of their duties and/or employment/agency negligently,
5 unreasonably and improperly owned, operated, designed, planned, engineered,
6 maintained, inspected, repaired, failed to repair, and controlled the roadways,
7 including the Subject Location and the surrounding and/or adjacent areas; thereby
8 creating a dangerous condition(s) and exposing drivers and persons or the public in
9 the vicinity to a dangerous condition(s). The GOVERNMENT DEFENDANTS
10 undertook to control the Subject Location, invited reliance on the Subject Location
11 and are liable as it created a dangerous condition in doing so.

12 79. The dangerous condition(s) created a reasonably foreseeable risk of the
13 kind of injuries which were incurred, and (a) were created by a negligent or wrongful
14 act or omission of an employee of the GOVERNMENT DEFENDANTS; and/or (b) the
15 GOVERNMENT DEFENDANTS had actual or constructive notice of the dangerous
16 condition(s) within a sufficient period of time prior to the injury to have taken
17 measures to protect against the dangerous condition(s).

18 80. These dangerous condition(s) and these acts and/or omissions of the
19 GOVERNMENT DEFENDANTS and its management, administrative, designers,
20 planners, engineers, maintenance personnel, inspectors and/or other employees,
21 staff, agents or contractors, acting within the course and scope of their duties legally
22 (proximately) caused the Plaintiffs' damages.

23 81. Further, these dangerous condition(s) were/was directly attributable
24 wholly or in substantial part to a negligent or wrongful act of these employees/agents
25 of the GOVERNMENT DEFENDANTS and these employees/agents had the
26 authority and the funds and other means immediately available to take alternative
27 action which would not have created the dangerous condition(s); and/or these
28 employees/agents had the authority and it was his/her/their responsibility to take

1 adequate measures to protect against the dangerous condition(s) at the expense of
2 the GOVERNMENT DEFENDANTS and the funds and other means for doing so
3 were immediately available to him/her/them, and he/she/they had actual or
4 constructive notice of the dangerous condition(s) a sufficient time prior to the injury
5 to have taken measures to protect against the dangerous condition(s).

6 82. Further, signs, warnings or other devices were necessary to warn of
7 these dangerous condition(s) which endangered the safe movement of traffic and
8 which would not be reasonably apparent to, and would not have been anticipated by,
9 a person exercising due care.

10 83. Further, the GOVERNMENT DEFENDANTS and its employees/agents
11 acting within the scope of their employment/agency undertook, gratuitously or for
12 consideration, to avoid, remedy and/or abate these dangerous condition(s). These
13 undertakings and promises were the kind that they recognized as necessary for the
14 protection of third persons. These entities and their employees/agents acting within
15 the scope of their employment/agency failed to exercise reasonable care in the
16 performance of these undertakings and promises, the failure to exercise reasonable
17 care resulted in physical harm to the third persons; and either (a) their carelessness
18 increased the risk of such harm, or (b) the undertaking or promises were to perform
19 a duty that the other owed to the third persons, or (c) the harm was suffered because
20 either the other or the third persons relied on the undertaking.

21 84. Due to these acts and failures to act and dangerous conditions, the
22 GOVERNMENT DEFENDANTS and their employees/agents are liable for Plaintiffs'
23 damages under the Government Code §§815.2, 815.4, 820, 830.4, 830.8, 835 et seq.,
24 840.2, 905, 945.

25 85. As a proximate and legal result and cause of the dangerous conditions
26 arising out of and/or related to the Subject Location, Plaintiffs sustained serious and
27 permanent injuries and damages.

28 86. As a direct result of the negligent design, maintenance, construction,

1 supervision, monitoring, inspection, control and management of the Subject Location
2 by employees, agents and/or representatives of GOVERNMENT DEFENDANTS, as
3 stated hereinabove, a dangerous condition(s) of public property was created pursuant
4 to Government Code §835 et. seq. As a result, the Subject Location was unsafe for the
5 movement of vehicles. The above-described dangerous condition(s) caused the subject
6 incident and the injuries and damages to Plaintiffs. Plaintiffs have not yet completed
7 their investigation, and therefore, they cannot at this time state with specificity each
8 and every reason why the Subject Location was a dangerous condition of public
9 property pursuant to Government Code §835 et seq.

10 87. Employees, agents and/or representatives of GOVERNMENT
11 DEFENDANTS had actual and/or constructive knowledge of
12 the dangerous condition(s), and/or created the dangerous condition(s), within a
13 sufficient time prior to the subject incident in order to take corrective measures.
14 DEFENDANTS failed to either make such report or reports, and/or take such
15 corrective measures. GOVERNMENT DEFENDANTS failed to act reasonably with
16 regard to the dangerous condition(s) at the Subject Location.

17 88. In addition, GOVERNMENT DEFENDANTS failed to select a
18 competent and safe contractor or contractors to do work on the roadways at or near
19 the Subject Location, and failed to supervise, monitor, inspect, control and manage
20 the activity of said contractor or contractors so as to avoid the creation and
21 maintenance of the dangerous condition(s) of public property alleged herein.

22 89. In addition, the Subject Location constituted a trap for purposes of
23 Government Code § 830.8 in that it was necessary for GOVERNMENT
24 DEFENDANTS to warn of the above-described dangerous condition(s), which
25 endangered the safe movement of vehicles on the roadway, and would not have been
26 reasonably apparent to, nor would have been reasonably anticipated by, a person
27 exercising due care. GOVERNMENT DEFENDANTS completely failed to provide
28 such warnings.

90. As a direct and legal (proximate) consequence of the conduct of GOVERNMENT DEFENDANTS, Plaintiffs have suffered injuries and damages and will suffer further foreseeable damages, including but not limited to, past and future: physical and emotional injuries; medical expenses; property damage; lost earnings; lost earnings capacity; general, special, loss of consortium, wrongful death damages, and incidental damages, in a sum within the jurisdiction of this Court to be determined according to proof.

FOURTH CAUSE OF ACTION

General Negligence

(As against Defendants, Does 76 to 100, inclusive, and each of them)

91. Plaintiffs restate and reiterate each and all of the paragraphs and allegations set forth above and make them part of this cause of action as though fully set forth here.

92. In addition to the GOVERNMENT DEFENDANTS' liability, Plaintiffs hereby allege that private entity Doe Defendants 76 to 100, inclusive, and each of them, negligently owned, controlled, maintained, repaired, inspected, renovated, and/or modified, the Subject Location, and/or surrounding or adjacent areas to the Subject Location.

93. Plaintiffs are informed and believe and thereon allege that at all material times each of the above-mentioned Defendants were the agents, implied agents, ostensible agents, managing agents, alter egos, servants, directors, managers, officers, hirees, independent contractors, contractors, commissioners, representatives, principals, partners, owners, subsidiaries, parent companies, trustees, co-trustees, joint venturers, co-venturers, co-conspirators and/or employees of the co-defendants, and in doing the things herein alleged were acting in an agency, managerial or employment capacity within the course and scope of their authority, whose acts and conduct herein alleged were with the permission and consent of the

1 co-defendants. Each of the Defendants' actions and conduct were known to,
2 authorized and ratified by the co-defendants. Plaintiffs are informed and believe and
3 thereon allege that all the conduct by the individual Defendants, which was outside
4 the scope of their authority, was known to, authorized and ratified by the co-
5 defendants.

6 94. Plaintiffs are informed and believe and thereon allege that on or before
7 the Subject Date, Doe Defendants 76 to 100, inclusive, and each of them, negligently
8 and carelessly owned, maintained, controlled, managed, operated, inspected,
9 guarded, supervised, renovated, repaired, designed and/or secured the Subject
10 Location, and/or surrounding or adjacent areas to the Subject Location, in that Doe
11 Defendants 76 to 100, inclusive, and each of them, knew, or in the exercise of
12 reasonable care should have known, that the Subject Location, and/or surrounding or
13 adjacent areas to the Subject Location was/were at all times in a unsafe and/or
14 defective condition(s) and constituted an unreasonable risk of harm to Plaintiff of
15 which Plaintiff was unaware. Moreover, Doe Defendants 76 to 100, inclusive, and
16 each of them, negligently and carelessly failed to maintain or repair the Subject
17 Location, and/or surrounding or adjacent areas to the Subject Location, in a safe
18 condition or warn Plaintiff of its unsafe condition, so that on the Subject Date, and as
19 a result of said dangerous condition(s), Defendants, MARIA DEL ROCIO
20 RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each of them, so carelessly
21 and negligently owned, operated, entrusted, leased, repaired, modified, maintained
22 and/or controlled their vehicle which was initially traveling southbound on the I-5
23 Freeway in approximately the third lane at or near the Subject Location, so as to
24 cause it to make an unsafe lane change and/or left turn and/or U-turn in the direction
25 of the Subject Turn Through based upon the conditions of the road and traffic when
26 it was not reasonably safe to do so, causing a collision with the Garcia Motorcycle and
27 the Mora Motorcycle.

28 95. Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1

1 to 50, inclusive, and each of them, so carelessly and negligently owned, operated,
2 entrusted, leased, repaired, modified, maintained and/or controlled their vehicle
3 causing catastrophic injuries and damages to Decedent eventually resulting in his
4 death on or about the Subject Date, and catastrophic injuries and damages to Plaintiff
5 EDGAR MORA. As a result of Defendants', MARIA DEL ROCIO
6 RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each of their, conduct,
7 Plaintiff REBECCA MARIE GARCIA lost her husband, Plaintiffs NOAH BLADE
8 GARCIA and JOSHUA ROCK GARCIA lost their father, Plaintiff EDGAR MORA
9 suffered and continues to suffer severe injuries and damages, and Plaintiff MARIA
10 LUISA RIVERA suffered and continues to suffer from a loss of consortium for the
11 injuries and damages sustained by her husband Plaintiff EDGAR MORA.

12 96. Further, Plaintiffs are informed and believe and thereon allege that, on
13 or before the Subject Date, GOVERNMENT DEFENDANTS negligently and
14 carelessly paid, hired, retained, commissioned, retained, supervised, reprimanded,
15 instructed, advised, trained, contracted with and/or employed Defendants, Does 76 to
16 100, inclusive, and each of them.

17 97. Moreover, GOVERNMENT DEFENDANTS knew, or in the exercise of
18 reasonable care should have known, that Defendants, Does 76 to 100, inclusive, and
19 each of them, were negligent and/or careless operators, contractors, repairers,
20 designers, controllers, constructors, managers, supervisors, guarders, renovators,
21 maintainers, securers, fixers, menders, restorers and/or controllers of the Subject
22 Location.

23 98. As a direct and legal (proximate) consequence of the conduct of
24 Defendants Does 76 to 100, inclusive, and each of them, Plaintiffs have suffered
25 injuries and damages and will suffer further foreseeable damages, including but not
26 limited to, past and future: physical and emotional injuries; medical expenses;
27 property damage; lost earnings; lost earnings capacity; general, special, loss of
28 consortium, wrongful death damages, and incidental damages, in a sum within the

jurisdiction of this Court to be determined according to proof.

FIFTH CAUSE OF ACTION

Premises Liability

(As against Defendants, Does 76 to 100, inclusive, and each of them)

99. Plaintiffs restate and reiterate each and all of the paragraphs and allegations set forth above and make them part of this cause of action as though fully set forth here.

100. In addition to the GOVERNMENT DEFENDANTS' liability, Plaintiffs hereby allege that private entity Doe Defendants 76 to 100, inclusive, and each of them, negligently owned, controlled, maintained, repaired, inspected, renovated, and/or modified, the Subject Location, and/or surrounding or adjacent areas to the Subject Location.

101. Plaintiffs are informed and believe and thereon allege that at all material times each of the above-mentioned Defendants were the agents, implied agents, ostensible agents, managing agents, alter egos, servants, directors, managers, officers, hirees, independent contractors, contractors, commissioners, representatives, principals, partners, owners, subsidiaries, parent companies, trustees, co-trustees, joint venturers, co-venturers, co-conspirators and/or employees of the co-defendants, and in doing the things herein alleged were acting in an agency, managerial or employment capacity within the course and scope of their authority, whose acts and conduct herein alleged were with the permission and consent of the co-defendants. Each of the Defendants' actions and conduct were known to, authorized and ratified by the co-defendants. Plaintiffs are informed and believe and thereon allege that all the conduct by the individual Defendants, which was outside the scope of their authority, was known to, authorized and ratified by the co-defendants.

102. Plaintiffs are informed and believe and thereon allege that on or before

1 the Subject Date, Doe Defendants 76 to 100, inclusive, and each of them, negligently
2 and carelessly owned, maintained, controlled, managed, operated, inspected,
3 guarded, supervised, renovated, repaired, designed and/or secured the Subject
4 Location, and/or surrounding or adjacent areas to the Subject Location, in that Doe
5 Defendants 76 to 100, inclusive, and each of them, knew, or in the exercise of
6 reasonable care should have known, that the Subject Location, and/or surrounding or
7 adjacent areas to the Subject Location was/were at all times in a unsafe and/or
8 defective condition(s) and constituted an unreasonable risk of harm to Plaintiff of
9 which Plaintiff was unaware. Moreover, Doe Defendants 76 to 100, inclusive, and
10 each of them, negligently and carelessly failed to maintain or repair the Subject
11 Location, and/or surrounding or adjacent areas to the Subject Location, in a safe
12 condition or warn Plaintiff of its unsafe condition, so that on the Subject Date, and as
13 a result of said dangerous condition(s), Defendants, MARIA DEL ROCIO
14 RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each of them, so carelessly
15 and negligently owned, operated, entrusted, leased, repaired, modified, maintained
16 and/or controlled their vehicle which was initially traveling southbound on the I-5
17 Freeway in approximately the third lane at or near the Subject Location, so as to
18 cause it to make an unsafe lane change and/or left turn and/or U-turn in the direction
19 of the Subject Turn Through based upon the conditions of the road and traffic when
20 it was not reasonably safe to do so, causing a collision with the Garcia Motorcycle and
21 the Mora Motorcycle.

22 103. Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1
23 to 50, inclusive, and each of them, so carelessly and negligently owned, operated,
24 entrusted, leased, repaired, modified, maintained and/or controlled their vehicle
25 causing catastrophic injuries and damages to Decedent eventually resulting in his
26 death on or about the Subject Date, and catastrophic injuries and damages to Plaintiff
27 EDGAR MORA. As a result of Defendants', MARIA DEL ROCIO
28 RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each of their, conduct,

1 Plaintiff REBECCA MARIE GARCIA lost her husband, Plaintiffs NOAH BLADE
2 GARCIA and JOSHUA ROCK GARCIA lost their father, Plaintiff EDGAR MORA
3 suffered and continues to suffer severe injuries and damages, and Plaintiff MARIA
4 LUISA RIVERA suffered and continues to suffer from a loss of consortium for the
5 injuries and damages sustained by her husband Plaintiff EDGAR MORA.

6 104. As a direct and legal (proximate) consequence of the conduct of
7 Defendants Does 76 to 100, inclusive, and each of them, Plaintiffs have suffered
8 injuries and damages and will suffer further foreseeable damages, including but not
9 limited to, past and future: physical and emotional injuries; medical expenses;
10 property damage; lost earnings; lost earnings capacity; general, special, loss of
11 consortium, wrongful death damages, and incidental damages, in a sum within the
12 jurisdiction of this Court to be determined according to proof.

13
14 **WHEREFORE**, Plaintiffs REBECCA MARIE GARCIA; NOAH BLADE
15 GARCIA, a minor, by and through his guardian ad litem, REBECCA MARIE
16 GARCIA; JOSHUA ROCK GARCIA, a minor, by and through his guardian ad litem,
17 REBECCA MARIE GARCIA; EDGAR MORA; MARIA LUISA RIVERA pray for
18 Judgment against the Defendants, MARIA DEL ROCIO RODRIGUEZMORENO;
19 COUNTY OF KERN; CALIFORNIA DEPARTMENT OF TRANSPORTATION;
20 STATE OF CALIFORNIA; and CALIFORNIA HIGHWAY PATROL; and Does 1 to
21 100, inclusive, and each of them, as follows:

- 22 1. For general damages in a sum according to proof;
- 23 2. For special damages in a sum according to proof;
- 24 3. For loss of consortium damages in a sum according to proof;
- 25 4. For wrongful death damages in a sum according to proof;
- 26 5. For any physical impairment or disfigurement;
- 27 6. For medical expenses;
- 28 7. For property damage, diminution of value, and loss of use;

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- 8. For loss of earnings and loss of earnings capacity;
- 9. For prejudgment and post-judgment interest;
- 10. For costs and expenses of suit incurred herein; and
- 11. For such other and further relief as the Court deems just and proper.

Dated: July 27, 2026

**COHEN & MARZBAN,
Law Corporation**



**MICHAEL M. MARZBAN, ESQ.
BRENNAN C. AZIZI, ESQ.
Attorneys for Plaintiffs**

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Michael M. Marzban, Esq. FIRM NAME: Cohen & Marzban, Law Corporation STREET ADDRESS: 16000 Ventura Blvd, Ste 701 CITY: Encino STATE: CA ZIP CODE: 91436 TELEPHONE NO.: (818) 986-3332 FAX NO.: (818) 986-5879 EMAIL ADDRESS: eservice@bmclaw.net ATTORNEY FOR (name): Plaintiffs Rebecca Marie Garcia, et al.		FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of Kern By: Gricelda Evans Deputy Clerk 10/2/26 4:02 PM	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN STREET ADDRESS: 1215 Truxtun Ave MAILING ADDRESS: 1215 Truxtun Ave CITY AND ZIP CODE: Bakersfield 93301 BRANCH NAME: Metropolitan Justice Courthouse		CASE NUMBER: 26CUB02945	
CASE NAME: GARCIA, ET AL. v. RODRIGUEZMORENO, ET AL.			
CIVIL CASE COVER SHEET ☒ Unlimited (Amount demanded exceeds \$35,000)		☐ Limited (Amount demanded is \$35,000 or less)	
☐ Counter		☐ Joinder	
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		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)
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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): FIVE (5)

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: July 27, 2026

Michael M. Marzban, 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

July 31, 2026

/s/ Alexandra Valles-Guerrero,
Deputy Clerk

Rebecca Marie Garcia, et al v. Maria Del Rocio Rodriguezmoreno et al

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:
26CUB02945

By order of the presiding judge, the above-entitled case is assigned to the Honorable Thomas S. Clark for all purposes. It will be managed in Department/Division 17 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 10, 2026 at 8:30 A.M. in Department 17 at 1415 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 January 25, 2027 at 8:15 A.M. in Department 17 located at 1415 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: July 31, 2026

By: /s/ Alexandra Valles-Guerrero
Alexandra Valles-Guerrero, 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 Thomas S. Clark as monitoring judge.

Judge Thomas S. Clark 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 Department 17 at 1415 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 Thomas S. Clark. 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: July 31, 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: July 31, 2026

By: /s/ Alexandra Valles-Guerrero
Alexandra Valles-Guerrero, Deputy Clerk

Service List

Michael Marzban
16000 Ventura Blvd Ste 701
Encino, CA 91436
eservice@bmclaw.net

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Michael M. Marzban, Esq. FIRM NAME: Cohen & Marzban, Law Corporation STREET ADDRESS: 16000 Ventura Blvd, Suite 701 CITY: Encino TELEPHONE NO: (818) 986-3332 EMAIL ADDRESS: eservice@bmclaw.net ATTORNEY FOR (name): Plaintiffs		STATE BAR NUMBER: 238624 STATE CA ZIP CODE: 91436 FAX NO: (818) 986-5879	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of Kern By: Gricelda Evans Deputy Clerk 08/20/26 5:00 PM
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN STREET ADDRESS: 1215 Truxtun Ave MAILING ADDRESS: 1215 Truxtun Ave CITY AND ZIP CODE: Bakersfield 93301 BRANCH NAME: Metropolitan Justice Courthouse			
PLAINTIFF/PETITIONER: JOSHUA ROCK GARCIA DEFENDANT/RESPONDENT: MARIA DEL ROCIO RODRIGUEZMORENO, ET AL. OTHER PARENT/PARTY: REBECCA MARIE GARCIA			
APPLICATION FOR APPOINTMENT OF GUARDIAN AD LITEM—CIVIL AND FAMILY LAW ☒ EX PARTE		CASE NUMBER: 26CUB02945	

This form is for use in a civil or family law proceeding in which a party is a minor, a person who lacks legal capacity to make decisions, or a person for whom a conservator has been appointed. A person who seeks the appointment of a guardian ad litem in a proceeding under the Probate Code—other than a proceeding under Probate Code sections 3500–3613 for approval of a compromise, settlement, or disposition of judgment proceeds—should use form DE-350/GC-100. NOTE: A person may not act as a guardian ad litem unless the person is represented by an attorney, is an attorney, or, in an action under the Uniform Parentage Act (Family Code, §§ 7600–7730), is an adult relative of a minor party.

- I (applicant's name): JOSHUA ROCK GARCIA
 am (check all that apply):
 - ☐ the parent of (name):
 - ☐ the guardian of (name):
 - ☐ the conservator of (name):
 - ☐ a party to the suit.
 - ☒ the minor to be represented (if the minor is 14 years of age or older).
 - ☐ another interested person (specify capacity):
 - I am asking the court to appoint the following person as guardian ad litem (name, address, phone number, and email address):
 REBECCA MARIE GARCIA;
 (562) 826-2725;
 16236 Orizaba Ave, Paramount, CA 90723
 - The guardian ad litem will represent the interest of (name, address, and, if applicable, phone number and email address):
 JOSHUA ROCK GARCIA;
 (562) 826-2725;
 16236 Orizaba Ave, Paramount, CA 90723
 - The person named in item 3 is a party and is (check all that apply):
 - ☒ a minor (date of birth): December 12, 2011
 - ☒ a person who lacks legal capacity to make decisions (explain the basis for claiming lack of capacity):
 MINOR PLAINTIFF IS 14 YEARS OLD AND LEGALLY UNABLE TO BRING A LAWSUIT ON HIS OWN BEHALF
- ☐ Continued on Attachment 4b.
- c. ☐ a person for whom a conservator has been appointed (provide the details of the appointment):

☐ Continued on Attachment 4c.

PLAINTIFF/PETITIONER: JOSHUA ROCK GARCIA DEFENDANT/RESPONDENT: MARIA DEL ROCIO RODRIGUEZMORENO, ET AL. OTHER PARENT/PARTY: REBECCA MARIE GARCIA	CASE NUMBER 26CUB02945
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5. ☒ The person named in item 3 is a minor and is (check one):
- ☒ a plaintiff or petitioner in this action and the summons has not been issued
 - ☐ a defendant or respondent in this action. More than 10 days have passed since service of the summons, and no one has applied for the appointment of a guardian ad litem.
6. I am asking the court to appoint a guardian ad litem because the person named in item 3 (check all that apply):
- ☐ is a minor who is a party to an action under the Uniform Parentage Act (Family Code, §§ 7600-7730).
 - ☐ is a minor who is requesting or opposing a request for an injunction or restraining order described in Code of Civil Procedure sections 372(b)(1) and 374(a). (If the minor is 12 years of age or older, check one of the following):
 The minor ☐ does ☐ does not object to the appointment of the person named in item 2.
☐ I don't know whether the minor objects to the appointment of the person named in item 2.
 - ☒ has no guardian or conservator of the estate.
 - ☐ has a guardian or conservator of the estate, but the guardian or conservator is inadequate to represent the person's interest in this action or proceeding because (explain):

☐ Continued on Attachment 6d.

The guardian or conservator of the estate is (name, address, telephone number, and email address):

(After filing this application, you must give notice and a copy of the application to the guardian or conservator above.)

7. The proposed guardian ad litem is fully competent and qualified to understand and protect the rights of the person named in item 3

Michael M. Marzban, Esq.

(TYPE OR PRINT NAME)

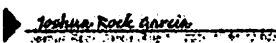

(SIGNATURE OF ATTORNEY)

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

Date: 08/20/2026

Joshua Rock Garcia

(TYPE OR PRINT NAME)


(SIGNATURE OF APPLICANT)

DISCLOSURES AND CONSENT TO ACT AS GUARDIAN AD LITEM

8. I have the following relationship with the person named in item 3 (check one):
- ☐ No relationship
 - ☒ A familial relationship (specify): MOTHER
 - ☐ An affiliate (nonfamilial) relationship (specify):
9. I am (check one):
- ☒ not aware of any actual or potential conflicts of interest that would or might arise from the appointment.
 - ☐ aware of the following actual or potential conflicts that would or might arise from the appointment (describe the actual or potential conflicts of interest and explain why the proposed guardian should still be appointed):

☐ Continued on Attachment 9b.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I consent to act as guardian ad litem in this action or proceeding. If I become aware that a potential conflict of interest has become an actual conflict, or that a new potential or actual conflict exists, I will promptly disclose the conflict of interest to the court.

Date: 08/20/2026

Rebecca Marie Garcia

(TYPE OR PRINT NAME)


Rebecca Marie Garcia / Aug 20, 2026 10:47:23 AM
(SIGNATURE OF PROPOSED GUARDIAN AD LITEM)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Michael M. Marzban, Esq. FIRM NAME: Cohen & Marzban, Law Corporation STREET ADDRESS: 16000 Ventura Blvd, Suite 701 CITY: Encino TELEPHONE NO.: (818) 988-3332 EMAIL ADDRESS: eservice@bmclaw.net ATTORNEY FOR (name): Plaintiffs	STATE BAR NUMBER: 236824 STATE: CA ZIP CODE: 91436 FAX NO.: (818) 988-5879	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of Kern By: Gricelda Evans Deputy Clerk 08/20/26 5:00 PM
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN STREET ADDRESS: 1215 Truxtun Ave MAILING ADDRESS: 1215 Truxtun Ave CITY AND ZIP CODE: Bakersfield 93301 BRANCH NAME: Metropolitan Justice Courthouse		
PLAINTIFF/PETITIONER: NOAH BLADE GARCIA DEFENDANT/RESPONDENT: MARIA DEL ROCIO RODRIGUEZMORENO, ET AL. OTHER PARENT/PARTY: REBECCA MARIE GARCIA		
APPLICATION FOR APPOINTMENT OF GUARDIAN AD LITEM—CIVIL AND FAMILY LAW ☒ EX PARTE		CASE NUMBER: 26CUB02945
This form is for use in a civil or family law proceeding in which a party is a minor, a person who lacks legal capacity to make decisions, or a person for whom a conservator has been appointed. A person who seeks the appointment of a guardian ad litem in a proceeding under the Probate Code—other than a proceeding under Probate Code sections 3500–3613 for approval of a compromise, settlement, or disposition of judgment proceeds—should use form DE-350/GC-100. NOTE: A person may not act as a guardian ad litem unless the person is represented by an attorney, is an attorney, or, in an action under the Uniform Parentage Act (Family Code, §§ 7600–7730), is an adult relative of a minor party.		

- I (applicant's name): NOAH BLADE GARCIA
am (check all that apply):
 - ☐ the parent of (name):
 - ☐ the guardian of (name):
 - ☐ the conservator of (name):
 - ☐ a party to the suit.
 - ☒ the minor to be represented (if the minor is 14 years of age or older).
 - ☐ another interested person (specify capacity):
 - I am asking the court to appoint the following person as guardian ad litem (name, address, phone number, and email address):
 REBECCA MARIE GARCIA;
 (562) 828-2725;
 16236 Orizaba Ave, Paramount, CA 90723
 - The guardian ad litem will represent the interest of (name, address, and, if applicable, phone number and email address):
 NOAH BLADE GARCIA;
 (562) 828-2725;
 16236 Orizaba Ave, Paramount, CA 90723
 - The person named in item 3 is a party and is (check all that apply):
 - ☒ a minor (date of birth): July 14, 2010
 - ☒ a person who lacks legal capacity to make decisions (explain the basis for claiming lack of capacity):
 MINOR PLAINTIFF IS 15 YEARS OLD AND LEGALLY UNABLE TO BRING A LAWSUIT ON HIS OWN BEHALF
- ☐ Continued on Attachment 4b.
- c. ☐ a person for whom a conservator has been appointed (provide the details of the appointment):

☐ Continued on Attachment 4c.

PLAINTIFF/PETITIONER: NOAH BLADE GARCIA DEFENDANT/RESPONDENT: MARIA DEL ROCIO RODRIGUEZMORENO, ET AL. OTHER PARENT/PARTY: REBECCA MARIE GARCIA	CASE NUMBER 26CUB02945
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5. ☒ The person named in item 3 is a minor and is (check one):
- a. ☒ a plaintiff or petitioner in this action and the summons has not been issued
- b. ☐ a defendant or respondent in this action. More than 10 days have passed since service of the summons, and no one has applied for the appointment of a guardian ad litem
6. I am asking the court to appoint a guardian ad litem because the person named in item 3 (check all that apply):
- a. ☐ is a minor who is a party to an action under the Uniform Parentage Act (Family Code, §§ 7600-7730).
- b. ☐ is a minor who is requesting or opposing a request for an injunction or restraining order described in Code of Civil Procedure sections 372(b)(1) and 374(a) (If the minor is 12 years of age or older, check one of the following):
The minor ☐ does ☐ does not object to the appointment of the person named in item 2.
☐ I don't know whether the minor objects to the appointment of the person named in item 2.
- c. ☒ has no guardian or conservator of the estate.
- d. ☐ has a guardian or conservator of the estate, but the guardian or conservator is inadequate to represent the person's interest in this action or proceeding because (explain):

☐ Continued on Attachment 6d.

The guardian or conservator of the estate is (name, address, telephone number, and email address):

(After filing this application, you must give notice and a copy of the application to the guardian or conservator above.)

7. The proposed guardian ad litem is fully competent and qualified to understand and protect the rights of the person named in item 3

Michael M. Marzban, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY)

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

Date: 08/20/2026

Noah Blade Garcia

(TYPE OR PRINT NAME)

Noah Blade Garcia

(SIGNATURE OF APPLICANT)

DISCLOSURES AND CONSENT TO ACT AS GUARDIAN AD LITEM

8. I have the following relationship with the person named in item 3 (check one):
- a. ☐ No relationship
- b. ☒ A familial relationship (specify): MOTHER
- c. ☐ An affiliate (nonfamilial) relationship (specify):
9. I am (check one):
- a. ☒ not aware of any actual or potential conflicts of interest that would or might arise from the appointment.
- b. ☐ aware of the following actual or potential conflicts that would or might arise from the appointment (describe the actual or potential conflicts of interest and explain why the proposed guardian should still be appointed):

☐ Continued on Attachment 9b.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I consent to act as guardian ad litem in this action or proceeding. If I become aware that a potential conflict of interest has become an actual conflict, or that a new potential or actual conflict exists, I will promptly disclose the conflict of interest to the court.

Date: 08/20/2026

Rebecca Marie Garcia

(TYPE OR PRINT NAME)

Rebecca Marie Garcia (Aug 20, 2026 10:47:58 PDT)

(SIGNATURE OF PROPOSED GUARDIAN AD LITEM)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Michael M. Marzban, Esq. FIRM NAME: Cohen & Marzban, Law Corporation STREET ADDRESS: 16000 Ventura Blvd., Suite 701 CITY: Encino TELEPHONE NO.: (818) 986-3332 EMAIL ADDRESS: eservice@bmclaw.net ATTORNEY FOR (name): Plaintiffs	STATE BAR NUMBER: 238624 STATE: CA ZIP CODE 91436 FAX NO.: (818) 986-5879 FOR COURT USE ONLY FILED Superior Court of California, County of Kern By: Gricelda Evans Deputy Clerk 08/24/2026
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN STREET ADDRESS: 1215 Truxtun Ave MAILING ADDRESS: 1215 Truxtun Ave CITY AND ZIP CODE: Bakersfield 93301 BRANCH NAME: Metropolitan Justice Courthouse	
PLAINTIFF/PETITIONER: JOSHUA ROCK GARCIA DEFENDANT/RESPONDENT: MARIA DEL ROCIO RODRIGUEZMORENO, ET AL. OTHER PARENT/PARTY: REBECCA MARIE GARCIA	
ORDER APPOINTING GUARDIAN AD LITEM—CIVIL AND FAMILY LAW ☒ EX PARTE	CASE NUMBER: 26CUB02945

1. Applicant (name): REBECCA MARIE GARCIA
 seeks appointment of a guardian ad litem of (name): JOSHUA ROCK GARCIA

2. ☐ The application came on regularly for a hearing as follows:

a. Judicial officer (name):

b. Hearing date: Time: ☐ Dept.: ☐ Room:

c. The following persons were present at the hearing:

- (1) ☐ Applicant (name):
- (2) ☐ Attorney for applicant (name):
- (3) ☐ Guardian ad litem named in item 6.
- (4) ☐ Attorney for guardian ad litem (name):
- (5) ☐ Plaintiff/Petitioner (name):
- (6) ☐ Attorney for Plaintiff/Petitioner (name):
- (7) ☐ Defendant/Respondent (name):
- (8) ☐ Attorney for Defendant/Respondent (name):
- (9) ☐ Other (names):

THE COURT FINDS

3. ☐ All notices required by law have been given.
4. The person for whom a guardian ad litem is to be appointed is a party who is
- a. ☒ a minor (date of birth): December 12, 2011
 - b. ☐ a person who lacks legal capacity to make decisions.
 - c. ☐ a person for whom a conservator has been appointed.
5. ☒ The person for whom a guardian ad litem is to be appointed
- a. ☐ is a minor who is a party to an action under the Uniform Parentage Act. (Family Code, §§ 7600–7730.)
 - b. ☐ is a minor who is requesting or opposing a request for an injunction or restraining order described in Code of Civil Procedure sections 372(b) and 374(a).
 - c. ☒ does not have a guardian or conservator of the estate.
 - d. ☐ has a guardian or conservator of the estate, but the guardian or conservator is inadequate to represent the person's interest and appointment of a guardian ad litem is expedient.

PLAINTIFF/PETITIONER: JOSHUA ROCK GARCIA
 DEFENDANT/RESPONDENT: MARIA DEL ROCIO RODRIGUEZMORENO, ET AL.
 OTHER PARENT/PARTY: REBECCA MARIE GARCIA

CASE NUMBER:
 26CUB02945

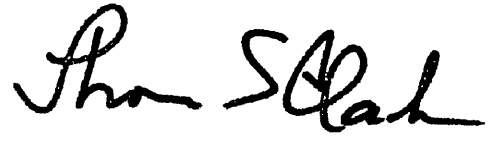
THE COURT ORDERS

6. (Name): REBECCA MARIE GARCIA
 is appointed guardian ad litem of (name): JOSHUA ROCK GARCIA
7. The guardian ad litem ☒ is ☒ is *not* authorized to waive or disclaim any substantive rights of the represented party without further order of this court.
8. The guardian ad litem must promptly report to the court any potential conflict of interest with the represented person that becomes an actual conflict, as well as any new potential or actual conflict of interest that arises during the course of the representation.
9. ☐ Other (specify):

☐ Continued on Attachment 9.

10. Number of pages attached: _____

August 24, 2026



JUDICIAL OFFICER

Thomas S. Clark

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Michael M. Marzban, Esq. FIRM NAME: Cohen & Marzban, Law Corporation STREET ADDRESS: 16000 Ventura Blvd., Suite 701 CITY: Encino TELEPHONE NO.: (818) 986-3332 EMAIL ADDRESS: eservice@bmclaw.net ATTORNEY FOR (name): Plaintiffs	STATE BAR NUMBER: 238624 STATE: CA ZIP CODE 91436 FAX NO.: (818) 986-5879
FOR COURT USE ONLY FILED Superior Court of California, County of Kern By: Gricelda Evans Deputy Clerk 08/24/2026	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN STREET ADDRESS: 1215 Truxtun Ave MAILING ADDRESS: 1215 Truxtun Ave CITY AND ZIP CODE: Bakersfield 93301 BRANCH NAME: Metropolitan Justice Courthouse	
PLAINTIFF/PETITIONER: NOAH BLADE GARCIA DEFENDANT/RESPONDENT: MARIA DEL ROCIO RODRIGUEZMORENO, ET AL. OTHER PARENT/PARTY: REBECCA MARIE GARCIA	
ORDER APPOINTING GUARDIAN AD LITEM—CIVIL AND FAMILY LAW ☒ EX PARTE	
CASE NUMBER: 26CUB02945	

1. Applicant (name): REBECCA MARIE GARCIA
 seeks appointment of a guardian ad litem of (name): NOAH BLADE GARCIA

2. ☐ The application came on regularly for a hearing as follows:

a. Judicial officer (name):

b. Hearing date: Time: ☐ Dept.: ☐ Room:

c. The following persons were present at the hearing:

- (1) ☐ Applicant (name):
- (2) ☐ Attorney for applicant (name):
- (3) ☐ Guardian ad litem named in item 6.
- (4) ☐ Attorney for guardian ad litem (name):
- (5) ☐ Plaintiff/Petitioner (name):
- (6) ☐ Attorney for Plaintiff/Petitioner (name):
- (7) ☐ Defendant/Respondent (name):
- (8) ☐ Attorney for Defendant/Respondent (name):
- (9) ☐ Other (names):

THE COURT FINDS

3. ☐ All notices required by law have been given.
4. The person for whom a guardian ad litem is to be appointed is a party who is
- a. ☒ a minor (date of birth): July 14, 2010
 - b. ☐ a person who lacks legal capacity to make decisions.
 - c. ☐ a person for whom a conservator has been appointed.
5. ☒ The person for whom a guardian ad litem is to be appointed
- a. ☐ is a minor who is a party to an action under the Uniform Parentage Act. (Family Code, §§ 7600–7730.)
 - b. ☐ is a minor who is requesting or opposing a request for an injunction or restraining order described in Code of Civil Procedure sections 372(b) and 374(a).
 - c. ☒ does not have a guardian or conservator of the estate.
 - d. ☐ has a guardian or conservator of the estate, but the guardian or conservator is inadequate to represent the person's interest and appointment of a guardian ad litem is expedient.

PLAINTIFF/PETITIONER: NOAH BLADE GARCIA
 DEFENDANT/RESPONDENT: MARIA DEL ROCIO RODRIGUEZMORENO, ET AL.
 OTHER PARENT/PARTY: REBECCA MARIE GARCIA

CASE NUMBER:
 26CUB02945

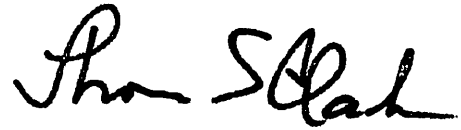
THE COURT ORDERS

6. (Name): REBECCA MARIE GARCIA
 is appointed guardian ad litem of (name): NOAH BLADE GARCIA
7. The guardian ad litem ☒ is ☒ is *not* authorized to waive or disclaim any substantive rights of the represented party without further order of this court.
8. The guardian ad litem must promptly report to the court any potential conflict of interest with the represented person that becomes an actual conflict, as well as any new potential or actual conflict of interest that arises during the course of the representation.
9. ☐ Other (specify):

☐ Continued on Attachment 9.

10. Number of pages attached: _____

August 24, 2026



JUDICIAL OFFICER

Thomas S. Clark

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

SUMMONS (CITACION JUDICIAL)

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

ELECTRONICALLY FILED

Superior Court of California,
County of Kern

By: Gricelda Evans

Deputy Clerk

09/28/26 3:32 PM

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

MARIA DEL ROCIO RODRIGUEZ MORENO; COUNTY OF KERN; CALIFORNIA DEPARTMENT OF TRANSPORTATION; STATE OF CALIFORNIA; CALIFORNIA HIGHWAY PATROL; AND DOES 1 TO 100, INCLUSIVE, AND EACH OF THEM

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

REBECCA MARIE GARCIA; NOAH BLADE GARCIA, a minor, by and through his guardian ad litem, REBECCA MARIE GARCIA; JOSHUA ROCK GARCIA, a minor, by and through his guardian ad litem, REBECCA MARIE GARCIA; EDGAR MORA; MARIA LUISA RIVERA

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

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

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

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

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

The name and address of the court is:

(El nombre y dirección de la corte es):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN
Metropolitan Justice Courthouse
1215 Truxtun Ave, Bakersfield, CA 93301

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):

Michael M. Marzban, Esq. (Bar # 238624)

Cohen & Marzban, Law Corporation

16000 Ventura Blvd, Ste 701, Encino, CA 91436

DATE:

(Fecha) 09/28/2026

Tara Leal

Clerk, by

(Secretario)

/s/ Gricelda Evans

Deputy
(Adjunto)

CASE NUMBER:
(Número del Caso):

26CUB02945

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

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

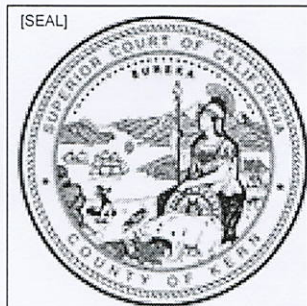
NOTICE TO THE PERSON SERVED: You are served

- ☐ 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): 416.50 (public entity)

- ☐ by personal delivery on (date):



COUNTY COUNSEL - REC'D
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By Michelle J. [Signature], Deputy

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Superior Court of California,
County of Kern
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File No.: 26825ABC&26826AB
Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF KERN, METROPOLITAN JUSTICE COURTHOUSE

REBECCA MARIE GARCIA; NOAH
BLADE GARCIA, a minor, by and
through his guardian ad litem,
REBECCA MARIE GARCIA;
JOSHUA ROCK GARCIA, a minor,
by and through his guardian ad
litem, REBECCA MARIE GARCIA;
EDGAR MORA; MARIA LUISA
RIVERA,

Plaintiffs,

vs.

MARIA DEL ROCIO
RODRIGUEZMORENO; COUNTY OF
KERN; CALIFORNIA DEPARTMENT
OF TRANSPORTATION; STATE OF
CALIFORNIA; CALIFORNIA
HIGHWAY PATROL; AND DOES 1
TO 100, INCLUSIVE, AND EACH OF
THEM,

Defendants.

Case No.: 26CUB02945

COMPLAINT FOR DAMAGES:

1. MOTOR VEHICLE –
WRONGFUL DEATH
2. GENERAL NEGLIGENCE –
WRONGFUL DEATH
3. DANGEROUS CONDITION OF
PUBLIC PROPERTY
(Government Code §§ 815.2,
815.4, 820, 830.4, 830.8, 835 et
seq., 840.2, 905, 945) –
WRONGFUL DEATH
4. GENERAL NEGLIGENCE
(Independent Contractor(s) of
the Governmental Entities) –
WRONGFUL DEATH
5. PREMISES LIABILITY
(Independent Contractor(s) of
the Governmental Entities) –
WRONGFUL DEATH

COMES NOW Plaintiffs REBECCA MARIE GARCIA; NOAH BLADE
GARCIA, a minor, by and through his guardian ad litem, REBECCA MARIE
GARCIA; JOSHUA ROCK GARCIA, a minor, by and through his guardian ad litem,
REBECCA MARIE GARCIA; EDGAR MORA; MARIA LUISA RIVERA
("Plaintiffs"), and allege as follows:

1 1. At all times herein mentioned Plaintiff REBECCA MARIE GARCIA is,
2 and at all relevant times herein was, an individual residing in the County of Los
3 Angeles, State of California.

4 2. At all times herein mentioned Plaintiff NOAH BLADE GARCIA, a
5 minor, by and through his guardian ad litem, REBECCA MARIE GARCIA, is, and
6 at all relevant times herein was, an individual residing in the County of Los
7 Angeles, State of California.

8 3. At all times herein mentioned Plaintiff JOSHUA ROCK GARCIA, a
9 minor, by and through his guardian ad litem, REBECCA MARIE GARCIA, is, and
10 at all relevant times herein was, an individual residing in the County of Los
11 Angeles, State of California.

12 4. At all times herein mentioned Plaintiff REBECCA MARIE GARCIA is,
13 and at all relevant times herein was, the spouse of and an heir of Decedent Angel
14 Barraza Garcia ("Decedent") for the purposes of bringing this wrongful death
15 lawsuit.

16 5. At all times herein mentioned Plaintiff NOAH BLADE GARCIA, a
17 minor, by and through his guardian ad litem, REBECCA MARIE GARCIA, is, and
18 at all relevant times herein was, the child of and an heir of Decedent for the
19 purposes of bringing this wrongful death lawsuit.

20 6. At all times herein mentioned Plaintiff JOSHUA ROCK GARCIA, a
21 minor, by and through his guardian ad litem, REBECCA MARIE GARCIA, is, and
22 at all relevant times herein was, the child of and an heir of Decedent for the
23 purposes of bringing this wrongful death lawsuit.

24 7. At all times herein mentioned Plaintiff EDGAR MORA is, and at all
25 relevant times herein was, an individual residing in the County of Los Angeles,
26 State of California.

27 8. At all times herein mentioned Plaintiff MARIA LUISA RIVERA is, and
28 at all relevant times herein was, an individual residing in the County of Los

1 Angeles, State of California.

2 9. Plaintiffs are informed and believe and based thereon allege that at all
3 times herein mentioned, Defendant MARIA DEL ROCIO RODRIGUEZMORENO is
4 and was at all relevant times an individual having a residence in the County of
5 Kern, State of California.

6 10. Plaintiffs are informed and believe and based thereon allege that at all
7 times herein mentioned, Defendant COUNTY OF KERN is and was at all relevant
8 times a public entity existing under the Constitution and laws of the State of
9 California.

10 11. Plaintiffs are informed and believe and based thereon allege that at all
11 times herein mentioned, Defendant CALIFORNIA DEPARTMENT OF
12 TRANSPORTATION is and was at all relevant times a public entity existing under
13 the Constitution and laws of the State of California.

14 12. Plaintiffs are informed and believe and based thereon allege that at all
15 times herein mentioned, Defendant STATE OF CALIFORNIA is and was at all
16 relevant times a public entity existing under the Constitution and laws of the State
17 of California.

18 13. Plaintiffs are informed and believe and based thereon allege that at all
19 times herein mentioned, Defendant CALIFORNIA HIGHWAY PATROL is and was
20 at all relevant times a public entity existing under the Constitution and laws of the
21 State of California.

22 14. Plaintiffs are informed and believe and based thereon allege that at all
23 times mentioned herein, Defendants COUNTY OF KERN; CALIFORNIA
24 DEPARTMENT OF TRANSPORTATION; STATE OF CALIFORNIA; and
25 CALIFORNIA HIGHWAY PATROL were and are public entities authorized to
26 conduct business, including supervising and administering roads, roadways, traffic
27 conditions, intersections, intersection controls, lighting and all other highway and
28 roadway issues within the unincorporated community of Lebec, California. This

1 includes, but is not limited to, control of the vehicular traffic on the I-5 Freeway
2 within Lebec, California.

3 15. The section of I-5 Freeway that exists within Lebec, California is
4 situated within the County of Kern, State of California.

5 16. The true names and capacities of Defendants referred to herein as
6 Does 1 to 100, inclusive, and each of them, are unknown to Plaintiffs at this time
7 and Plaintiffs are informed and believe and based thereon allege that they are in
8 some way responsible for the damages incurred. Plaintiffs will amend this
9 Complaint to allege the true names and capacities when ascertained.

10 17. Plaintiffs are informed and believe and based thereon allege that at all
11 material times each of the Defendants were the agents, ostensible agents, managing
12 agents, alter egos, servants, directors, managers, officers, hirees, independent
13 contractors, contractors, commissioners, representatives, parents, minor children,
14 principals, partners, owners, subsidiaries, parent companies, franchisor, franchisee,
15 trustees, co-trustees, joint venturers, co-venturers, co-conspirators and/or employees
16 of the co-defendants, and in doing the things herein alleged were acting in an
17 agency, managerial, representative or employment capacity within the course and
18 scope of their authority, whose acts and conduct herein alleged were with the
19 permission and consent of the co-defendants. Each of the Defendants' actions and
20 conduct was known to, authorized and ratified by the co-defendants. Plaintiffs are
21 informed and believe and based thereon allege that all the conduct by the individual
22 Defendants, which was outside the scope of their authority, was known to,
23 authorized and ratified by the co-defendants.

24 18. Plaintiffs are ignorant of the true names and capacities of Defendants
25 sued herein as Does 1 to 100, inclusive, and therefore sue these Defendants by such
26 fictitious names. Plaintiffs will amend his complaint to allege the true names and
27 capacities of said fictitiously named Defendants, and each of them. Plaintiffs are
28 informed and believe and thereon allege that each of the fictitiously named

1 Defendants acted negligently, carelessly and/or are responsible as owners, operators
2 and/or managers of property and business, and/or acted negligently, carelessly,
3 recklessly, intentionally and/or maliciously, or in conscious disregard of the rights
4 and safety of the Plaintiffs herein, all to cause injury and damages to the Plaintiffs,
5 and which acts and/or omissions occurred within the jurisdiction of the above-
6 entitled Court as hereinafter alleged, and that Plaintiffs' losses as herein alleged
7 were proximately caused by such acts and/or omissions of said fictitiously named
8 Defendants.

9 19. That the above-entitled Court is the proper Court for this action
10 because the injury to the Plaintiffs occurred within the jurisdiction of said Court.

11
12 **ALLEGATIONS OF MOTOR VEHICLE NEGLIGENCE**

13 20. Plaintiffs are informed and believe and based thereon allege that on or
14 about October 5, 2025, (hereafter referred herein as the "Subject Date"), Decedent
15 Angel Barraza Garcia was operating a motorcycle (the "Garcia Motorcycle") and
16 Plaintiff EDGAR MORA was operating a motorcycle (the "Mora Motorcycle"); that
17 Decedent Angel Barraza Garcia and Plaintiff EDGAR MORA were traveling
18 southbound on the I-5 Freeway in approximately the first lane at or near Grapevine
19 Road within the unincorporated community of Lebec, in the County of Kern, State
20 of California 93243 (hereafter referred herein as the "Subject Location"); that at the
21 Subject Location, a turn through existed (hereafter referred herein as the "Subject
22 Turn Through"); and that on the Subject Date, Defendants, MARIA DEL ROCIO
23 RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each of them, so carelessly
24 and negligently owned, operated, entrusted, leased, repaired, modified, maintained
25 and/or controlled their vehicle which was initially traveling southbound on the I-5
26 Freeway in approximately the third lane at or near the Subject Location, so as to
27 cause it to make an unsafe lane change and/or left turn and/or U-turn in the
28 direction of the Subject Turn Through based upon the conditions of the road and

1 traffic when it was not reasonably safe to do so, causing a collision with the Garcia
2 Motorcycle and the Mora Motorcycle.

3 21. Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1
4 to 50, inclusive, and each of them, so carelessly and negligently owned, operated,
5 entrusted, leased, repaired, modified, maintained and/or controlled their vehicle
6 causing catastrophic injuries and damages to Decedent Angel Barraza Garcia
7 eventually resulting in his death on or about October 5, 2025, and catastrophic
8 injuries and damages to Plaintiff EDGAR MORA. As a result of Defendants',
9 MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each
10 of their, conduct, Plaintiff REBECCA MARIE GARCIA lost her husband, Plaintiffs
11 NOAH BLADE GARCIA and JOSHUA ROCK GARCIA lost their father, Plaintiff
12 EDGAR MORA suffered and continues to suffer severe injuries and damages, and
13 Plaintiff MARIA LUISA RIVERA suffered and continues to suffer from a loss of
14 consortium for the injuries and damages sustained by her husband Plaintiff
15 EDGAR MORA.

16
17 **ALLEGATIONS AGAINST GOVERNMENT DEFENDANTS**

18 22. Plaintiff further is informed and believes and based thereon alleges that
19 on and/or before October 5, 2025, Defendants COUNTY OF KERN; CALIFORNIA
20 DEPARTMENT OF TRANSPORTATION; STATE OF CALIFORNIA; and
21 CALIFORNIA HIGHWAY PATROL; and Does 51 to 75, inclusive, and each of them
22 (hereafter referred herein as "GOVERNMENT DEFENDANTS"), and/or its
23 management, administrative, designers, planners, engineers, maintenance
24 personnel, inspectors, contractors and other employees, staff, agents or contractors,
25 acting within the course and scope of their duties and/or employment/agency failed
26 to properly install, maintain, repair, operate, monitor and/or control the roadway at
27 the accident site and/or the Subject Turn Through and/or provide adequate lighting
28 and/or control the traffic and/or signs for motorists and/or pedestrians (traveling

1 southbound at the Subject Location) to perceive, react and avoid striking other
2 motorists. Motorists at the Subject Location and in the area of the Subject Location
3 routinely travel at high speeds. The Subject Location lacked appropriate visual cues,
4 signage and/or warnings to warn drivers about the Subject Turn Through, including,
5 but not limited to, the pavement markings blending in with their surrounding area,
6 the slope of the roadway, limited visibility as a result of the angle of the roadway,
7 limited visibility as a result of the preceding center median barrier, a false sense of
8 safety created by the preceding center median barrier which abruptly ends, the
9 elongated center turn through area, and the lack of barricade in the center turn
10 through area. Alongside all of these aspects, there was a lack of signage and/or
11 inadequate signage. This created a false sense of safety and/or a trap in the Subject
12 Location wherein Decedent and Plaintiff EDGAR MORA were struck. There was a
13 special need of appropriate, safe, and functional lighting, signals and signs in order
14 to reduce the risk of injury to motorists at the Subject Location. There was a high
15 volume of vehicular traffic such that the GOVERNMENT DEFENDANTS knew or
16 should have known that this was a dangerous condition of public property.

17 23. More specifically, but by no means limited to the following, this Subject
18 Location had a significant prior collision history; inadequate and/or unsafe geometry;
19 design; signage and/or signals; a center median barrier that creates limited visibility
20 and/or abruptly ends; inadequate and/or unsafe line of sight as to the Subject Turn
21 Through and/or the center median barrier ending.

22 24. These above-stated failures, acts and/or omissions off/by
23 GOVERNMENT DEFENDANTS were inherently dangerous and created a peculiar
24 risk, nuisance, and trap. The safe and normal function of the roadways was
25 suspended and the GOVERNMENT DEFENDANTS should have properly informed
26 drivers of what to expect at the Subject Location, with a high volume of traffic, high
27 speeds, high speed limit, and limited visibility with broken, defective, and/or
28 inadequate visibility.

1 25. Moreover, as an addition, in addition, and/or in consideration of the
2 above, the Subject Location was unsafe and dangerous as it should have had,
3 including, but not limited to, guardrails, K-rails, Jersey walls, a median barrier,
4 signal lights, signage regarding no left turns or U-turns, and/or other controls at,
5 near, and/or approaching the Subject Turn Through.

6 26. The GOVERNMENT DEFENDANTS and/or their management,
7 administrative, designers, planners, engineers, maintenance personnel, inspectors
8 and/or other employees, staff, agents or contractors, acting within the course and
9 scope of their duties and through negligent or wrongful acts and/or omissions created,
10 or allowed to be created, a dangerous condition under Government Code § 835 et seq.
11 The installation, maintenance, repair, operation, monitoring and/or control of the
12 Subject Turn Through was done negligently, inadequately and improperly and,
13 together with and independent of the absence of traffic controls, such as traffic
14 signals, and/or signage warning motorists and/or pedestrians and/or other
15 appropriate traffic control(s), and created a hazard, trap and dangerous condition
16 under Government Code § 835 et seq. It also created a peculiar risk and trap as the
17 above factors created a dangerous condition not reasonably apparent to motorists.

18 27. Moreover, GOVERNMENT DEFENDANTS and/or their management,
19 administrative, designers, planners, engineers, maintenance personnel, inspectors
20 and/or other employees, staff, agents or contractors, acting within the course and
21 scope of their duties and through negligent or wrongful acts and/or omissions,
22 unreasonably altered, modified, and/or changed the design, configuration, placement,
23 condition, and appearance of the Subject Location without the appropriate
24 investigation, plans, and approval, and thereby, created or increased the dangers of
25 the Subject Location. Furthermore, GOVERNMENT DEFENDANTS and/or their
26 management, administrative, designers, planners, engineers, maintenance
27 personnel, inspectors and/or other employees, staff, agents or contractors, acting
28 within the course and scope of their duties and through negligent or wrongful acts

1 and/or omissions, unreasonably failed to properly and adequately inspect,
2 investigate, maintain, repair, report, operate, supervise, control, and/or adequately
3 warn motorists of the dangerous and unsafe condition(s) which had become
4 dangerous due to a change in the physical conditions. Sufficient time had elapsed for
5 GOVERNMENT DEFENDANTS to have remedied, repaired and/or warned against
6 such dangerous conditions of the Subject Location.

7 28. As a result of this/these dangerous condition(s), Defendants, MARIA
8 DEL ROCIO RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each of them,
9 struck Decedent and Plaintiff EDGAR MORA, resulting in Plaintiffs' injuries and
10 damages.

11 29. Sufficient time passed from the moment the dangerous conditions were
12 created such that the GOVERNMENT DEFENDANTS knew or should have known
13 a dangerous condition(s) was/were created and such that it had sufficient time to have
14 remedied or warned against the dangerous condition(s).

15 30. The collision was foreseeable to the GOVERNMENT DEFENDANTS
16 and, yet, they failed to warn motorists. It is believed that notice was actually provided
17 to the GOVERNMENT DEFENDANTS through prior accidents under similar
18 circumstances such that the GOVERNMENT DEFENDANTS had sufficient time to
19 take action to remedy the dangerous conditions.

20 31. The GOVERNMENT DEFENDANTS and/or its management,
21 administrative, designers, planners, engineers, maintenance personnel, inspectors
22 and/or other employees, staff, agents or contractors, acting within the course and
23 scope of their duties and/or employment/agency negligently, unreasonably and
24 improperly owned, operated, designed, planned, engineered, maintained, inspected,
25 repaired, failed to repair, and controlled the roadways, including the Subject Location
26 and the surrounding and/or adjacent areas; thereby creating a dangerous condition(s)
27 and exposing motorists to a dangerous condition(s). The GOVERNMENT
28 DEFENDANTS undertook to control the Subject Location, invited reliance on the

1 Subject Location and are liable as it created a dangerous condition in doing so.

2 32. The dangerous condition(s) created a reasonably foreseeable risk of the
3 kind of injuries which were incurred, and (a) were created by a negligent or wrongful
4 act or omission of an employee of the GOVERNMENT DEFENDANTS; and/or (b) the
5 GOVERNMENT DEFENDANTS had actual or constructive notice of the dangerous
6 condition(s) within a sufficient period of time prior to the injury to have taken
7 measures to protect against the dangerous condition(s).

8 33. These dangerous condition(s) and these acts and/or omissions of the
9 GOVERNMENT DEFENDANTS and its management, administrative, designers,
10 planners, engineers, maintenance personnel, inspectors and/or other employees,
11 staff, agents or contractors, acting within the course and scope of their duties legally
12 (proximately) caused the Plaintiffs' damages.

13 34. Further, these dangerous condition(s) were/was directly attributable
14 wholly or in substantial part to a negligent or wrongful act of these employees/agents
15 of the GOVERNMENT DEFENDANTS and these employees/agents had the
16 authority and the funds and other means immediately available to take alternative
17 action which would not have created the dangerous condition(s); and/or these
18 employees/agents had the authority and it was his/her/their responsibility to take
19 adequate measures to protect against the dangerous condition(s) at the expense of
20 the GOVERNMENT DEFENDANTS and the funds and other means for doing so
21 were immediately available to him/her/them, and he/she/they had actual or
22 constructive notice of the dangerous condition(s) a sufficient time prior to the injury
23 to have taken measures to protect against the dangerous condition(s).

24 35. Further, signs, warnings or other devices were necessary to warn of
25 these dangerous condition(s) which endangered the safe movement of traffic and
26 which would not be reasonably apparent to, and would not have been anticipated by,
27 a person exercising due care.

28 36. Further, the GOVERNMENT DEFENDANTS and its employees/agents

1 acting within the scope of their employment/agency undertook, gratuitously or for
2 consideration, to avoid, remedy and/or abate these dangerous condition(s). These
3 undertakings and promises were the kind that they recognized as necessary for the
4 protection of third persons. These entities and their employees/agents acting within
5 the scope of their employment/agency failed to exercise reasonable care in the
6 performance of these undertakings and promises, the failure to exercise reasonable
7 care resulted in physical harm to the third persons; and either (a) their carelessness
8 increased the risk of such harm, or (b) the undertaking or promises were to perform
9 a duty that the other owed to the third persons, or (c) the harm was suffered because
10 either the other or the third persons relied on the undertaking.

11 37. Due to these acts and failures to act and dangerous conditions, the
12 GOVERNMENT DEFENDANTS and their employees/agents are liable for Plaintiffs'
13 damages under the Government Code §§815.2, 815.4, 820, 830.4, 830.8, 835 et seq.,
14 840.2, 905, 945.

15 38. Plaintiff REBECCA MARIE GARCIA is the wife of Decedent and
16 Plaintiff MARIA LUISA RIVERA is the wife of Plaintiff EDGAR MORA. Plaintiffs
17 REBECCA MARIE GARCIA and MARIA LUISA RIVERA seek loss of consortium
18 damages including, but not limited to, the loss of their husbands' love,
19 companionship, comfort, care, assistance, protection, affection, society, and moral
20 support.

21 39. Plaintiff REBECCA MARIE GARCIA, the wife of Decedent, and
22 Plaintiffs NOAH BLADE GARCIA and JOSHUA ROCK GARCIA, the children of
23 Decedent, seek wrongful death damages including, but not limited to, loss of
24 financial support; loss of gifts and benefits; funeral and burial expenses; the
25 reasonable value of household services; the loss of Decedent's love, companionship,
26 comfort, care, assistance, protection, affection, society, and moral support. Plaintiff
27 REBECCA MARIE GARCIA also seeks damages for the loss of the enjoyment of
28 sexual relations. Plaintiffs NOAH BLADE GARCIA and JOSHUA ROCK GARCIA

1 also seek damages for the loss of Decedent's training and guidance.

2 40. This claim, as against GOVERNMENT DEFENDANTS arises from and
3 is authorized by the California Government Claims Act and California Government
4 Code §945. Further, as required by California Government Code §§905 and 911.2, a
5 timely claim form was mailed to Defendants COUNTY OF KERN; CALIFORNIA
6 DEPARTMENT OF TRANSPORTATION; STATE OF CALIFORNIA; and
7 CALIFORNIA HIGHWAY PATROL on February 18, 2026, and specifically identified
8 the subject incident as well as Plaintiffs' injuries and damages that were known at
9 that time. These timely claim forms were subsequently rejected by Defendant
10 COUNTY OF KERN on or about March 25, 2026 by way of a written denial; and
11 Defendants CALIFORNIA DEPARTMENT OF TRANSPORTATION; STATE OF
12 CALIFORNIA; and CALIFORNIA HIGHWAY PATROL on or about April 4, 2026, by
13 operation of law, i.e. 45 days from the date the initial claim forms were presented.
14 Thus, the GOVERNMENT DEFENDANTS' denial of Plaintiffs' timely claims gives
15 rise to the instant action which is authorized by California Government Code § 945.6.
16 This Complaint was timely filed following the denial of Plaintiffs' claims by the
17 GOVERNMENT DEFENDANTS.

18 41. Moreover, in addition to the GOVERNMENT DEFENDANTS' liability,
19 Plaintiffs hereby allege that private entity Doe defendants Does 51 to 100, inclusive,
20 and each of them, negligently owned, controlled, maintained, repaired, inspected,
21 renovated, designed, constructed, repaired and/or modified, the Subject Location,
22 including the areas at, near and/or adjacent to the Subject Location.

23
24 **FIRST CAUSE OF ACTION**

25 **Motor Vehicle**

26 **(As Against Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and**
27 **Does 1 to 50, inclusive, and each of them)**

28 42. Plaintiffs restate and reiterate each and all of the paragraphs and

1 allegations set forth above and make them part of this cause of action as though
2 fully set forth here.

3 43. Plaintiffs are informed and believe and based thereon allege that on or
4 about the Subject Date, Decedent was operating the Garcia Motorcycle and Plaintiff
5 EDGAR MORA was operating the Mora Motorcycle; that Decedent and Plaintiff
6 EDGAR MORA were traveling southbound on the I-5 Freeway in approximately the
7 first lane at or near the Subject Location; that at the Subject Location, the Subject
8 Turn Through existed; and that on the Subject Date, Defendants, MARIA DEL
9 ROCIO RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each of them, so
10 carelessly and negligently owned, operated, entrusted, leased, repaired, modified,
11 maintained and/or controlled their vehicle which was initially traveling southbound
12 on the I-5 Freeway in approximately the third lane at or near the Subject Location,
13 so as to cause it to make an unsafe lane change and/or left turn and/or U-turn in the
14 direction of the Subject Turn Through based upon the conditions of the road and
15 traffic when it was not reasonably safe to do so, causing a collision with the Garcia
16 Motorcycle and the Mora Motorcycle.

17 44. Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1
18 to 50, inclusive, and each of them, so carelessly and negligently owned, operated,
19 entrusted, leased, repaired, modified, maintained and/or controlled their vehicle
20 causing catastrophic injuries and damages to Decedent eventually resulting in his
21 death on or about the Subject Date, and catastrophic injuries and damages to
22 Plaintiff EDGAR MORA. As a result of Defendants', MARIA DEL ROCIO
23 RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each of their, conduct,
24 Plaintiff REBECCA MARIE GARCIA lost her husband, Plaintiffs NOAH BLADE
25 GARCIA and JOSHUA ROCK GARCIA lost their father, Plaintiff EDGAR MORA
26 suffered and continues to suffer severe injuries and damages, and Plaintiff MARIA
27 LUISA RIVERA suffered and continues to suffer from a loss of consortium for the
28 injuries and damages sustained by her husband Plaintiff EDGAR MORA.

1 45. At all times mentioned herein, Defendants, MARIA DEL ROCIO
2 RODRIGUEZMORENO; and Does 26 to 50, inclusive, and each of them, was/were
3 the registered owner(s) and/or authorized renters of the Defendants' vehicle, i.e. the
4 vehicle that was negligently and carelessly driven by, used by, operated by, utilized
5 by and/or leased to Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and
6 Does 1 to 25, inclusive, and each of them, on or before the Subject Date and during
7 the subject incident.

8 46. Plaintiffs are informed and believe and based thereon allege that on or
9 about the Subject Date, Defendants, MARIA DEL ROCIO RODRIGUEZMORENO;
10 and Does 26 to 50, inclusive, and each of them, negligently and carelessly granted
11 permission and/or entrusted to Defendants, MARIA DEL ROCIO
12 RODRIGUEZMORENO; and Does 1 to 25, inclusive, and each of them, to use, drive,
13 operate, utilize and/or borrow the Defendants' vehicle.

14 47. Further, Defendants, MARIA DEL ROCIO RODRIGUEZMORENO;
15 and Does 26 to 50, inclusive, and each of them, negligently and carelessly employed,
16 contracted, retained, hired, and/or engaged Defendants, MARIA DEL ROCIO
17 RODRIGUEZMORENO; and Does 1 to 25, inclusive, and each of them, wherein
18 Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1 to 25,
19 inclusive, and each of them, was/were a permissive user of the Defendants' vehicle
20 while traveling at or near the Subject Location so as to cause it to make an unsafe
21 lane change and/or left turn and/or U-turn in the direction of the Subject Turn
22 Through based upon the conditions of the road and traffic when it was not
23 reasonably safe to do so, causing a collision with Decedent and Plaintiff EDGAR
24 MORA's persons, causing Decedent's eventual death and Plaintiffs' injuries and
25 damages.

26 48. As a direct and legal (proximate) result of owning the subject vehicle,
27 Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 26 to 50,
28 inclusive, and each of them, is/are liable and responsible for the injuries and

1 damages to person(s) and/or property resulting from a negligent or wrongful act in
2 the operation of the Defendants' vehicle by any permissive user. Defendants,
3 MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1 to 25, inclusive, and each
4 of them, breached his/her/their duty when he/she/they negligently and carelessly
5 drove, operated and/or controlled the Defendants' vehicle on the Subject Date.

6 49. As a direct and legal (proximate) result of its ownership of the
7 Defendants' vehicle that was negligently and carelessly driven, operated and/or
8 controlled by Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1
9 to 25, inclusive, and each of them, on the Subject Date, and the express permission
10 granted to him/her/them, Defendants, MARIA DEL ROCIO
11 RODRIGUEZMORENO; and Does 26 to 50, inclusive, and each of them, is/are liable
12 and responsible for the injuries and/or damages sustained by the Plaintiffs.

13 50. As a direct and legal (proximate) consequence of the conduct of
14 Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1 to 50,
15 inclusive, and each of them, as alleged herein, Plaintiffs have suffered injuries and
16 damages and will suffer further foreseeable damages, including but not limited to,
17 past and future: physical and emotional injuries; medical expenses; property
18 damage; lost earnings; lost earnings capacity; general, special, loss of consortium,
19 wrongful death damages, and incidental damages, in a sum within the jurisdiction
20 of this Court to be determined according to proof.

21 22 SECOND CAUSE OF ACTION

23 General Negligence

24 (As Against Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and
25 Does 1 to 50, inclusive, and each of them)

26 51. Plaintiffs restate and reiterate each and all of the paragraphs and
27 allegations set forth above and make them part of this cause of action as though
28 fully set forth here.

1 52. Plaintiffs are informed and believe and based thereon allege that on or
2 about the Subject Date, Decedent was operating the Garcia Motorcycle and Plaintiff
3 EDGAR MORA was operating the Mora Motorcycle; that Decedent and Plaintiff
4 EDGAR MORA were traveling southbound on the I-5 Freeway in approximately the
5 first lane at or near the Subject Location; that at the Subject Location, the Subject
6 Turn Through existed; and that on the Subject Date, Defendants, MARIA DEL
7 ROCIO RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each of them, so
8 carelessly and negligently owned, operated, entrusted, leased, repaired, modified,
9 maintained and/or controlled their vehicle which was initially traveling southbound
10 on the I-5 Freeway in approximately the third lane at or near the Subject Location,
11 so as to cause it to make an unsafe lane change and/or left turn and/or U-turn in the
12 direction of the Subject Turn Through based upon the conditions of the road and
13 traffic when it was not reasonably safe to do so, causing a collision with the Garcia
14 Motorcycle and the Mora Motorcycle.

15 53. Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1
16 to 50, inclusive, and each of them, so carelessly and negligently owned, operated,
17 entrusted, leased, repaired, modified, maintained and/or controlled their vehicle
18 causing catastrophic injuries and damages to Decedent eventually resulting in his
19 death on or about the Subject Date, and catastrophic injuries and damages to
20 Plaintiff EDGAR MORA. As a result of Defendants', MARIA DEL ROCIO
21 RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each of their, conduct,
22 Plaintiff REBECCA MARIE GARCIA lost her husband, Plaintiffs NOAH BLADE
23 GARCIA and JOSHUA ROCK GARCIA lost their father, Plaintiff EDGAR MORA
24 suffered and continues to suffer severe injuries and damages, and Plaintiff MARIA
25 LUISA RIVERA suffered and continues to suffer from a loss of consortium for the
26 injuries and damages sustained by her husband Plaintiff EDGAR MORA.

27 54. At all times mentioned herein, Defendants, MARIA DEL ROCIO
28 RODRIGUEZMORENO; and Does 26 to 50, inclusive, and each of them, was/were

1 the registered owner(s) and/or authorized renters of the Defendants' vehicle, i.e. the
2 vehicle that was negligently and carelessly driven by, used by, operated by, utilized
3 by and/or leased to Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and
4 Does 1 to 25, inclusive, and each of them, on or before the Subject Date and during
5 the subject incident.

6 55. Plaintiffs are informed and believe and based thereon allege that on or
7 about the Subject Date, Defendants, MARIA DEL ROCIO RODRIGUEZMORENO;
8 and Does 26 to 50, inclusive, and each of them, negligently and carelessly granted
9 permission and/or entrusted to Defendants, MARIA DEL ROCIO
10 RODRIGUEZMORENO; and Does 1 to 25, inclusive, and each of them, to use, drive,
11 operate, utilize and/or borrow the Defendants' vehicle.

12 56. Further, Defendants, MARIA DEL ROCIO RODRIGUEZMORENO;
13 and Does 26 to 50, inclusive, and each of them, negligently and carelessly employed,
14 contracted, retained, hired, and/or engaged Defendants, MARIA DEL ROCIO
15 RODRIGUEZMORENO; and Does 1 to 25, inclusive, and each of them, wherein
16 Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1 to 25,
17 inclusive, and each of them, was/were a permissive user of the Defendants' vehicle
18 while traveling at or near the Subject Location so as to cause it to make an unsafe
19 lane change and/or left turn and/or U-turn in the direction of the Subject Turn
20 Through based upon the conditions of the road and traffic when it was not
21 reasonably safe to do so, causing a collision with Decedent and Plaintiff EDGAR
22 MORA's persons, causing Decedent's eventual death and Plaintiffs' injuries and
23 damages.

24 57. As a direct and legal (proximate) result of owning the subject vehicle,
25 Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 26 to 50,
26 inclusive, and each of them, is/are liable and responsible for the injuries and
27 damages to person(s) and/or property resulting from a negligent or wrongful act in
28 the operation of the Defendants' vehicle by any permissive user. Defendants,

1 MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1 to 25, inclusive, and each
2 of them, breached his/her/their duty when he/she/they negligently and carelessly
3 drove, operated and/or controlled the Defendants' vehicle on the Subject Date.

4 58. As a direct and legal (proximate) result of its ownership of the
5 Defendants' vehicle that was negligently and carelessly driven, operated and/or
6 controlled by Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1
7 to 25, inclusive, and each of them, on the Subject Date, and the express permission
8 granted to him/her/them, Defendants, MARIA DEL ROCIO
9 RODRIGUEZMORENO; and Does 26 to 50, inclusive, and each of them, is/are liable
10 and responsible for the injuries and/or damages sustained by the Plaintiffs.

11 59. Moreover, Plaintiff is informed and believes and thereupon alleges
12 that, on or before the Subject Date, Defendants, MARIA DEL ROCIO
13 RODRIGUEZMORENO; and Does 26 to 50, inclusive, and each of them, negligently
14 hired, contracted, trained, supervised, retained, engaged, employed and/or managed
15 Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1 to 25,
16 inclusive, and each of them. Further, Defendants, MARIA DEL ROCIO
17 RODRIGUEZMORENO; and Does 26 to 50, inclusive, and each of them, knew, or in
18 the exercise of reasonable diligence should have known, that Defendants, MARIA
19 DEL ROCIO RODRIGUEZMORENO; and Does 1 to 25, inclusive, and each of them,
20 herein were negligent and/or careless drivers, prone to violate various laws.

21 60. As a direct and legal (proximate) consequence of the conduct of
22 Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1 to 50,
23 inclusive, and each of them, as alleged herein, Plaintiffs have suffered injuries and
24 damages and will suffer further foreseeable damages, including but not limited to,
25 past and future: physical and emotional injuries; medical expenses; property
26 damage; lost earnings; lost earnings capacity; general, special, loss of consortium,
27 wrongful death damages, and incidental damages, in a sum within the jurisdiction
28 of this Court to be determined according to proof.

1 **THIRD CAUSE OF ACTION**

2 **Dangerous Condition of Public Property**

3 **(As Against Defendants COUNTY OF KERN; CALIFORNIA DEPARTMENT**
4 **OF TRANSPORTATION; STATE OF CALIFORNIA; and CALIFORNIA**
5 **HIGHWAY PATROL; and Does 51 to 75, inclusive, and each of them)**

6 61. Plaintiffs restate and reiterate each and all of the paragraphs and
7 allegations set forth above and make them part of this cause of action as though
8 fully set forth here.

9 62. At all relevant times, the Subject Location was within an area owned,
10 operated and/or controlled by GOVERNMENT DEFENDANTS, and within an area
11 over which GOVERNMENT DEFENDANTS exercised ownership in fee, right-of-
12 way, easement, or other property right.

13 63. Plaintiffs are informed and believe and based thereon allege that on or
14 about the Subject Date, Decedent was operating the Garcia Motorcycle and Plaintiff
15 EDGAR MORA was operating the Mora Motorcycle; that Decedent and Plaintiff
16 EDGAR MORA were traveling southbound on the I-5 Freeway in approximately the
17 first lane at or near the Subject Location; that at the Subject Location, the Subject
18 Turn Through existed; and that on the Subject Date, Defendants, MARIA DEL
19 ROCIO RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each of them, so
20 carelessly and negligently owned, operated, entrusted, leased, repaired, modified,
21 maintained and/or controlled their vehicle which was initially traveling southbound
22 on the I-5 Freeway in approximately the third lane at or near the Subject Location,
23 so as to cause it to make an unsafe lane change and/or left turn and/or U-turn in the
24 direction of the Subject Turn Through based upon the conditions of the road and
25 traffic when it was not reasonably safe to do so, causing a collision with the Garcia
26 Motorcycle and the Mora Motorcycle.

27 64. Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1
28 to 50, inclusive, and each of them, so carelessly and negligently owned, operated,

1 entrusted, leased, repaired, modified, maintained and/or controlled their vehicle
2 causing catastrophic injuries and damages to Decedent eventually resulting in his
3 death on or about the Subject Date, and catastrophic injuries and damages to
4 Plaintiff EDGAR MORA. As a result of Defendants', MARIA DEL ROCIO
5 RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each of their, conduct,
6 Plaintiff REBECCA MARIE GARCIA lost her husband, Plaintiffs NOAH BLADE
7 GARCIA and JOSHUA ROCK GARCIA lost their father, Plaintiff EDGAR MORA
8 suffered and continues to suffer severe injuries and damages, and Plaintiff MARIA
9 LUISA RIVERA suffered and continues to suffer from a loss of consortium for the
10 injuries and damages sustained by her husband Plaintiff EDGAR MORA.

11 65. On the Subject Date, Plaintiffs sustained injuries and damages as a
12 result of the failure of the employees and/or other agents and representatives of
13 GOVERNMENT DEFENDANTS charged with the responsibility of designing,
14 constructing, placing, maintaining and supervising safe public roadways at and/or
15 near the Subject Location.

16 66. Plaintiffs are informed and believe and based thereon allege that on
17 and/or before the Subject Date, GOVERNMENT DEFENDANTS and/or its
18 management, administrative, designers, planners, engineers, maintenance
19 personnel, inspectors, contractors and other employees, staff, agents or contractors,
20 acting within the course and scope of their duties and/or employment/agency failed
21 to properly install, maintain, repair, operate, monitor and/or control the roadway at
22 the accident site and/or the Subject Turn Through and/or provide adequate lighting
23 and/or control the traffic and/or signs for motorists and/or pedestrians (traveling
24 southbound at the Subject Location) to perceive, react and avoid striking other
25 motorists. Motorists at the Subject Location and in the area of the Subject Location
26 routinely travel at high speeds. The Subject Location lacked appropriate visual cues,
27 signage and/or warnings to warn drivers about the Subject Turn Through, including,
28 but not limited to, the pavement markings blending in with their surrounding area,

1 the slope of the roadway, limited visibility as a result of the angle of the roadway,
2 limited visibility as a result of the preceding center median barrier, a false sense of
3 safety created by the preceding center median barrier which abruptly ends, the
4 elongated center turn through area, and the lack of barricade in the center turn
5 through area. Alongside all of these aspects, there was a lack of signage and/or
6 inadequate signage. This created a false sense of safety and/or a trap in the Subject
7 Location wherein Decedent and Plaintiff EDGAR MORA were struck. There was a
8 special need of appropriate, safe, and functional lighting, signals and signs in order
9 to reduce the risk of injury to motorists at the Subject Location. There was a high
10 volume of vehicular traffic such that the GOVERNMENT DEFENDANTS knew or
11 should have known that this was a dangerous condition of public property.

12 67. More specifically, but by no means limited to the following, this Subject
13 Location had a significant prior collision history; inadequate and/or unsafe geometry;
14 design; signage and/or signals; a center median barrier that creates limited visibility
15 and/or abruptly ends; inadequate and/or unsafe line of sight as to the Subject Turn
16 Through and/or the center median barrier ending.

17 68. GOVERNMENT DEFENDANTS, inclusive and each of them,
18 negligently and unreasonably failed to properly and adequately inspect, investigate,
19 maintain, repair, report, operate, supervise, control, and/or adequately warn
20 motorists and/or pedestrians of the dangerous and unsafe condition of the Subject
21 Location.

22 69. GOVERNMENT DEFENDANTS, inclusive and each of them, through
23 their agents and/or employees unreasonably altered, modified, and changed the
24 design, configuration, placement, condition, and appearance of the Subject Location
25 without the appropriate investigation, plans, and approval, and thereby, created or
26 increased the dangers of the Subject Location. GOVERNMENT DEFENDANTS,
27 inclusive and each of them, and their agents and/or employees knew that the areas
28 at and/or near the Subject Location would be used by vehicles traveling at high rates

1 of speed but negligently failed to implement and timely provide proper safety
2 measures as listed above to warn motorists and/or nearby pedestrians/persons of the
3 dangerous condition of the Subject Location.

4 70. GOVERNMENT DEFENDANTS, inclusive and each of them, through
5 their agents and/or employees negligently failed to provide the Subject Location with
6 the appropriate visual cues, visibility, signage, physical features and/or warnings to
7 reasonably and adequately alert motorists and/or nearby pedestrians/persons to the
8 dangerous conditions posed by the Subject Location.

9 71. GOVERNMENT DEFENDANTS, inclusive and each of them, were
10 aware and knew, and/or should have been aware and should have known for years,
11 that the Subject Location constituted a dangerous condition under Government Code
12 § 835 et seq., when used with due care and that an incident similar and/or identical
13 to the one suffered by Plaintiffs was foreseeable and inevitable. GOVERNMENT
14 DEFENDANTS, inclusive and each of them, knew or should have known that the
15 Subject Location without the appropriate safety measures endangered motorists and
16 nearby pedestrians/persons. Sufficient time had elapsed to have remedied, repaired
17 and/or warned against such dangerous conditions of the Subject Location.

18 72. These dangerous conditions were directly attributable wholly or in
19 substantial part to the negligent or wrongful acts of these employees and/or agents of
20 the GOVERNMENT DEFENDANTS, inclusive and each of them, and these
21 employees and/or agents had the authority and the funds and other means
22 immediately available to take alternative action which would have remedied,
23 ameliorated and/or not have created the dangerous condition; and/or these employees
24 and/or agents had the authority and it was their responsibility to take adequate
25 measures to protect against the dangerous conditions at the expense of the
26 GOVERNMENT DEFENDANTS, inclusive and each of them, and the funds and
27 other means for doing so were immediately available to them.

28 73. GOVERNMENT DEFENDANTS, inclusive and each of them, had other

1 mandatory duties under state and local statutes, regulations, municipal codes,
2 ordinances, and other enactments with which they failed to comply; such failures
3 were proximate and legal causes of the injuries and damages suffered by Plaintiffs.

4 74. Further, the names of the public employees and/or agents causing injury
5 or damage are currently unknown to Plaintiffs.

6 75. GOVERNMENT DEFENDANTS, inclusive and each of them, and/or
7 their management, administrative, designers, planners, engineers, maintenance
8 personnel, inspectors and/or other employees, staff, agents or contractors, acting
9 within the course and scope of their duties and through negligent or wrongful acts
10 and/or omissions created, or allowed to be created, a dangerous condition under
11 Government Code § 835 et seq. The installation, maintenance, repair, operation,
12 monitoring and/or control of the Subject Turn Through was done negligently,
13 inadequately and improperly and, together with and independent of the absence of
14 traffic controls, such as traffic signals, and/or signage warning motorists and/or
15 pedestrians and/or other appropriate traffic control(s), and created a hazard, trap and
16 dangerous condition under Government Code § 835 et seq. It also created a peculiar
17 risk and trap as the above factors created a dangerous condition not reasonably
18 apparent to motorists.

19 76. Sufficient time passed from the moment the dangerous conditions were
20 created such that the GOVERNMENT DEFENDANTS knew or should have known
21 a dangerous condition(s) was/were created and such that it had sufficient time to have
22 remedied or warned against the dangerous condition(s).

23 77. The collision was foreseeable to the GOVERNMENT DEFENDANTS,
24 inclusive and each of them, and, yet, they failed to warn drivers or persons in the
25 vicinity. It is believed that notice was actually provided to the GOVERNMENT
26 DEFENDANTS through prior accidents under similar circumstances such that the
27 GOVERNMENT DEFENDANTS had sufficient time to take action to remedy the
28 dangerous conditions.

1 78. GOVERNMENT DEFENDANTS, inclusive and each of them, and/or its
2 management, administrative, designers, planners, engineers, maintenance
3 personnel, inspectors and/or other employees, staff, agents or contractors, acting
4 within the course and scope of their duties and/or employment/agency negligently,
5 unreasonably and improperly owned, operated, designed, planned, engineered,
6 maintained, inspected, repaired, failed to repair, and controlled the roadways,
7 including the Subject Location and the surrounding and/or adjacent areas; thereby
8 creating a dangerous condition(s) and exposing drivers and persons or the public in
9 the vicinity to a dangerous condition(s). The GOVERNMENT DEFENDANTS
10 undertook to control the Subject Location, invited reliance on the Subject Location
11 and are liable as it created a dangerous condition in doing so.

12 79. The dangerous condition(s) created a reasonably foreseeable risk of the
13 kind of injuries which were incurred, and (a) were created by a negligent or wrongful
14 act or omission of an employee of the GOVERNMENT DEFENDANTS; and/or (b) the
15 GOVERNMENT DEFENDANTS had actual or constructive notice of the dangerous
16 condition(s) within a sufficient period of time prior to the injury to have taken
17 measures to protect against the dangerous condition(s).

18 80. These dangerous condition(s) and these acts and/or omissions of the
19 GOVERNMENT DEFENDANTS and its management, administrative, designers,
20 planners, engineers, maintenance personnel, inspectors and/or other employees,
21 staff, agents or contractors, acting within the course and scope of their duties legally
22 (proximately) caused the Plaintiffs' damages.

23 81. Further, these dangerous condition(s) were/was directly attributable
24 wholly or in substantial part to a negligent or wrongful act of these employees/agents
25 of the GOVERNMENT DEFENDANTS and these employees/agents had the
26 authority and the funds and other means immediately available to take alternative
27 action which would not have created the dangerous condition(s); and/or these
28 employees/agents had the authority and it was his/her/their responsibility to take

1 adequate measures to protect against the dangerous condition(s) at the expense of
2 the GOVERNMENT DEFENDANTS and the funds and other means for doing so
3 were immediately available to him/her/them, and he/she/they had actual or
4 constructive notice of the dangerous condition(s) a sufficient time prior to the injury
5 to have taken measures to protect against the dangerous condition(s).

6 82. Further, signs, warnings or other devices were necessary to warn of
7 these dangerous condition(s) which endangered the safe movement of traffic and
8 which would not be reasonably apparent to, and would not have been anticipated by,
9 a person exercising due care.

10 83. Further, the GOVERNMENT DEFENDANTS and its employees/agents
11 acting within the scope of their employment/agency undertook, gratuitously or for
12 consideration, to avoid, remedy and/or abate these dangerous condition(s). These
13 undertakings and promises were the kind that they recognized as necessary for the
14 protection of third persons. These entities and their employees/agents acting within
15 the scope of their employment/agency failed to exercise reasonable care in the
16 performance of these undertakings and promises, the failure to exercise reasonable
17 care resulted in physical harm to the third persons; and either (a) their carelessness
18 increased the risk of such harm, or (b) the undertaking or promises were to perform
19 a duty that the other owed to the third persons, or (c) the harm was suffered because
20 either the other or the third persons relied on the undertaking.

21 84. Due to these acts and failures to act and dangerous conditions, the
22 GOVERNMENT DEFENDANTS and their employees/agents are liable for Plaintiffs'
23 damages under the Government Code §§815.2, 815.4, 820, 830.4, 830.8, 835 et seq.,
24 840.2, 905, 945.

25 85. As a proximate and legal result and cause of the dangerous conditions
26 arising out of and/or related to the Subject Location, Plaintiffs sustained serious and
27 permanent injuries and damages.

28 86. As a direct result of the negligent design, maintenance, construction,

1 supervision, monitoring, inspection, control and management of the Subject Location
2 by employees, agents and/or representatives of GOVERNMENT DEFENDANTS, as
3 stated hereinabove, a dangerous condition(s) of public property was created pursuant
4 to Government Code §835 et. seq. As a result, the Subject Location was unsafe for the
5 movement of vehicles. The above-described dangerous condition(s) caused the subject
6 incident and the injuries and damages to Plaintiffs. Plaintiffs have not yet completed
7 their investigation, and therefore, they cannot at this time state with specificity each
8 and every reason why the Subject Location was a dangerous condition of public
9 property pursuant to Government Code §835 et seq.

10 87. Employees, agents and/or representatives of GOVERNMENT
11 DEFENDANTS had actual and/or constructive knowledge of
12 the dangerous condition(s), and/or created the dangerous condition(s), within a
13 sufficient time prior to the subject incident in order to take corrective measures.
14 DEFENDANTS failed to either make such report or reports, and/or take such
15 corrective measures. GOVERNMENT DEFENDANTS failed to act reasonably with
16 regard to the dangerous condition(s) at the Subject Location.

17 88. In addition, GOVERNMENT DEFENDANTS failed to select a
18 competent and safe contractor or contractors to do work on the roadways at or near
19 the Subject Location, and failed to supervise, monitor, inspect, control and manage
20 the activity of said contractor or contractors so as to avoid the creation and
21 maintenance of the dangerous condition(s) of public property alleged herein.

22 89. In addition, the Subject Location constituted a trap for purposes of
23 Government Code § 830.8 in that it was necessary for GOVERNMENT
24 DEFENDANTS to warn of the above-described dangerous condition(s), which
25 endangered the safe movement of vehicles on the roadway, and would not have been
26 reasonably apparent to, nor would have been reasonably anticipated by, a person
27 exercising due care. GOVERNMENT DEFENDANTS completely failed to provide
28 such warnings.

90. As a direct and legal (proximate) consequence of the conduct of GOVERNMENT DEFENDANTS, Plaintiffs have suffered injuries and damages and will suffer further foreseeable damages, including but not limited to, past and future: physical and emotional injuries; medical expenses; property damage; lost earnings; lost earnings capacity; general, special, loss of consortium, wrongful death damages, and incidental damages, in a sum within the jurisdiction of this Court to be determined according to proof.

FOURTH CAUSE OF ACTION

General Negligence

(As against Defendants, Does 76 to 100, inclusive, and each of them)

91. Plaintiffs restate and reiterate each and all of the paragraphs and allegations set forth above and make them part of this cause of action as though fully set forth here.

92. In addition to the GOVERNMENT DEFENDANTS' liability, Plaintiffs hereby allege that private entity Doe Defendants 76 to 100, inclusive, and each of them, negligently owned, controlled, maintained, repaired, inspected, renovated, and/or modified, the Subject Location, and/or surrounding or adjacent areas to the Subject Location.

93. Plaintiffs are informed and believe and thereon allege that at all material times each of the above-mentioned Defendants were the agents, implied agents, ostensible agents, managing agents, alter egos, servants, directors, managers, officers, hirees, independent contractors, contractors, commissioners, representatives, principals, partners, owners, subsidiaries, parent companies, trustees, co-trustees, joint venturers, co-venturers, co-conspirators and/or employees of the co-defendants, and in doing the things herein alleged were acting in an agency, managerial or employment capacity within the course and scope of their authority, whose acts and conduct herein alleged were with the permission and consent of the

1 co-defendants. Each of the Defendants' actions and conduct were known to,
2 authorized and ratified by the co-defendants. Plaintiffs are informed and believe and
3 thereon allege that all the conduct by the individual Defendants, which was outside
4 the scope of their authority, was known to, authorized and ratified by the co-
5 defendants.

6 94. Plaintiffs are informed and believe and thereon allege that on or before
7 the Subject Date, Doe Defendants 76 to 100, inclusive, and each of them, negligently
8 and carelessly owned, maintained, controlled, managed, operated, inspected,
9 guarded, supervised, renovated, repaired, designed and/or secured the Subject
10 Location, and/or surrounding or adjacent areas to the Subject Location, in that Doe
11 Defendants 76 to 100, inclusive, and each of them, knew, or in the exercise of
12 reasonable care should have known, that the Subject Location, and/or surrounding or
13 adjacent areas to the Subject Location was/were at all times in a unsafe and/or
14 defective condition(s) and constituted an unreasonable risk of harm to Plaintiff of
15 which Plaintiff was unaware. Moreover, Doe Defendants 76 to 100, inclusive, and
16 each of them, negligently and carelessly failed to maintain or repair the Subject
17 Location, and/or surrounding or adjacent areas to the Subject Location, in a safe
18 condition or warn Plaintiff of its unsafe condition, so that on the Subject Date, and as
19 a result of said dangerous condition(s), Defendants, MARIA DEL ROCIO
20 RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each of them, so carelessly
21 and negligently owned, operated, entrusted, leased, repaired, modified, maintained
22 and/or controlled their vehicle which was initially traveling southbound on the I-5
23 Freeway in approximately the third lane at or near the Subject Location, so as to
24 cause it to make an unsafe lane change and/or left turn and/or U-turn in the direction
25 of the Subject Turn Through based upon the conditions of the road and traffic when
26 it was not reasonably safe to do so, causing a collision with the Garcia Motorcycle and
27 the Mora Motorcycle.

28 95. Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1

1 to 50, inclusive, and each of them, so carelessly and negligently owned, operated,
2 entrusted, leased, repaired, modified, maintained and/or controlled their vehicle
3 causing catastrophic injuries and damages to Decedent eventually resulting in his
4 death on or about the Subject Date, and catastrophic injuries and damages to Plaintiff
5 EDGAR MORA. As a result of Defendants', MARIA DEL ROCIO
6 RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each of their, conduct,
7 Plaintiff REBECCA MARIE GARCIA lost her husband, Plaintiffs NOAH BLADE
8 GARCIA and JOSHUA ROCK GARCIA lost their father, Plaintiff EDGAR MORA
9 suffered and continues to suffer severe injuries and damages, and Plaintiff MARIA
10 LUISA RIVERA suffered and continues to suffer from a loss of consortium for the
11 injuries and damages sustained by her husband Plaintiff EDGAR MORA.

12 96. Further, Plaintiffs are informed and believe and thereon allege that, on
13 or before the Subject Date, GOVERNMENT DEFENDANTS negligently and
14 carelessly paid, hired, retained, commissioned, retained, supervised, reprimanded,
15 instructed, advised, trained, contracted with and/or employed Defendants, Does 76 to
16 100, inclusive, and each of them.

17 97. Moreover, GOVERNMENT DEFENDANTS knew, or in the exercise of
18 reasonable care should have known, that Defendants, Does 76 to 100, inclusive, and
19 each of them, were negligent and/or careless operators, contractors, repairers,
20 designers, controllers, constructors, managers, supervisors, guarders, renovators,
21 maintainers, securers, fixers, menders, restorers and/or controllers of the Subject
22 Location.

23 98. As a direct and legal (proximate) consequence of the conduct of
24 Defendants Does 76 to 100, inclusive, and each of them, Plaintiffs have suffered
25 injuries and damages and will suffer further foreseeable damages, including but not
26 limited to, past and future: physical and emotional injuries; medical expenses;
27 property damage; lost earnings; lost earnings capacity; general, special, loss of
28 consortium, wrongful death damages, and incidental damages, in a sum within the

jurisdiction of this Court to be determined according to proof.

FIFTH CAUSE OF ACTION

Premises Liability

(As against Defendants, Does 76 to 100, inclusive, and each of them)

99. Plaintiffs restate and reiterate each and all of the paragraphs and allegations set forth above and make them part of this cause of action as though fully set forth here.

100. In addition to the GOVERNMENT DEFENDANTS' liability, Plaintiffs hereby allege that private entity Doe Defendants 76 to 100, inclusive, and each of them, negligently owned, controlled, maintained, repaired, inspected, renovated, and/or modified, the Subject Location, and/or surrounding or adjacent areas to the Subject Location.

101. Plaintiffs are informed and believe and thereon allege that at all material times each of the above-mentioned Defendants were the agents, implied agents, ostensible agents, managing agents, alter egos, servants, directors, managers, officers, hirees, independent contractors, contractors, commissioners, representatives, principals, partners, owners, subsidiaries, parent companies, trustees, co-trustees, joint venturers, co-venturers, co-conspirators and/or employees of the co-defendants, and in doing the things herein alleged were acting in an agency, managerial or employment capacity within the course and scope of their authority, whose acts and conduct herein alleged were with the permission and consent of the co-defendants. Each of the Defendants' actions and conduct were known to, authorized and ratified by the co-defendants. Plaintiffs are informed and believe and thereon allege that all the conduct by the individual Defendants, which was outside the scope of their authority, was known to, authorized and ratified by the co-defendants.

102. Plaintiffs are informed and believe and thereon allege that on or before

1 the Subject Date, Doe Defendants 76 to 100, inclusive, and each of them, negligently
2 and carelessly owned, maintained, controlled, managed, operated, inspected,
3 guarded, supervised, renovated, repaired, designed and/or secured the Subject
4 Location, and/or surrounding or adjacent areas to the Subject Location, in that Doe
5 Defendants 76 to 100, inclusive, and each of them, knew, or in the exercise of
6 reasonable care should have known, that the Subject Location, and/or surrounding or
7 adjacent areas to the Subject Location was/were at all times in a unsafe and/or
8 defective condition(s) and constituted an unreasonable risk of harm to Plaintiff of
9 which Plaintiff was unaware. Moreover, Doe Defendants 76 to 100, inclusive, and
10 each of them, negligently and carelessly failed to maintain or repair the Subject
11 Location, and/or surrounding or adjacent areas to the Subject Location, in a safe
12 condition or warn Plaintiff of its unsafe condition, so that on the Subject Date, and as
13 a result of said dangerous condition(s), Defendants, MARIA DEL ROCIO
14 RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each of them, so carelessly
15 and negligently owned, operated, entrusted, leased, repaired, modified, maintained
16 and/or controlled their vehicle which was initially traveling southbound on the I-5
17 Freeway in approximately the third lane at or near the Subject Location, so as to
18 cause it to make an unsafe lane change and/or left turn and/or U-turn in the direction
19 of the Subject Turn Through based upon the conditions of the road and traffic when
20 it was not reasonably safe to do so, causing a collision with the Garcia Motorcycle and
21 the Mora Motorcycle.

22 103. Defendants, MARIA DEL ROCIO RODRIGUEZMORENO; and Does 1
23 to 50, inclusive, and each of them, so carelessly and negligently owned, operated,
24 entrusted, leased, repaired, modified, maintained and/or controlled their vehicle
25 causing catastrophic injuries and damages to Decedent eventually resulting in his
26 death on or about the Subject Date, and catastrophic injuries and damages to Plaintiff
27 EDGAR MORA. As a result of Defendants', MARIA DEL ROCIO
28 RODRIGUEZMORENO; and Does 1 to 50, inclusive, and each of their, conduct,

1 Plaintiff REBECCA MARIE GARCIA lost her husband, Plaintiffs NOAH BLADE
2 GARCIA and JOSHUA ROCK GARCIA lost their father, Plaintiff EDGAR MORA
3 suffered and continues to suffer severe injuries and damages, and Plaintiff MARIA
4 LUISA RIVERA suffered and continues to suffer from a loss of consortium for the
5 injuries and damages sustained by her husband Plaintiff EDGAR MORA.

6 104. As a direct and legal (proximate) consequence of the conduct of
7 Defendants Does 76 to 100, inclusive, and each of them, Plaintiffs have suffered
8 injuries and damages and will suffer further foreseeable damages, including but not
9 limited to, past and future: physical and emotional injuries; medical expenses;
10 property damage; lost earnings; lost earnings capacity; general, special, loss of
11 consortium, wrongful death damages, and incidental damages, in a sum within the
12 jurisdiction of this Court to be determined according to proof.

13
14 **WHEREFORE**, Plaintiffs REBECCA MARIE GARCIA; NOAH BLADE
15 GARCIA, a minor, by and through his guardian ad litem, REBECCA MARIE
16 GARCIA; JOSHUA ROCK GARCIA, a minor, by and through his guardian ad litem,
17 REBECCA MARIE GARCIA; EDGAR MORA; MARIA LUISA RIVERA pray for
18 Judgment against the Defendants, MARIA DEL ROCIO RODRIGUEZMORENO;
19 COUNTY OF KERN; CALIFORNIA DEPARTMENT OF TRANSPORTATION;
20 STATE OF CALIFORNIA; and CALIFORNIA HIGHWAY PATROL; and Does 1 to
21 100, inclusive, and each of them, as follows:

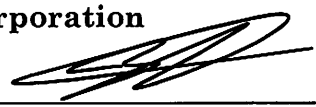
- 22 1. For general damages in a sum according to proof;
- 23 2. For special damages in a sum according to proof;
- 24 3. For loss of consortium damages in a sum according to proof;
- 25 4. For wrongful death damages in a sum according to proof;
- 26 5. For any physical impairment or disfigurement;
- 27 6. For medical expenses;
- 28 7. For property damage, diminution of value, and loss of use;

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- 8. For loss of earnings and loss of earnings capacity;
- 9. For prejudgment and post-judgment interest;
- 10. For costs and expenses of suit incurred herein; and
- 11. For such other and further relief as the Court deems just and proper.

Dated: July 27, 2026

**COHEN & MARZBAN,
Law Corporation**



**MICHAEL M. MARZBAN, ESQ.
BRENNAN C. AZIZI, ESQ.
Attorneys for Plaintiffs**

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Michael M. Marzban, Esq. FIRM NAME: Cohen & Marzban, Law Corporation STREET ADDRESS: 16000 Ventura Blvd, Ste 701 CITY: Encino STATE: CA ZIP CODE: 91436 TELEPHONE NO.: (818) 986-3332 FAX NO.: (818) 986-5879 EMAIL ADDRESS: eservice@bmclaw.net ATTORNEY FOR (name): Plaintiffs Rebecca Marie Garcia, et al.		FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of Kern By: Gricelda Evans Deputy Clerk 10/2/26 4:02 PM	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN STREET ADDRESS: 1215 Truxtun Ave MAILING ADDRESS: 1215 Truxtun Ave CITY AND ZIP CODE: Bakersfield 93301 BRANCH NAME: Metropolitan Justice Courthouse		CASE NUMBER: 26CUB02945	
CASE NAME: GARCIA, ET AL. v. RODRIGUEZMORENO, ET AL.			
CIVIL CASE COVER SHEET ☒ Unlimited (Amount demanded exceeds \$35,000)		☐ Limited (Amount demanded is \$35,000 or less)	
☐ Counter		☐ Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
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): FIVE (5)

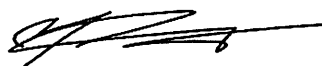
5. Is this case a class action suit? ☐ Yes ☒ No

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

Date: July 27, 2026

Michael M. Marzban, 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

July 31, 2026

/s/ Alexandra Valles-Guerrero,
Deputy Clerk

Rebecca Marie Garcia, et al v. Maria Del Rocio Rodriguezmoreno et al

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:
26CUB02945

By order of the presiding judge, the above-entitled case is assigned to the Honorable Thomas S. Clark for all purposes. It will be managed in Department/Division 17 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 10, 2026 at 8:30 A.M. in Department 17 at 1415 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 January 25, 2027 at 8:15 A.M. in Department 17 located at 1415 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: July 31, 2026

By: /s/ Alexandra Valles-Guerrero
Alexandra Valles-Guerrero, 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 Thomas S. Clark as monitoring judge.

Judge Thomas S. Clark 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 Department 17 at 1415 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 Thomas S. Clark. 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: July 31, 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: July 31, 2026

By: /s/ Alexandra Valles-Guerrero
Alexandra Valles-Guerrero, Deputy Clerk

Rebecca Marie Garcia, et al v. Maria Del Rocio Rodriguezmoreno et al
26CUB02945

Service List

Michael Marzban
16000 Ventura Blvd Ste 701
Encino, CA 91436
eservice@bmclaw.net

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Michael M. Marzban, Esq. FIRM NAME: Cohen & Marzban, Law Corporation STREET ADDRESS: 16000 Ventura Blvd, Suite 701 CITY: Encino TELEPHONE NO: (818) 986-3332 EMAIL ADDRESS: eservice@bmclaw.net ATTORNEY FOR (name) Plaintiffs	STATE BAR NUMBER: 238624 STATE CA ZIP CODE: 91436 FAX NO: (818) 986-5879	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of Kern By: Gricelda Evans Deputy Clerk 08/20/26 5:00 PM
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN STREET ADDRESS: 1215 Truxtun Ave MAILING ADDRESS: 1215 Truxtun Ave CITY AND ZIP CODE: Bakersfield 93301 BRANCH NAME: Metropolitan Justice Courthouse		
PLAINTIFF/PETITIONER: JOSHUA ROCK GARCIA DEFENDANT/RESPONDENT: MARIA DEL ROCIO RODRIGUEZMORENO, ET AL. OTHER PARENT/PARTY: REBECCA MARIE GARCIA		
APPLICATION FOR APPOINTMENT OF GUARDIAN AD LITEM—CIVIL AND FAMILY LAW ☒ EX PARTE		CASE NUMBER: 26CUB02945
This form is for use in a civil or family law proceeding in which a party is a minor, a person who lacks legal capacity to make decisions, or a person for whom a conservator has been appointed. A person who seeks the appointment of a guardian ad litem in a proceeding under the Probate Code—other than a proceeding under Probate Code sections 3500–3613 for approval of a compromise, settlement, or disposition of judgment proceeds—should use form DE-350/GC-100. NOTE: A person may not act as a guardian ad litem unless the person is represented by an attorney, is an attorney, or, in an action under the Uniform Parentage Act (Family Code, §§ 7600–7730), is an adult relative of a minor party.		

- I (applicant's name): JOSHUA ROCK GARCIA
am (check all that apply):
 - ☐ the parent of (name):
 - ☐ the guardian of (name):
 - ☐ the conservator of (name):
 - ☐ a party to the suit.
 - ☒ the minor to be represented (if the minor is 14 years of age or older).
 - ☐ another interested person (specify capacity):
- I am asking the court to appoint the following person as guardian ad litem (name, address, phone number, and email address):
 REBECCA MARIE GARCIA;
 (562) 826-2725;
 16236 Orizaba Ave, Paramount, CA 90723
- The guardian ad litem will represent the interest of (name, address, and, if applicable, phone number and email address):
 JOSHUA ROCK GARCIA;
 (562) 826-2725;
 16236 Orizaba Ave, Paramount, CA 90723
- The person named in item 3 is a party and is (check all that apply):
 - ☒ a minor (date of birth): December 12, 2011
 - ☒ a person who lacks legal capacity to make decisions (explain the basis for claiming lack of capacity):
 MINOR PLAINTIFF IS 14 YEARS OLD AND LEGALLY UNABLE TO BRING A LAWSUIT ON HIS OWN BEHALF

☐ Continued on Attachment 4b.

 - ☐ a person for whom a conservator has been appointed (provide the details of the appointment):

☐ Continued on Attachment 4c.

PLAINTIFF/PETITIONER: JOSHUA ROCK GARCIA DEFENDANT/RESPONDENT: MARIA DEL ROCIO RODRIGUEZMORENO, ET AL. OTHER PARENT/PARTY: REBECCA MARIE GARCIA	CASE NUMBER 26CUB02945
---	---------------------------

5. ☒ The person named in item 3 is a minor and is (check one):
- ☒ a plaintiff or petitioner in this action and the summons has not been issued
 - ☐ a defendant or respondent in this action. More than 10 days have passed since service of the summons, and no one has applied for the appointment of a guardian ad litem.
6. I am asking the court to appoint a guardian ad litem because the person named in item 3 (check all that apply):
- ☐ is a minor who is a party to an action under the Uniform Parentage Act (Family Code, §§ 7600–7730).
 - ☐ is a minor who is requesting or opposing a request for an injunction or restraining order described in Code of Civil Procedure sections 372(b)(1) and 374(a). (If the minor is 12 years of age or older, check one of the following):
 The minor ☐ does ☐ does not object to the appointment of the person named in item 2.
☐ I don't know whether the minor objects to the appointment of the person named in item 2.
 - ☒ has no guardian or conservator of the estate.
 - ☐ has a guardian or conservator of the estate, but the guardian or conservator is inadequate to represent the person's interest in this action or proceeding because (explain):

☐ Continued on Attachment 6d.

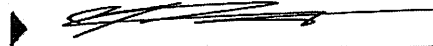
The guardian or conservator of the estate is (name, address, telephone number, and email address):

(After filing this application, you must give notice and a copy of the application to the guardian or conservator above.)

7. The proposed guardian ad litem is fully competent and qualified to understand and protect the rights of the person named in item 3

Michael M. Marzban, Esq.

(TYPE OR PRINT NAME)

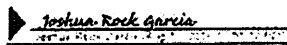

(SIGNATURE OF ATTORNEY)

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

Date: 08/20/2026

Joshua Rock Garcia

(TYPE OR PRINT NAME)


(SIGNATURE OF APPLICANT)

DISCLOSURES AND CONSENT TO ACT AS GUARDIAN AD LITEM

8. I have the following relationship with the person named in item 3 (check one):
- ☐ No relationship
 - ☒ A familial relationship (specify): MOTHER
 - ☐ An affiliate (nonfamilial) relationship (specify):
9. I am (check one):
- ☒ not aware of any actual or potential conflicts of interest that would or might arise from the appointment.
 - ☐ aware of the following actual or potential conflicts that would or might arise from the appointment (describe the actual or potential conflicts of interest and explain why the proposed guardian should still be appointed):

☐ Continued on Attachment 9b.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I consent to act as guardian ad litem in this action or proceeding. If I become aware that a potential conflict of interest has become an actual conflict, or that a new potential or actual conflict exists, I will promptly disclose the conflict of interest to the court.

Date: 08/20/2026

Rebecca Marie Garcia

(TYPE OR PRINT NAME)


Rebecca Marie Garcia (Aug 20, 2026 10:47:23 PDT)
(SIGNATURE OF PROPOSED GUARDIAN AD LITEM)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Michael M. Marzban, Esq. FIRM NAME: Cohen & Marzban, Law Corporation STREET ADDRESS: 16000 Ventura Blvd, Suite 701 CITY: Encino TELEPHONE NO.: (818) 986-3332 EMAIL ADDRESS: eservice@bmclaw.net ATTORNEY FOR (name): Plaintiffs		STATE BAR NUMBER: 238624 STATE: CA ZIP CODE: 91436 FAX NO.: (818) 986-5879	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of Kern By: Gricelda Evans Deputy Clerk 08/20/26 5:00 PM
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN STREET ADDRESS: 1215 Truxtun Ave MAILING ADDRESS: 1215 Truxtun Ave CITY AND ZIP CODE: Bakersfield 93301 BRANCH NAME: Metropolitan Justice Courthouse			
PLAINTIFF/PETITIONER: NOAH BLADE GARCIA DEFENDANT/RESPONDENT: MARIA DEL ROCIO RODRIGUEZMORENO, ET AL. OTHER PARENT/PARTY: REBECCA MARIE GARCIA			
APPLICATION FOR APPOINTMENT OF GUARDIAN AD LITEM—CIVIL AND FAMILY LAW ☒ EX PARTE		CASE NUMBER: 26CUB02945	
<i>This form is for use in a civil or family law proceeding in which a party is a minor, a person who lacks legal capacity to make decisions, or a person for whom a conservator has been appointed. A person who seeks the appointment of a guardian ad litem in a proceeding under the Probate Code—other than a proceeding under Probate Code sections 3500–3613 for approval of a compromise, settlement, or disposition of judgment proceeds—should use form DE-350/GC-100. NOTE: A person may not act as a guardian ad litem unless the person is represented by an attorney, is an attorney, or, in an action under the Uniform Parentage Act (Family Code, §§ 7600–7730), is an adult relative of a minor party.</i>			

- I (applicant's name): NOAH BLADE GARCIA
 am (check all that apply):
 - ☐ the parent of (name):
 - ☐ the guardian of (name):
 - ☐ the conservator of (name):
 - ☐ a party to the suit.
 - ☒ the minor to be represented (if the minor is 14 years of age or older).
 - ☐ another interested person (specify capacity):
 - I am asking the court to appoint the following person as guardian ad litem (name, address, phone number, and email address):
 REBECCA MARIE GARCIA;
 (562) 826-2725;
 16236 Orizaba Ave, Paramount, CA 90723
 - The guardian ad litem will represent the interest of (name, address, and, if applicable, phone number and email address):
 NOAH BLADE GARCIA;
 (562) 826-2725;
 16236 Orizaba Ave, Paramount, CA 90723
 - The person named in Item 3 is a party and is (check all that apply):
 - ☒ a minor (date of birth): July 14, 2010
 - ☒ a person who lacks legal capacity to make decisions (explain the basis for claiming lack of capacity):
 MINOR PLAINTIFF IS 15 YEARS OLD AND LEGALLY UNABLE TO BRING A LAWSUIT ON HIS OWN BEHALF
- ☐ Continued on Attachment 4b.
- c. ☐ a person for whom a conservator has been appointed (provide the details of the appointment):

☐ Continued on Attachment 4c.

PLAINTIFF/PETITIONER: NOAH BLADE GARCIA DEFENDANT/RESPONDENT: MARIA DEL ROCIO RODRIGUEZMORENO, ET AL. OTHER PARENT/PARTY: REBECCA MARIE GARCIA	CASE NUMBER: 26CUB02945
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5. ☒ The person named in item 3 is a minor and is (check one):
- a. ☒ a plaintiff or petitioner in this action and the summons has not been issued
- b. ☐ a defendant or respondent in this action. More than 10 days have passed since service of the summons, and no one has applied for the appointment of a guardian ad litem
6. I am asking the court to appoint a guardian ad litem because the person named in item 3 (check all that apply):
- a. ☐ is a minor who is a party to an action under the Uniform Parentage Act (Family Code, §§ 7800–7730).
- b. ☐ is a minor who is requesting or opposing a request for an injunction or restraining order described in Code of Civil Procedure sections 372(b)(1) and 374(a) (If the minor is 12 years of age or older, check one of the following):
 The minor ☐ does ☐ does not object to the appointment of the person named in item 2.
☐ I don't know whether the minor objects to the appointment of the person named in item 2.
- c. ☒ has no guardian or conservator of the estate.
- d. ☐ has a guardian or conservator of the estate, but the guardian or conservator is inadequate to represent the person's interest in this action or proceeding because (explain):

☐ Continued on Attachment 6d

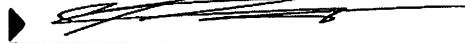
The guardian or conservator of the estate is (name, address, telephone number, and email address):

(After filing this application, you must give notice and a copy of the application to the guardian or conservator above.)

7. The proposed guardian ad litem is fully competent and qualified to understand and protect the rights of the person named in item 3

Michael M. Marzban, Esq.

(TYPE OR PRINT NAME)

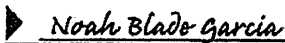

(SIGNATURE OF ATTORNEY)

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

Date: 08/20/2026

Noah Blade Garcia

(TYPE OR PRINT NAME)


(SIGNATURE OF APPLICANT)

DISCLOSURES AND CONSENT TO ACT AS GUARDIAN AD LITEM

8. I have the following relationship with the person named in item 3 (check one):
- a. ☐ No relationship
- b. ☒ A familial relationship (specify): MOTHER
- c. ☐ An affiliate (nonfamilial) relationship (specify):
9. I am (check one):
- a. ☒ not aware of any actual or potential conflicts of interest that would or might arise from the appointment.
- b. ☐ aware of the following actual or potential conflicts that would or might arise from the appointment (describe the actual or potential conflicts of interest and explain why the proposed guardian should still be appointed):

☐ Continued on Attachment 9b.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I consent to act as guardian ad litem in this action or proceeding. If I become aware that a potential conflict of interest has become an actual conflict, or that a new potential or actual conflict exists, I will promptly disclose the conflict of interest to the court.

Date: 08/20/2026

Rebecca Marie Garcia

(TYPE OR PRINT NAME)


Rebecca Marie Garcia (Aug 20, 2026 10:47:58 PDT)
(SIGNATURE OF PROPOSED GUARDIAN AD LITEM)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Michael M. Marzban, Esq. FIRM NAME: Cohen & Marzban, Law Corporation STREET ADDRESS: 16000 Ventura Blvd., Suite 701 CITY: Encino TELEPHONE NO.: (818) 986-3332 EMAIL ADDRESS: eservice@bmclaw.net ATTORNEY FOR (name): Plaintiffs		STATE BAR NUMBER: 238624 STATE: CA ZIP CODE: 91436 FAX NO.: (818) 986-5879	FOR COURT USE ONLY FILED Superior Court of California, County of Kern By: Gricelda Evans Deputy Clerk 08/24/2026
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN STREET ADDRESS: 1215 Truxtun Ave MAILING ADDRESS: 1215 Truxtun Ave CITY AND ZIP CODE: Bakersfield 93301 BRANCH NAME: Metropolitan Justice Courthouse			
PLAINTIFF/PETITIONER: JOSHUA ROCK GARCIA DEFENDANT/RESPONDENT: MARIA DEL ROCIO RODRIGUEZMORENO, ET AL. OTHER PARENT/PARTY: REBECCA MARIE GARCIA			
ORDER APPOINTING GUARDIAN AD LITEM—CIVIL AND FAMILY LAW ☒ EX PARTE			CASE NUMBER: 26CUB02945

1. Applicant (name): REBECCA MARIE GARCIA
 seeks appointment of a guardian ad litem of (name): JOSHUA ROCK GARCIA

2. ☐ The application came on regularly for a hearing as follows:

a. Judicial officer (name):

b. Hearing date:

Time:

☐ Dept.:

☐ Room:

c. The following persons were present at the hearing:

- (1) ☐ Applicant (name):
 (2) ☐ Attorney for applicant (name):
 (3) ☐ Guardian ad litem named in item 6.
 (4) ☐ Attorney for guardian ad litem (name):
 (5) ☐ Plaintiff/Petitioner (name):
 (6) ☐ Attorney for Plaintiff/Petitioner (name):
 (7) ☐ Defendant/Respondent (name):
 (8) ☐ Attorney for Defendant/Respondent (name):
 (9) ☐ Other (names):

THE COURT FINDS

3. ☐ All notices required by law have been given.
4. The person for whom a guardian ad litem is to be appointed is a party who is
- a. ☒ a minor (date of birth): December 12, 2011
- b. ☐ a person who lacks legal capacity to make decisions.
- c. ☐ a person for whom a conservator has been appointed.
5. ☒ The person for whom a guardian ad litem is to be appointed
- a. ☐ is a minor who is a party to an action under the Uniform Parentage Act. (Family Code, §§ 7600–7730.)
- b. ☐ is a minor who is requesting or opposing a request for an injunction or restraining order described in Code of Civil Procedure sections 372(b) and 374(a).
- c. ☒ does not have a guardian or conservator of the estate.
- d. ☐ has a guardian or conservator of the estate, but the guardian or conservator is inadequate to represent the person's interest and appointment of a guardian ad litem is expedient.

PLAINTIFF/PETITIONER: JOSHUA ROCK GARCIA
 DEFENDANT/RESPONDENT: MARIA DEL ROCIO RODRIGUEZMORENO, ET AL.
 OTHER PARENT/PARTY: REBECCA MARIE GARCIA

CASE NUMBER:

26CUB02945

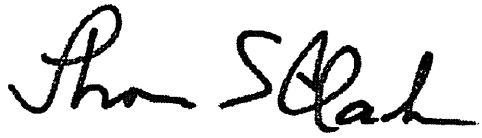
THE COURT ORDERS

6. (Name): REBECCA MARIE GARCIA
 is appointed guardian ad litem of (name): JOSHUA ROCK GARCIA
7. The guardian ad litem ☒ is ☒ is *not* authorized to waive or disclaim any substantive rights of the represented party without further order of this court.
8. The guardian ad litem must promptly report to the court any potential conflict of interest with the represented person that becomes an actual conflict, as well as any new potential or actual conflict of interest that arises during the course of the representation.
9. ☐ Other (specify):

☐ Continued on Attachment 9.

10. Number of pages attached: _____

August 24, 2026



JUDICIAL OFFICER

Thomas S. Clark

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Michael M. Marzban, Esq. FIRM NAME: Cohen & Marzban, Law Corporation STREET ADDRESS: 16000 Ventura Blvd., Suite 701 CITY: Encino TELEPHONE NO.: (818) 986-3332 EMAIL ADDRESS: eservice@bmclaw.net ATTORNEY FOR (name): Plaintiffs		STATE BAR NUMBER: 238624 STATE: CA ZIP CODE: 91436 FAX NO.: (818) 986-5879	FOR COURT USE ONLY FILED Superior Court of California, County of Kern By: Gricelda Evans Deputy Clerk 08/24/2026
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN STREET ADDRESS: 1215 Truxtun Ave MAILING ADDRESS: 1215 Truxtun Ave CITY AND ZIP CODE: Bakersfield 93301 BRANCH NAME: Metropolitan Justice Courthouse			
PLAINTIFF/PETITIONER: NOAH BLADE GARCIA DEFENDANT/RESPONDENT: MARIA DEL ROCIO RODRIGUEZMORENO, ET AL. OTHER PARENT/PARTY: REBECCA MARIE GARCIA			
ORDER APPOINTING GUARDIAN AD LITEM—CIVIL AND FAMILY LAW ☒ EX PARTE			CASE NUMBER: 26CUB02945

- Applicant (name): REBECCA MARIE GARCIA
seeks appointment of a guardian ad litem of (name): NOAH BLADE GARCIA
- ☐ The application came on regularly for a hearing as follows:
 - Judicial officer (name):
 - Hearing date: Time: ☐ Dept.: ☐ Room:
 - The following persons were present at the hearing:
 - ☐ Applicant (name):
 - ☐ Attorney for applicant (name):
 - ☐ Guardian ad litem named in item 6.
 - ☐ Attorney for guardian ad litem (name):
 - ☐ Plaintiff/Petitioner (name):
 - ☐ Attorney for Plaintiff/Petitioner (name):
 - ☐ Defendant/Respondent (name):
 - ☐ Attorney for Defendant/Respondent (name):
 - ☐ Other (names):

THE COURT FINDS

- ☐ All notices required by law have been given.
- The person for whom a guardian ad litem is to be appointed is a party who is
 - ☒ a minor (date of birth): July 14, 2010
 - ☐ a person who lacks legal capacity to make decisions.
 - ☐ a person for whom a conservator has been appointed.
- ☒ The person for whom a guardian ad litem is to be appointed
 - ☐ is a minor who is a party to an action under the Uniform Parentage Act. (Family Code, §§ 7600–7730.)
 - ☐ is a minor who is requesting or opposing a request for an injunction or restraining order described in Code of Civil Procedure sections 372(b) and 374(a).
 - ☒ does not have a guardian or conservator of the estate.
 - ☐ has a guardian or conservator of the estate, but the guardian or conservator is inadequate to represent the person's interest and appointment of a guardian ad litem is expedient.

PLAINTIFF/PETITIONER: NOAH BLADE GARCIA
 DEFENDANT/RESPONDENT: MARIA DEL ROCIO RODRIGUEZMORENO, ET AL.
 OTHER PARENT/PARTY: REBECCA MARIE GARCIA

CASE NUMBER:
 26CUB02945

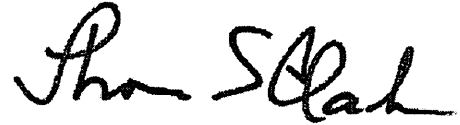
THE COURT ORDERS

6. (Name): REBECCA MARIE GARCIA
 is appointed guardian ad litem of (name): NOAH BLADE GARCIA
7. The guardian ad litem ☒ is ☒ is *not* authorized to waive or disclaim any substantive rights of the represented party without further order of this court.
8. The guardian ad litem must promptly report to the court any potential conflict of interest with the represented person that becomes an actual conflict, as well as any new potential or actual conflict of interest that arises during the course of the representation.
9. ☐ Other (specify):

☐ Continued on Attachment 9.

10. Number of pages attached: _____

August 24, 2026



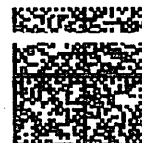
JUDICIAL OFFICER

Thomas S. Clark

☐ SIGNATURE FOLLOWS LAST ATTACHMENT



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US POST/GE

County of Kern
1115 Truxtun Ave Fl 4
Bakersfield, CA 93301-4629

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